

ARTICLE 5. AGG AGRICULTURAL DISTRICTS

The purposes and objectives of the Agricultural Districts are to preserve land best suited for agriculture from the encroachment of incompatible uses, to prevent the intrusion of urban development into agricultural areas which would make agricultural production uneconomical or impractical, to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use; to provide appropriate locations for certain types of establishments primarily serving agricultural producers; to permit the application of regulations to major agricultural areas of the City which will reflect basic physical differences and attractions among such areas.

SECTION 501 AGG GENERAL AGRICULTURAL DISTRICT

501.01 INTENT. The intent of this district is to recognize the transition between agricultural uses of land and the community; to encourage the continued use of that land which is suitable for agriculture, but limit any land uses that may be detrimental to normal community expansion.

501.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right.

(1) Any form of agriculture including the raising of crops, horticultural uses, animal husbandry, poultry husbandry and fisheries conforming to one animal unit per acre. Grain storage either publicly or privately owned, beyond 1,000 feet of the Blair corporate limits.

(2) Single family dwellings.

(3) Irrigation and flood control projects.

(4) Signs subject to section 1114 of this ordinance.

(5) Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and reservoirs.

(6) Irrigation wells, water retention pits and silage bunkers, when in conformance with the following:

No irrigation wells, water retention pits, or re-use pits, or silage bunkers shall be located within thirty (30) feet from any public right-of-way except that at township, county, state, or federal road intersections, such wells, pits, or bunkers must be located no closer than seventy (70) feet from the nearest intersection of the public right-of-way.

(7) Windbreaks, when in conformance with the following: No windbreaks consisting of planted trees and/or shrubs shall be located within thirty (30) feet from any public right-of-way, except that at township, county, state, or federal road intersections, such windbreaks must be located no closer than seventy (70) feet from the nearest intersection of public right-of-way.

501.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted.

(1) Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions. In accordance with Section 1103.02(1), there is no limit to the number of permitted accessory buildings.

(2) Home occupations.

(3) Roadside stands for the sale of agricultural produce grown on the site.

501.04 EXCEPTIONS: After the provisions of this Ordinance relating to exceptions have been fulfilled, the City Council may permit the following conditional uses as exceptions in the AGG General Agricultural District in accordance with Article 14 of this Ordinance.

(1) Airports and heliports including crop dusting strips;

(2) Farm equipment service and repair; veterinary services; commercial auction yards and barns; bulk storage of petroleum products for distribution or direct sales to agricultural consumers;

(3) Public and quasi-public uses of an education, recreational, or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private nonprofit schools and colleges; churches, parsonages, and other religious institutions.

(4) Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural product milling and processing; commercial grain warehouses; establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair.

(5) Community facilities and institutions including monasteries, convents and other religious institutions; public and private philanthropic and charitable institutions; cemeteries; hospitals, sanitariums, nursing homes and rest homes; private, noncommercial clubs and lodges;

(6) Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other buildings, structures, and facilities;

(7) Penal institutions;

(8) Sewage treatment plants for primary and secondary treatment; public and private sanitary land fills; gravel plants and asphalt or concrete batch plants;

(9) Salvage yards;

(10) Dirt, soil, sand, gravel, and rock borrow pits and processing sites;

- (11) Boarding and training or breeding kennels;
- (12) Gas and oil wells;
- (13) Agricultural retail and wholesale establishments and grocery stores, service stations and restaurants for convenience of rural areas;
- (14) Commercial feedlots, as defined in Section 303.01, subject to the Department of Environmental Quality's Rules and Regulations pertaining to Livestock Waste Control, as amended.
- (15) Commercial auction yards and barns.
- (16) Single family residences, including mobile homes, for farm residents adjacent to the principal farm residence for occupation by relatives of consanguinity and marriage or for farmhands employed on the premises.
- (17) Family day care home, group day care home, or day care center.
- (18) Truck sales, both new and used.
- (19) Contractor yards.
- (20) Golf Courses and Driving Ranges.
- (21) Mobile Home Parks, Campgrounds.
- (22) Private or Public Covered Bridges. Since covered bridges may cross or be located along property lines, the Planning Commission and City Council may waive the Minimum Yard Requirements for Primary Buildings and Accessory Buildings as well as the Creeks/Water Course Setback Requirements as part of their consideration of the conditional use permit.

501.05 CONDITIONS FOR GRANTING EXCEPTIONS: The requirements of ARTICLE 14 of this Ordinance, the following regulations shall apply as minimum requirements for granting exceptions in the AGG General Agricultural District.

