

City of Scottsbluff, Nebraska

Monday, April 11, 2016

Regular Meeting

Item NewBiz3

Ordinance Amendment Body Art

Ordinance Amendment/Additions: Miscellaneous Body Art

Chapter 25- Article 2 - Definitions

and Article 3 - Zoning Districts

Staff Contact: Ordinance Amendment



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: April 11, 2016
Subject: Proposed Ordinance text change in Chapter 25, Article 2, - Addition to definitions and Article 3 Zoning District provisions amending various zoning jurisdictions in which Tattoo/Body Piercing, Body Art Establishments will be allowed.

Development Services Staff has had inquiries about which zoning districts allowed Tattoo Shops, currently they are only allowed in a C-3 Heavy Commercial zoning district. After some research in other cities and the zoning districts in which they are allowed staff decided to add other commercial zoning districts along with our manufacturing districts. Definitions were also added for tattoos, body piercing, branding, and permanent color technology.

The zoning districts which will allow for these shops will be C-3 Heavy Commercial, C-2 Neighborhood & Retail Commercial, C-1 Central Business District, M-2 Heavy Manufacturing and M-1 Light Manufacturing. The businesses will be required to follow all State Statutes and Licensing for their shops.

The new definitions are listed in Chapter 25, Article 2 and described below:

25-2-13.1. Body piercing.

Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human ear lobe.

25-2-13.2. Branding.

Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.

25-2-90.1. Permanent Color Technology.

Permanent color technology means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for cosmetic purposes.

25-2-125.1. Tattooing.

Tattooing means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for decorative or figurative purposes.

25-2-125.2. Tattoo/body piercing establishment.

Any establishment where tattooing, branding and/or body piercing is engaged in and where the business of tattooing, branding, and/or body piercing is conducted, or any part thereof. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the State Medical Board shall not be performed in a tattoo/body piercing establishment. All tattoo/body piercing establishments must obtain appropriate licensure through the Nebraska Department of Health and Human Services for body art facilities.

The complete ordinance is attached for your review.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amendment changes adding to Chapter 25, Article 2 & 3, adding definitions for body piercing, branding, permanent color technology permanent cosmetic facility, tattooing, and tattoo/body piercing establishment and allowing for Tattoo/body piercing establishments and Permanent cosmetic facility as permitted use by right in all commercial and manufacturing zoning districts subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amendment changes adding to Chapter 25, Article 2 & 3, adding definitions for body piercing, branding, permanent color technology permanent cosmetic facility, tattooing, and tattoo/body piercing establishment and allowing for Tattoo/body piercing establishments and Permanent cosmetic facility as permitted use by right in all commercial and manufacturing zoning districts for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text changes adding to Chapter 25, Article 2 & 3, adding definitions for body piercing, branding, permanent color technology permanent cosmetic facility, tattooing, and tattoo/body piercing establishment and allowing for Tattoo/body piercing establishments and Permanent cosmetic facility as permitted use by right in all commercial and manufacturing zoning districts for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 2, INCLUDING DEFINITIONS RELATING TO TATTOO ESTABLISHMENTS, BODY PIERCING, BRANDING AND PERMANENT COLOR TECHNOLOGY ALSO AMENDING CHAPTER 25, ARTICLE 3, AMENDING VARIOUS ZONING DISTRICTS IN WHICH A TATTOO/BODY PIERCING ESTABLISHMENT OR PERMANENT COSMETIC FACILITIES WILL BE ALLOWED AS A PERMITTED USE, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 25, Article 2 of the Scottsbluff Municipal Code is amended by repealing the existing language and addition additional definitions with he following language:

“25-2-1. Words; usage.

The following words are used in this Chapter in the following manner:

- (1) “shall” and “must” mean that a person, organization, board, or association has a mandatory duty to act in the manner stated; such words are not used to declare a legal result,
- (2) “shall not,” “may not” and “must not” mean that a person, organization, board, or association has a mandatory duty to refrain from acting in the manner stated, and
- (3) “may” means that a person, organization, board, or association may, but is not required, to act in the manner stated.

25-2-2. Accessory building.

A building detached from the main building which is located on the lot or tract of land and whose use is subordinate to, and appropriate and customarily incidental to the use of the main building.

25-2-3. Adult book store.

The term “adult book store” means any establishment in which the preponderance of the material offered for sale, rent, or display is characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as those terms are defined in this Chapter.

25-2-4. Alley.

A public way, usually situated at the rear of a lot, which serves as a secondary means of access to the abutting lot.

25-2-5. All weather surfacing.

A surface consisting of four (4) inches of stabilized base overlaid with at least two (2) inches of gravel, concrete, or asphaltic surfacing.

25-2-6. Apartment.

For purposes of a condominium property development, an enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

25-2-7. Arterial street.

A through street designed to carry the accumulated traffic of other streets feeding into it through the City.

25-2-8. Automobile service station.

A business place, located on premises that abut on a street or highway, which supplies motorists with gasoline, oil, tires and automobile accessories and services at retail direct to the motorist, including the making of minor repairs but excluding making such major repairs as:

- (1) spray painting,
- (2) axle, body, clutch, differential, fender, frame, spring and transmission repairs,
- (3) major engine overhaul requiring removal of the cylinder head or crankcase pan,
- (4) radiator repair requiring its removal, or
- (5) complete recapping or retreading of tires. The terms “filling station” and “service station” are included in this definition.

25-2-9. Automobile wrecking yard.

An area outside a building:

- (1) where motor vehicles are disassembled, dismantled, wrecked or junked,
- (2) where motor vehicles not in operating condition are stored, or
- (3) where used parts for motor vehicles are stored.

25-2-10. Basement.

That part of a building, wholly or partly below grade level, in which the greater part of the distance between its floor and ceiling is below grade level. A basement is not counted as a story in computing the number of stories a building has.

25-2-11. Billboard.

A billboard is an advertising sign which directs the attention of the public to a business/activity conducted, or product sold or offered for sale at a location not on the same premises where such sign is located.

25-2-12. Block.

An area enclosed by streets. When used as a term of measurement, it means:

- (1) the distance measured along the centerline of a street between two intersecting streets, or
- (2) if a dead-end street, the distance measured between the nearest intersecting street and the lot line abutting the dead end.