- (1) Airport sites shall be so situated that the airport hazard area defined by the Nebraska Department of Aeronautics shall not include any existing obstruction regardless of public or private ownership of the airport.
- (2) Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from any Residential District, shall be screened by a solid fence or masonry wall or a compact growth of natural plant materials not less than six (6) feet in height if the Governing Body finds said use to be unsightly.
- (3) Commercial feedlots are not allowed within one (1) mile of the City of Blair's corporate limits.

No commercial feedlot shall be located within one-thousand (1,000) feet of an existing residential structure other than that of the owner, operator or employee of the feedlot, nor shall a residential structure other than that of the owner, operator, or employee be located within one-thousand (1,000) feet of an existing feedlot.

(4) No salvage or wrecking yard shall be located within five-hundred (500) feet of any public right-of-way or within one thousand (1,000) feet of any Residential District. Salvage and wrecking yards shall be screened on all sides by a solid fence or masonry wall or a compact growth of natural plant materials not less than eight (8) feet in height.

(5) For borrow pits, the owner must submit grading plans(s) showing final grades, amounts, and material to be removed, method and direction of hauling, sediment control plan to restrict materials from washing on to or into public and/or private property, final seeding specifications, proposed dust and other airborne debris control plan, and a time table necessary for completion of the work.

(6) Borrow area containing 20,000 square feet or more must submit a grading plan showing final grades, amount of material to be moved, a sediment control plan to restrict materials from eroding from the property, seeding specifications, and a time table necessary for completion of the work.

501.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the AGG General Agricultural District.

501.07 MINIMUM LOT REQUIREMENTS:

(1) The minimum lot area for all uses prescribed in AGG District shall be ten (10) acres, except when a tract of at least three (3) acres is created as a result of the one lot split permitted after January 1, 1979 per Section 705 of the Blair Subdivision Regulations, and the second lot is greater than ten (10) acres.

(2) The minimum lot width at the front building line shall be three-hundred (300) feet.

501.08 MINIMUM YARD REQUIREMENTS:

(1) Front yard: There shall be a minimum front yard of not less than a depth of one-hundred twenty (120) feet from the center line of a Federal Aid-Primary or Federal Aid-Secondary designated street or highway of fifty (50) feet from the property line, whichever is greater. On all other streets or highways there shall be a minimum front yard of not less than fifty (50) feet from the property line. These yard requirements shall apply to any yard abutting a public street or highway regardless of the lot being an interior or corner lot.

(2) Rear yard: There shall be a minimum rear yard of not less than a depth of fifty (50) feet; provided, however, residential accessory structures and agricultural accessory structures, other than those that are used for the rearing, breeding, sheltering, or keeping of livestock or other animals, including, but not limited to, cattle, swine, horses, sheep, goats, poultry, or domestic animals, may have a rear yard setback of not less than twenty-five (25) feet.

(3) Side yard: There shall be a minimum side yard of not less than fifty (50) feet; provided, however, residential accessory structures and agricultural accessory structures, other than those that are used for the rearing, breeding, sheltering, or keeping of livestock or other animals, including, but not limited to, cattle, swine, horses, sheep, goats, poultry, or domestic animals, may have a side yard setback of not less than twenty-five (25) feet.

501.085 ADDITIONAL SETBACK REQUIREMENTS – CREEKS/WATER COURSES: In addition to any other minimum yard requirements, no structure shall be installed or constructed in violation of Section 1110.5 of this Zoning Ordinance.

501.09 MAXIMUM LOT COVERAGE: No limitation.

501.10 MAXIMUM HEIGHT: No limitation.

501.11 SIGN REGULATIONS: All signs shall be in conformance with the regulations provided herein and with the provisions of SECTION 1114 of this Ordinance.

501.12 OFF-STREET PARKING: In granting a conditional use permit, the City Council may require that any or all of the proposed off-street parking be hard surfaced with either portland cement, concrete, or asphalt.

Notwithstanding the above, all such off-street parking shall comply with the provisions of Section 1111.03 of this Ordinance.

501.125 DRIVEWAYS: Driveways shall be paved as per section 303.01(51.5).

501.13 UTILITY AND LOT AREA FOR RESIDENTIAL STRUCTURES PER SECTION 1107

(1) It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste disposal system.

(2) No waste absorption field (septic tank, cesspools, etc.) shall be constructed any closer than twenty-five (25) feet from any adjacent property line.

(3) There shall be no waste absorption field located closer than fifty (50) feet from any other residential structure.

(4) There shall be no waste absorption field located closer than one-hundred (100) feet from a water well, provided, however, where geology and subsurface conditions and topography would indicate that seepage could reach the well supply, a greater distance shall be required.

(5) An individual residential waste absorption field shall contain a minimum of ten-thousand (10,000) square feet, exclusive of the area required by structure. The entire tract shall contain not less than twenty-thousand (20,000) square feet. If tract is less than two (2) acres, public water must be available.

(END OF SECTION)