25-2-13. Boarding, rooming, or lodging house.

A building other than a hotel where either lodging or meals or both, for five (5) or more persons are provided for compensation.

25-2-13.1. Body piercing.

Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human ear lobe.

25-2-13.2. Branding.

Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.

25-2-14. Building.

Any structure which has a roof supported by columns or walls, whether above or below ground level.

25-2-15. Building coverage.

The percentage of the area of a lot or other tract of land which is covered by the maximum horizontal cross-section of a building or buildings located on it. Structures, including shelters for nuclear fallout, of which no part is above the grade of the lot, are not included in building coverage.

25-2-16. Building line.

A line parallel, or nearly parallel, to either the street line or the lot line not abutting the street and at a specified distance from the street or lot line which marks the minimum distance from either

line that a building may be erected. For buildings erected prior to June 10, 1974, the building line means the exterior wall or omitted wall line closest to the street or other lot line.

25-2-17. Building, height of.

The distance measured vertically at the front of the building from the mean grade to the highest peak of the roof.

25-2-18. Camper.

(See “travel trailer.”)

25-2-19. Carport.

A structure or a part of a structure, other than a garage, used to shelter motor vehicles.

25-2-20. Child care center or preschool.

The term “child care center or preschool” means a place where care is provided:

- a. To four or more children under the age of 13 at any one time from families other than the provider's own;
- b. For on the average of less than 12 hours per day;
- c. For compensation, either indirect or direct;
- d. On a regular basis;
- e. By a person other than their parents/guardians;
- f. In full compliance with all of the applicable laws and regulations of the State of Nebraska pertaining to day care, whether such laws and regulations exist at the time of the passage of this ordinance or are hereafter adopted.

25-2-21. Clinic.

A place where care, diagnosis, and treatment of sick, infirm, or injured persons or those needing medical or surgical attention is provided, but where board, room, or overnight lodging is not provided.

25-2-22. Club or lodge, private.

A building and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit nor to render a service customarily carried on as a business.

25-2-23. Cluster housing development.

A housing development comprising a group of tracts of real estate the areas of which are not required to comply individually within minimum lot area requirements, and which, for the purpose of compliance with minimum area requirements, may include the areas of common areas. Residential structures in such a development may have common walls, but the term does not include multi-story apartment type developments.

25-2-24. Common areas.

An entire planned unit development except all spaces therein granted or reserved to separate ownership.

25-2-25. Condominium.

An estate in real property consisting of an undivided interest in common in a portion of a lot, block or other tract of real estate, whether used for residential, business, commercial or industrial purposes, together with a separate interest in a building on such tract. A condominium may include, in addition, a separate interest in other portions of such real property.

25-2-26. Condominium development.

An entire lot, block or tract of land, and all structures thereon, which are or are to be, owned under a condominium regime.

25-2-27. Condominium Property Act.

The Condominium Property Act of the State of Nebraska or the Nebraska Condominium Act as set forth in the Nebraska statutes, as now existing or hereafter amended.

25-2-27.1. Convenience Warehouse Storage Facility.

A series of storage spaces contained in one building or in a series of buildings which are designed and used for the purpose of renting or leasing individual storage spaces to persons in order that any person renting or leasing one or more of such individual storage spaces shall have access for the purpose of storing property therein.

25-2-28. Corral.

An enclosure designed for the confinement of livestock, within which livestock in excess of one hundred fifty (150) head at a particular time are confined.

25-2-29. Court.

An open unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on one (1) or more sides by such building or buildings.

25-2-30. Day Care.

The provision of care:

- a. To children under 13 years of age to 4 or more children at any one time from families other than the provider's own;
- b. For on the average of less than 12 hours per day;
- c. For compensation, either direct or indirect;
- d. On a regular basis;
- e. By a person other than their parents/guardians;
- f. In a single family detached dwelling unit;
- g. In full compliance with all of the applicable laws and regulations of the State of Nebraska pertaining to day care whether such laws and regulations exist at the time of the passage of this ordinance or are hereafter adopted.

25-2-31. Decorative landscape feature.

Any structure or object, composed of any material, natural or artificial, erected, planted or positioned to enhance the visual or aesthetic value of the landscape of a tract of land.

25-2-32. Domestic violence shelter.

Any structure which is used primarily to provide temporary lodging and sanctuary for adult and child victims of domestic violence. No structure shall be considered a domestic violence shelter unless the following conditions are met:

- a. The shelter must be staffed by at least one person during the hours of operation in which the structure is occupied by a victim or victims.
- b. No more than five (5) adult victims may occupy the premises during a twenty-four (24) hour period.
- c. Occupancy by a victim of domestic violence shall not exceed seven (7) consecutive days.

25-2-33. Dormitory.

A building or part of a building containing a room or rooms each designed or intended to be rented for occupancy by more than two (2) persons.

25-2-34. Duplex.

A dwelling consisting of two (2) family units split horizontally.

25-2-35. Dwelling.

A building, or part thereof, designed for residential occupancy.

25-2-36. Dwelling unit.

A room, or group of rooms with kitchen facilities intended to be occupied as separate living quarters by a family, a group of persons living together, or a person living alone.

25-2-37. Dwelling, one (1) family or single family.

A building designed exclusively for occupancy by only one (1) family.

25-2-38. Dwelling, two (2) family.

A building designed exclusively for occupancy under one roof by two (2) families living independently of each other.

25-2-39. Dwelling, multiple family.

A building, or a part thereof, designed for occupancy under one roof by four (4) or more families living independently of each other.

25-2-40. Family.

- (1) a group of natural persons consisting of a man, his wife, any children born to either him or his wife, legally adopted by either him or his wife, or placed with either him or his wife as foster children, or any combination of these persons,
- (2) a group of natural persons as defined in (1) plus not more than six (6) other persons, at least three (3) of which must be related to some one of the persons described in (1) by blood, marriage, or legal adoption, or
- (3) a group of not more than three (3) natural persons living together who are not related.

25-2-41. Family child care home.

The term "family child care home" means a place where care is provided:

- a. To four or more, but not exceeding twelve, children under age 13 at any one time from families other than that of the provider;
- b. For on the average of less than 12 hours per day;
- c. For compensation, either direct or indirect;
- d. On a regular basis;
- e. By a person other than their parents or guardians;
- f. In the home of the person providing the care;
- g. In full compliance with all the applicable laws and regulations of the State of Nebraska pertaining to child care, whether such laws and regulations exist at the time of the passage of this ordinance or are hereafter adopted.

25-2-42. Feedlot.

An enclosure designed for the confinement of livestock or other commercially slaughterable animals or fowl, within which are confined at any particular time (not necessarily, repeatedly) animals or fowl, to which feed not grown within the enclosure is regularly provided, when a permit is required by NDEQ.

25-2-43. Fence.

Any tangible barrier or obstruction composed of any material, natural or artificial, placed for the purpose, or having the effect, or preventing passage or view across the barrier or obstruction. The term includes hedges and walls.

25-2-44. Fence, Perimeter.

A fence which encloses, or substantially encloses, two or more contiguous or adjacent lots, blocks or tracts of land.

25-2-45. Fence, Privacy.

Any fence erected or positioned to block a view of enclosed property.

25-2-46. Fertilizer storage and mixing plant.

A facility where (1) fertilizer or raw materials used in the mixing or manufacturing of fertilizer are stored and (2) the component parts are mixed to make liquid and dry fertilizers or various combinations or blends of fertilizer. The term "fertilizer storage and mixing plant" shall not include the storage or sale of prepackaged fertilizer which does not require any mixing or blending prior to sale or distribution.

25-2-47. Floor area.

The total number of square feet of floor space within the exterior walls of a building, not including space in cellars and basements.

25-2-48. Floor area ratio.

The total floor area on a zoning lot divided by the lot area of that zoning lot. For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot containing ten thousand (10,000) square feet of area has a floor area ratio of two (2) to one (1).

25-2-49. Frontage.

That part of a lot which abuts a public right-of-way or the principal means of access to the lot.

25-2-50. Garage.

A structure, or part thereof, in which one (1) or more motor vehicles are housed, stored, kept, or repaired. It does not include an exhibition room, show room, or warehouse where cars kept for sale are stored.

25-2-51. Garage, private.

An accessory building, or an accessory part of a principal building, which is primarily intended and used for storage of privately owned motor vehicles, boats, and trailers of the family or families residing on the premises where it is located but in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, or trailers is carried on. It includes a carport.

25-2-52. Garage, public.

A building where motor vehicles, boats, or trailers are painted, rebuilt, reconstructed, repaired, or stored for compensation.

25-2-53. Grade.

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

25-2-54. Gross floor area.

The total area of floor space within the exterior walls of a building.

25-2-55. Home occupation.

A business or profession, or an aspect thereof, which is carried on within a dwelling, or a building accessory thereto, and which by custom in the community constitutes a use of the premises which is incidental to use of the premises for dwelling purposes.

25-2-55.1. Emergency Shelter.

A residential facility operated by a government agency or by a private non-profit organization, which facility provides temporary accommodations to individuals or families who lack a fixed regular and/or adequate night-time residence.

25-2-56. Hotel/Motel

A building, or group of buildings, designed chiefly to provide for compensation for temporary lodging, with or without meals, containing individual sleeping units:

- (1) principally designed or used for temporary occupancy by tourists or transients,
- (2) with convenient parking space for each unit, and
- (3) with an entrance to each guest room or suite from an interior central hallway or independent exterior entrance.

25-2-57. Junkyard.

A space of two hundred (200) square feet or more located on a lot or tract of land which is used to store, dismantle, demolish, process, or abandon junk, or abandoned vehicles. The term "junk" shall have the meaning given to it in Chapter 12-1-1(3).

25-2-58. Kennel, dog.

A building, structure or premises in or on which more than three (3) dogs, at least five (5) months of age, are harbored. The term does not include a dog pound operated by or under contract with the City.

25-2-59. Living quarters.

One (1) or more rooms in a building designed for occupancy by one (1) or more persons which may be used for living or sleeping purposes.

25-2-60. Lodge, private.

(See “Club, private.”)

25-2-61. Lodging house.

(See “Boarding house.”)

25-2-62. Lot.

A single building site or a single parcel of land designated as a lot on a subdivision plat, a record of survey map, or described as such by metes and bounds, having sufficient area to accommodate a main building authorized, with respect to its location, by the municipal code. It includes two (2) or more previously separate lots, or parts of lots, combined as a single building site for use as a single parcel of land.

25-2-63. Lot area.

The total area of a lot lying within its lot lines.

25-2-64. Lot, corner.

A lot situated at an intersection of two or more streets whose intersection angle does not exceed one hundred thirty-five degrees.

25-2-65. Lot coverage.

The percentage of lot area covered by the buildings and structures located on the lot. Buildings and structures include porches, breezeways, patio roofs, and like structures, but not fences or swimming pools.

25-2-66. Lot depth.

The average of the maximum and minimum distances between the front lot line and the rear lot line of the building site.

25-2-67. Lot, double frontage.

A lot which extends from street to street.

25-2-68. Lot, interior.

A lot which is not a corner lot.

25-2-69. Lot, key.

The first interior lot to the rear of a reversed corner lot.

25-2-70. Lot line.

Any boundary line of a lot.

25-2-71. Lot line, front.

- (1) for an interior lot, the line separating the lot from the street or place on which it abuts, and
- (2) for a corner lot, the line separating the lot from the street on which the majority of the lots in the block front.

25-2-72. Lot line, rear.

The lot line directly opposite most distant from the front lot line. In the case of an irregularly shaped lot, it is the lot line, at least ten (10) feet long, which is parallel to, or most nearly so, and most distant from the front lot line.

25-2-73. Lot line, side.

Any lot line which is neither a front or rear lot line.

25-2-74. Lot of record.

A lot whose separate entity has been established by a plat recorded in the office of the Register of Deeds.

25-2-75. Lot, reversed corner.

A corner lot the rear lot line of which abuts on the side lot line of another lot.

25-2-76. Lot width.

The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

25-2-77. Main building.

A building on a lot which is occupied by the primary use.

25-2-78. Manufactured Home.

Manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Health and Urban Development, or (b) a modular housing unit as defined in section 71-1557 of the Statutes of Nebraska bearing the seal of the Department of Health and Human Services Regulation and Licensure.

25-2-79. Master deed.

A deed establishing a condominium property regime.

25-2-80. Mobile home.

A movable or portable dwelling which:

- (1) is not less than eight (8) feet in width,
- (2) is not less than forty (40) feet in length,
- (3) is so constructed as to be towable on its own chassis, and to function without a permanent foundation,
- (4) can be connected to utilities, and
- (5) has kitchen and sanitary facilities.

A mobile home may consist of one (1) or more units which can be telescoped when being towed and later expanded to create additional capacity, or it may consist of two (2) or more units which can be towed separately but are designed to be joined into an integral unit. A dwelling so constructed shall be deemed to be a mobile home whether or not mounted upon a temporary or a permanent foundation. Mobile homes must meet HUD standards.

25-2-81. Mobile home park.

A tract of land containing at least four and one-half (4½) acres owned by one (1) legal entity and licensed as required by Article 9 of this Chapter.

25-2-82. Mobile home planned unit development.

A mobile home development, on a lot or tract of land comprising not less than five (5) acres, which is characterized by an integrated and coordinated arrangement under which the mobile home dwelling units are individually owned, and all of the common open space, including but not necessarily limited to, parking areas and drives, are owned in common by the owners of the mobile home dwelling units or by an incorporated or cooperative association of which such owners are the members.

25-2-83. Mobile home park drives.

Privately owned lanes and roadways within a mobile home park.

25-2-84. Mobile home space.

A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

25-2-85. Municipal Uses.

A use of the land, or buildings, for municipal purposes such as water wells, parks, streets, alleys and other public infrastructure operated and maintained by the City.

25-2-86. Nursing Home.

A home for aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care for compensation.

25-2-87. Occupancy.

The actual possession or use of a building, structure, lot, or tract of land.

25-2-88. Open space.

Land areas which are not occupied by buildings, structures, streets, open visitor parking spaces or alleys, except approved landscaped features and active recreational facilities that are part of a Planned Unit Development.

25-2-89. Open space, common.

Open space which is suitably located and improved for common recreational purposes, active or passive, and is accessible to each lot or dwelling within a planned unit development through a system of public or private walkways.

25-2-90. Pharmacy.

Business premises wherein is carried on primarily the business of selling at retail of prescription and legal nonprescription drugs and medicines, and includes the selling at retail, as an incident to such business, of other medical supplies and equipment, personal care products and greeting cards.

25-2-90.1. Permanent Color Technology.

Permanent color technology means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for cosmetic purposes.

25-2-90.2. Permanent Cosmetic Facility.

A facility where procedures are performed in which permanent color technology is applied or pigment is applied with a needle, electronic machine, or other means to produce a permanent mark visible through the skin. Procedures include, but are not limited to the application of eyeliner, eyeshadow, lip, eyebrow or cheek color for the purpose of enhanced aesthetic; scar concealment; and/or re-pigmentation of areas involving reconstructive surgery or trauma. A permanent cosmetic facility must obtain appropriate licensure through the Nebraska Department of Health and Human Services for body art facilities.

25-2-91. Person.

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

25-2-92. Property.

Land, leasehold interests in land, any building, all improvements and structures thereon, and all easements, rights and appurtenances belonging thereto or to any of such elements alone.

25-2-93. Planned business center.

Any business or commercial development on a lot or tract of land which contains not less than five (5) acres and is characterized by an integrated or coordinated arrangement of stores, shops, offices, buildings, and facilities.

25-2-94. Recreation areas.

The common open space which is usable for recreational purposes, whether or not developed with active facilities, such as swimming pools, tennis courts, recreational buildings, a clubhouse, or similar facilities located within a planned unit development.

25-2-95. Recycling center.

A building in which aluminum and tin cans, glass and plastic containers, and newspapers and paper products, or any of these, are received, stored and compacted for subsequent transportation to a processing facility.

25-2-96. Reversed frontage.

The situation in which the rear lot line of a corner lot abuts the side lot line of the adjacent interior lot.

25-2-97. Rooming house.

(See "Boarding house.")

25-2-98. Satellite earth station, height.

The height of the dish measured vertically from the highest point of the dish, when positioned for operation, to the bottom of the base which supports the dish.

25-2-99. Scrap metal processing facility.

An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap-for sale for remelting purposes.

25-2-100. Service building.

A building or buildings located in a mobile home park or trailer park which provide laundry and drying, toilet or bathing facilities to occupants of the park.

25-2-101. Setback line.

A line, as shown on a recorded plat or otherwise established by the City Council, beyond which no part of a main exterior wall of a building or structure may project.

25-2-102. Setback line, front.

The setback line at the front of the lot.

25-2-103. Setback line, rear.

The setback line at the rear of the lot.

25-2-104. Setback line, side.

The setback line at either side of the lot.

25-2-104.1. Sight triangle.

An area at a street intersection in which no buildings shall be erected or placed and no trees, bushes or shrubs shall be planted in a manner which impedes vision between a height of 2 ½ feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 50 feet in each direction along the centerline of the streets. At the intersection of major arterial streets, the 50-foot distance shall be increased to 100 feet for each leg of the intersection.

25-2-105. Sign.

Any device containing elements or symbols, organized or related, which is designed to inform or to attract the attention of persons not on the premises on which the sign is located; provided, however, that mailbox numbers or names, government flags or insignia, legal notices, governmental identification, information or direction signs, shall not be included within this definition.

25-2-106. Sign, area of.

The entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of a sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, squares, rectangles, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, squares, rectangles, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

25-2-107. Sign structure.

The supports, uprights, bracing, guy rods, cables and frame work of a sign or outdoor display.

25-2-108. Sign, accessory.

A sign which directs attention to a business, product, activity, or service conducted, sold, or offered for sale on the lot or tract of land where the sign is located.

25-2-109. Sign, attached.

A sign mounted flat against a wall or side of a building or structure.

25-2-110. Sign, detached.

A freestanding sign, and includes such signs whether standing upon the ground or upon a building or structure, and whether permanently fixed or movable, but does not include mobile signs.

25-2-111. Sign, mobile.

A movable or portable sign that is so constructed as to be towable on its own chassis and to function without a permanent base or support.

25-2-112. Sign, extending.

A sign mounted perpendicularly to the wall of a building.

25-2-113. Sign, political.

A sign, advertising structure, or display which communicates any message or idea identifying, supporting, opposing, promoting, conveying a position upon, or relating to any candidate for public office or proposition, amendment or issue connected with any local, special, state or national election. The term does not include political buttons, vehicle bumper stickers, signs on garments or hats, or political campaign memorabilia carried on the person.

25-2-113.1. Sign; Temporary Detached.

A temporary detached sign is a detached sign which meets one or more of the following criteria:

1. Relates a message that changes frequently or becomes outdated; or
2. Made of materials of relatively low durability; or
3. Intended to be removed or replaced within a period of six months or less; or
4. Is portable.

25-2-114. Solid Waste Transfer Station.

A building in which solid waste is deposited and sorted for recycling or disposal, and from which it is transported within ten days after initial deposit, to a recycling center or to a landfill site licensed by the State of Nebraska. The term "solid waste" means solid waste as defined in Chapter 19, however, that anything which is a hazardous waste shall not be considered a "solid waste" which is allowed to be deposited and sorted in a solid waste transfer station. The term "hazardous waste" means hazardous waste as defined in Chapter 19. The term "hazardous waste" shall also include any substance which is defined as a hazardous waste by the Rules and Regulations of the Nebraska Department of Environmental Control as such rules and regulations are or may become effective from time to time.

25-2-115. Specified anatomical areas.

The term "specified anatomical areas" means:

- a) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola or
- b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

25-2-116. Specified sexual activities.

Specified sexual activities means:

- a) human genitals in a state of sexual stimulation or arousal;
- b) acts of human masturbation, sexual intercourse or sodomy; or,
- c) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

25-2-117. Store.

To place or leave in a location for preservation or later use or disposal.

25-2-118. Story.

That part of a building, not including a basement:

- (1) between the surface of any floor and the surface of the next floor above it, or
- (2) if there is no floor above, then the space between any floor and the ceiling next above it.

25-2-119. Story, half.

A story directly under a gable, hip, or gambrel roof whose wall plates on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of that story.

25-2-120. Street.

A public way, road, or highway, furnishing the principal means of access to an abutting lot or tract of land.

25-2-121. Street, front.

A street on which the majority of the lots in the block front.

25-2-122. Street, side.

A street which intersects a front street.

25-2-123. Structure.

Anything constructed or erected on the ground, or attached to something constructed or erected on the ground. The term includes manufactured homes, signs, billboards and fences so constructed, erected or attached.

25-2-124. Structural alteration.

A change in any supporting members, such as bearing wall, column, beam, or girder of any structure.

25-2-125. Subdivision.

The dividing of any parcel of land into two (2) or more parcels.

25-2-125.1. Tattooing.

Tattooing means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for decorative or figurative purposes.

25-2-125.2. Tattoo/body piercing establishment.

Any establishment where tattooing, branding and/or body piercing is engaged in and where the business of tattooing, branding, and/or body piercing is conducted, or any part thereof. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the State Medical Board shall not be performed in a tattoo/body piercing establishment. All tattoo/body piercing establishments must obtain appropriate licensure through the Nebraska Department of Health and Human Services for body art facilities.

25-2-126. Temporary.

Less than twelve (12) months.

25-2-127. Townhouse.

An arrangement of single family dwelling units, joined by common walls on not more than two (2) sides, with the uppermost story being a portion of the same dwelling located directly beneath at the grade of the first floor area, and having exclusive individual ownership and occupancy rights of each dwelling unit, including, but not limited to the land area directly beneath such dwelling unit.

25-2-128. Travel trailer.

A portable vehicular structure built on a chassis which is designed to be used as a temporary dwelling while traveling, the body of which is not more than eight (8) feet wide nor thirty-two (32) feet long, and which usually contains bath or toilet facilities, or both. The term includes a camper.

25-2-129. Trailer park.

A tract of land which is not a mobile home park but contains individual parking lots for travel trailers. It may have temporary hookup facilities for plumbing and electrical services.

25-2-130. Unit.

The element of a planned unit development which is not owned in common with the owners of other elements in the development.

25-2-131. Use, Accessory.

A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

25-2-132. Use, Conditional

A use classified as conditional may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive bulk, height or abnormal traffic conditions.

25-2-133. Use, Non-conforming

Use of land, buildings or structures legally existing at the effective date of this ordinance which does not comply with all regulations of this ordinance or any amendments hereto governing the zoning district in which such use is located.

25-2-134. Use, Permitted.

A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of particular zoning district.

25-2-135. Use, Principal.

The primary use of land or buildings as distinguished from accessory uses. A principal use may be either permitted or conditional.

25-2-136. Used car lot.

A lot or tract of land where second-hand automobiles, intact and ready for operation, are kept and offered for sale.

25-2-137. Variance.

An authorization granted by the Board of Adjustment with respect to a lot, tract of land, building or structure so as to permit the use of a lot or tract of land, or the construction, reconstruction, maintenance, repair or use of a building or structure, which is otherwise prohibited by this Chapter, because of peculiar and exceptional practical difficulties, or an exceptional and undue hardship of a type recognized by section 19-910 R.R.S. 1943, as amended, as grounds for the granting of a variance.

25-2-138. Yard.

An open space, other than a court, on a lot or tract of land generally unobstructed except as permitted in this Chapter from the ground upward.

25-2-139. Yard, front.

A yard extending the full width of a lot or tract of land between the front wall of the main building and the front lot line.

25-2-140. Yard, rear.

A yard extending the full width of a lot, or tract of land, between the rear of the main building and the rear lot line. The depth of a required rear yard is measured from the nearest point of the rear lot line to the nearest point of the main building.

25-2-141. Yard, side.

A yard between a side wall of the main building and the side lot line extending from the front yard to the rear yard.

25-2-142. Zoning district.

An area delineated on a zoning map for which uniform use regulations are specified.

25-2-143. Zoning map.

A map or maps directly enacted by the City Council as a part of this Chapter showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk as an Director record of the City, and a copy of which is attached to a copy of the text of this Chapter.”

Section 2. §25-3-13. C-1 Central Business District of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-13. C-1 Central Business District.

Intent: The intent of a C-1 Central Business District Zone is a zone for the central business district permitting all types of business enterprises except manufacturing and other industries which are incompatible with a business district comprised primarily of retail sales and service businesses.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Arts & crafts studio
6. Auto storage and rental
7. Bakery or bakery goods store. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.
8. Bank automated teller facilities, outdoor
9. Bank automated teller facilities, indoor
10. Bank & savings & loan
11. Barber, beauty shop
12. Book & stationary store
13. Bus depot
14. Business college, trade school
15. Automated or coin-operated car wash
16. Church
17. Cleaning, laundry agency
18. Clinic
19. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
20. Community center (public)
- 20.5 Condominium with 3 or fewer apartments
21. Confectionery stores
22. Convenience stores w/o dispensing gasoline
23. Convenience stores with dispensing gasoline
24. Convenience warehouse storage facilities
25. Day care center (child care center) or preschool
26. Delicatessen
27. Drive-thru photo facility
- 27.5 Dwelling unit--two (2) unit and multiple family within the confines of a building in which a business enterprise, retail sales or service business may be conducted.
28. Educational and charitable institutions
29. Educational and scientific research service

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30. Florist
31. Food store, delicatessen
32. Furniture refinishing. The entire business must be conducted within a building.
33. Furniture/appliance store
34. Gift shop
35. Grocery store
36. Hardware store
37. Hospital
38. Hotel
39. Insurance agency/services
40. Jewelry store
41. Laboratory, medical, dental, optical
42. Laundromat, self-service
43. Library
44. Lodge or club
45. Marriage and family counseling
46. Mortuary
47. Motel
48. Municipal Uses
49. Nursery for children
50. Nursery for flowers/plants
51. Offices, professional and service
52. Parking lot, garage or facility
- 52.1 Permanent cosmetic facility
53. Pharmacy
54. Photographic studio
55. Printing & blueprinting
56. Professional membership organizations
57. Professional schools
58. Railroad station
59. Reducing/Suntanning
60. Restaurant, bar, tavern
61. Retail stores and services
62. Rooming/boarding house. Residential use is permitted above the ground floor and within the confines of a business building.
63. School
64. Service station-full service
65. Service station-mixed use
66. Service station -self service dispensing of gas only
67. Shoe store
- 67.1 Tattoo/body piercing establishment
68. Temporary medical housing
69. Theater, indoor
70. Tire shop, recapping
71. Tourist information booth
72. Upholstery Shops provided all work is completed inside the building.
73. Utility business offices
74. Warehousing facilities. Warehouse or storage facilities are permitted as the primary use on a lot or property only if a special permit is granted. A lot or property will not be eligible for consideration of the issuance of a special permit unless (1) the proposed facility will be located on a lot immediately adjoining (or directly across an alley from) a property with an allowed C-1 Zone use, (2) the proposed facility is necessary to and will be used as an accessory to the allowed use on the adjoining lot, and (3) both lots are under the same ownership.
75. Wholesale stores and distributors. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.

Special Permit Uses.

- 1. Drive-thru (fast food) restaurant
- 2. Equipment rental and sales yard
- 3. 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 in which it is located.
- 4. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one.

Performance Standards.

1. Area & bulk regulations.

Use	Minimum	Minimum	Maximum	Maximum #	Setbacks				Floor Maximum Lot Size	Lot Width Dwelling Front Interior	Coverage Rear Side	Street Area	Units
	(sq.ft.)	(ft.)	(%)		(ft.)	(ft.)	(ft.)	(ft.)	(sq.ft.)	(ft.)			
	none	none	-		C	A	B	-	PRTFA	70			
Garage							5	12.5					

Minimum Lot Area / Dwelling Unit - no requirement.
PRTFA = Parking Ratio to Floor Area

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot in a C or M Zone whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5)feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and a C Zone. If all frontage between two (2) streets is in a C Zone no front setback is required.

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. §25-3-14. C-2 Neighborhood and Retail Commercial of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-14. C-2 Neighborhood and Retail Commercial.

Intent: The intent of a C-2 Neighborhood and Retail Commercial Zone is to provide a zone consisting of retail stores and service establishments

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Arts & crafts studio
6. Automated or coin-operated car wash
7. Bakery or bakery goods store
8. Bank automated teller facilities, outdoor
9. Bank automated teller facilities, indoor
10. Bank & savings & loan
11. Barber, beauty shop
12. Book & stationary store
13. Church
14. Cleaning, laundry agency
15. Clinic
16. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
17. Community center (public)
18. Confectionery stores
19. Convenience stores with dispensing gasoline
20. Convenience stores w/o dispensing gasoline
21. Convenience warehouse storage facilities
22. Dance, music or voice studio
23. Day care center (child care center) or preschool
24. Delicatessen
25. Domestic violence shelter
26. Drive-through (fast food) restaurant
27. Educational and charitable institutions
28. Educational and scientific research service
29. Equipment rental and sales yard
30. Florist
31. Food store, delicatessen
32. Furniture refinishing. The entire business must be conducted within a building.
33. Furniture/appliance store
34. Gift shop
35. Gymnasium, private
36. Grocery store
37. Hardware store
38. Hospital
39. Hotels/motels
40. Insurance agency/services
41. Jewelry store
42. Laboratory, medical, dental, optical
43. Laundromat, self-service
44. Library
45. Lodge or club
46. Marriage and family counseling
47. Municipal Uses
48. Nursery for children
49. Offices, professional and service
- 49.1 Permanent cosmetic facility
50. Pharmacy
51. Photographic studio
52. Printing & blueprinting
53. Professional membership organizations
54. Professional schools
55. Reducing/Suntanning
56. Restaurant, bar, tavern
57. Retail stores and services

- 58. Rooming/boarding house. Residential use is permitted above the ground floor and within the ground floor if to the back or side of a business building.
- 59. School
- 60. Service station-full service
- 61. Service station-mixed use
- 62. Shoe store
- 62.1 Tattoo/body piercing establishment
- 63. Temporary medical housing
- 64. Theater, indoor
- 65. Tourist information booth
- 66. Upholstery Shop provided all work is completed within the building.
- 67. Utility business offices
- Warehousing, wholesaling

Special Permit Uses.

- 1. Auto sales and service
- 2. Billboards
- 3. Emergency shelter
- 4. Hardware stores selling lumber
- 5. Multi-family dwellings. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building.
- 6. Single family dwelling. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building.
- 7. 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 in which it is located.
- 8. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one.
- 9. Two family dwelling. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building.
- 10. Any hotels or apartments higher than the maximum 45' will require a special permit approved by the Planning Commission.

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 Interior (ft.)	Side (ft.)	Street (ft.)	Area (sq.ft.)	Floor Height (ft.)	Maximum
Garage	None	-	-	C or 25	A	B	12.5			PRTFA	35'	
Minimum Lot Area / Dwelling Unit - 2,800 sq.ft.												
Hotels and Apartments-Except with Special Permit Use											45'	
PRTFA = Parking Ratio to Floor Area												

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and either a C Zone. If all frontage between two (2) streets is in a C Zone no front setback is required.

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 4. §25-3-15. C-3 Heavy Commercial use of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-15. C-3 Heavy Commercial.

Intent: The intent of a C-3 Heavy Commercial Zone is a zone designed primarily for warehousing, distribution centers, and minimum light manufacturing and processing.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Animal clinic, indoor/outdoor
6. Arts & crafts studio
7. Auction house
8. Auto sales & service
9. Auto storage and rentals. All processing, packaging or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging or fabricating not permitted.
10. Automated or coin-operated car wash
11. Bakery or bakery goods store
12. Bank automated teller facilities, outdoor
13. Bank automated teller facilities, indoor
14. Bank & savings & loan
15. Barber, beauty shop
16. Beverage bottling plant
17. Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Chapter 25, Article 6
18. Boat building (small)
19. Book & stationary store
20. Bus depot
21. Business college, trade school
22. Cabinet shop. The entire business must be conducted within a building.
23. Campground
24. Church
25. Cleaning plant, commercial. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.
26. Cleaning, laundry agency
27. Clinic
28. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
29. Community center (public)
30. Confectionery stores
31. Construction storage yard. Yard must be enclosed in Class Three (3) fence.
32. Convenience warehouse storage facility

33. Convenience stores w/o dispensing gasoline
34. Convenience stores with dispensing gasoline
35. Dairy product processing
36. Dance, music or voice studio
37. Day care center (child care center) or preschool
38. Delicatessen
39. Drive-through photo facility
40. Drive-through (fast food) restaurant
41. Educational and scientific research service
42. Equipment rental and sales yard
43. Florist
44. Food store, delicatessen
45. Furniture refinishing. The entire business must be conducted within a building.
46. Furniture/appliance store
47. Gift shop
48. Gymnasium, private
49. Grocery store
50. Hardware store
51. Hospital
52. Insurance agency/services
53. Jewelry store
54. Laboratory, medical, dental, optical
55. Laundry, commercial plant. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.
56. Laundromat, self-service
57. Library
58. Lodge or club
59. Lumber yard
60. Machine shop
61. Marriage and family counseling
62. Metal finishing. Retail and wholesale metal finishing permitted, providing (1) the metal finishing equipment shall be used, and all parts to be or which have been processed, together with all materials and supplies, shall be stored, wholly within a building, and (2) in addition, if metal plating is done, not more than three (3) persons may function in the metal plating line, the metal plating line shall not use a floor area in excess of one thousand five hundred (1,500) square feet, and only a self-contained processing system shall be used. A metal plating line constitutes a metal plating process commencing with racking of a part to be plated and ending with unranking of such part.
63. Monument works, stone
64. Mortuary
65. Motel
66. Municipal Uses
67. Nursery for children
68. Nursery for flowers/plants
69. Offices, professional and service
70. Parking lot, garage or facility
- 70.1 Permanent cosmetic facility
71. Pharmacy
72. Photographic studio
73. Printing & blueprinting
74. Professional membership organizations
75. Professional schools
76. Public garage
77. Railroad station
78. Recreational vehicle sales lot
79. Recreational vehicle storage lot, outside
80. Reducing/Suntanning

81. Restaurant, bar, tavern
82. Retail stores and services
83. Sandblasting. All commercial sandblasting of moveable objects to be conducted wholly inside a building.
84. Service station-full service
85. Service station-mixed use
86. Service station -self service dispensing of gas only
87. Shoe store
88. Shop for building contractor. The entire business must be conducted within a building.
89. Sign shop
90. Tack shop
91. Tattoo/body piercing establishment.
92. Temporary medical housing
93. Terminal yard, trucking
94. Theater, indoor
95. Theater, drive-in
96. Tire shop, recapping. The entire business must be conducted within a building.
97. Tourist information booth
98. Tractor/trailer parking lot
99. Trailer parks
100. Travel Trailers
101. Travel trailer, mobile home, manufactured housing sales lot
102. Truck and tractor repair
103. Upholstery Shop provided all work is completed inside the building.
104. Used car lot
105. Utility business offices
106. Warehousing/wholesaling facilities

Special Permit Uses.

1. Emergency shelter
2. Implement dealers
3. Mobile home sales
4. Petroleum storage
5. Processing, packaging or fabricating
6. Public scale
7. Recycling center
8. Residential use is permitted only within the confines of a building in which a permitted use is conducted. Preliminary and final site plans must be submitted to the Planning Commission for review and approval.
9. Rooming/boarding houses
10. 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.
11. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one.
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. Two family dwelling

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
	none	-	-		C	A	Interior (ft.)	Side (ft.)	Side Street (ft.)	PRTFA	35	
Garage							B		12.5			
									12.5			

Minimum Lot Area / Dwelling Unit - No Requirement
PRTFA = Parking Ratio to Floor Area

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and a C Zone. If all frontage between two (2) streets is in a C Zone, no front setback is required.

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 5. §25-3-16. M-1 Light Manufacturing and industrial of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-16. M-1 Light Manufacturing and Industrial.

Intent: The intent of an M-1 Light Manufacturing and Industrial Zone is a zone permitting most fabricating activities except heavy manufacturing and processing of raw materials.

Principle Permitted Uses.

- 1. Accounting, auditing, bookkeeping services
- 2. Ambulance service

3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Animal clinic, indoor/outdoor
6. Arts & crafts studio
7. Auction house
8. Auto sales & service
9. Auto storage and rental
10. Automated or coin-operated car wash
11. Bakery or bakery goods store
12. Bank automated teller facilities, outdoor
13. Bank automated teller facilities, indoor
14. Bank & savings & loan
15. Barber, beauty shop
16. Beverage bottling plant
17. Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Chapter 25, Article 6
18. Boat building (small)
19. Book & stationary store
20. Bus depot
21. Business college, trade school
22. Cabinet shop
23. Church
24. Cleaning plant, commercial
25. Cleaning, laundry agency
26. Clinic
27. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
28. Community center (public)
29. Concrete batch plant
30. Construction storage yard
31. Confectionery stores
32. Convenience stores w/o dispensing gasoline
33. Convenience stores with dispensing gasoline
34. Convenience warehouse storage facilities.
35. Dairy product processing
36. Dance, music or voice studio
37. Day care center (child care center) or preschool
38. Delicatessen
39. Drive-through photo facility
40. Drive-through (fast food) restaurant
41. Educational and scientific research service
42. Equipment rental and sales yard
43. Feed mill
44. Florist
45. Food processing plant, other than meat
46. Food store, delicatessen
47. Fuel yard
48. Furniture refinishing
49. Furniture/appliance store
50. Gift shop
51. Gymnasium, private
52. Grocery store
53. Hardware store
54. Hospital
55. Hotel
56. Ice manufacture cold storage plant
57. Insurance agency/services
58. Jewelry store

- 59. Laboratory, medical, dental, optical
- 60. Laundry, commercial plant
- 61. Laundromat, self-service
- 62. Library
- 63. Lodge or club
- 64. Lumber yard
- 65. Machine shop
- 66. Marriage and family counseling
- 67. Metal finishing
- 68. Monument works, stone
- 69. Mortuary
- 70. Motel
- 71. Municipal Uses
- 72. Nursery for children
- 73. Nursery for flowers/plants
- 74. Offices, professional and service
- 75. Parking lot, garage or facility
- 75.1 Permanent cosmetic facility
- 76. Pharmacy
- 77. Photographic studio
- 78. Planning mill
- 79. Printing & blueprinting
- 80. Processing, packaging or fabricating. All processing, packaging or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging or fabricating not permitted.
- 81. Professional membership organizations
- 82. Professional schools
- 83. Public garage
- 84. Public scale
- 85. Railroad station
- 86. Recreational vehicle sales lot
- 87. Recreational vehicle storage lot, outside
- 88. Recycling center
- 89. Reducing/Suntanning
- 90. Restaurant, bar, tavern
- 91. Retail stores and services
- 92. Sandblasting
- 93. Service station-full service
- 94. Service station-mixed use
- 95. Service station -self service dispensing of gas only
- 96. Shoe store
- 97. Shop for building contractor
- 98. Sign shop
- 99. Single family dwellings for living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
- 99.1 Tattoo/body piercing establishment
- 100. Temporary medical housing
- 101. Terminal yard, trucking
- 102. Theater, indoor
- 103. Theater, drive-in
- 104. Tire shop, recapping
- 105. Tourist information booth
- 106. Tractor/trailer parking lot
- 107. Travel trailer, mobile home, manufactured housing sales lot
- 108. Truck and tractor repair
- 109. Used car lot
- 110. Utility business offices
- 111. Warehousing/wholesaling facilities
- 112. Wholesale stores and distributors

Special Permit Uses.

1. Fertilizer mixing and storage plant
2. Junk yard
3. Petroleum storage
4. Scrap metal processing facility
5. Solid waste transfer station
6. 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.
7. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one, with all use requirements for the Zone.
8. 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.

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 Interior (ft.)	Side (ft.)	Side Street (ft.)	Area (sq.ft.)	Floor Height (ft.)	Maximum
Garage	none	-	-	-	Cor20	A	B	-	12.5	-	70	

Minimum Lot Area / Dwelling Unit - DU not allowed

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and either a C Zone, M Zone or OP Zone. If all frontage between two (2) streets is in either a C or M Zone, no front setback is required.

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 6. §25-3-18. M-2 Heavy manufacturing and industrial of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-18. M-2 Heavy Manufacturing and Industrial.

Intent: The intent of an M-2 Heavy Manufacturing and Industrial Zone is a zone permitting the manufacture and processing of goods from raw materials.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Animal clinic, indoor/outdoor
6. Arts & crafts studio
7. Auction house
8. Auto sales & service
9. Auto storage and rental
10. Automated or coin-operated car wash
11. Bakery or bakery goods store
12. Bank automated teller facilities, outdoor
13. Bank automated teller facilities, indoor
14. Bank & savings & loan
15. Barber, beauty shop
16. Beverage bottling plant
17. Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Chapter 25, Article 6
18. Boat building (small)
19. Book & stationary store
20. Bus depot
21. Business college, trade school
22. Cabinet shop
23. Church
24. Cleaning plant, commercial
25. Cleaning, laundry agency
26. Clinic
27. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
28. Community center (public)
29. Concrete batch plant
30. Confectionery stores
31. Construction storage yard
32. Convenience stores w/o dispensing gasoline
33. Convenience stores with dispensing gasoline
34. Convenience warehouse storage facilities.
35. Dairy product processing
36. Dance, music or voice studio
37. Day care center (child care center) or preschool
38. Delicatessen
39. Drive-through photo facility

40. Drive-through (fast food) restaurant
41. Educational and scientific research service
42. Equipment rental and sales yard
43. Feed mill
44. Florist
45. Food processing plant, other than meat
46. Food store, delicatessen
47. Fuel yard
48. Furniture refinishing
49. Furniture/appliance store
50. Gift shop
51. Gymnasium, private
52. Grocery store
53. Hardware store
54. Hospital
55. Hotel
56. Ice manufacture cold storage plant
57. Insurance agency/services
58. Jewelry store
59. Laboratory, medical, dental, optical
60. Laundry, commercial plant
61. Laundromat, self-service
62. Library
63. Lumber yard
64. Machine shop
65. Marriage and family counseling
66. Meat packing
67. Metal finishing
68. Monument works, stone
69. Mortuary
70. Motel
71. Municipal Uses
72. Nursery for children
73. Nursery for flowers/plants
74. Offices, professional and service
75. Parking lot, garage or facility
- 75.1 Permanent cosmetic facility
76. Petroleum storage
77. Pharmacy
78. Photographic studio
79. Planning mill
80. Printing & blueprinting
81. Processing, packaging or fabricating
82. Professional membership organizations
83. Professional schools
84. Public garage.
85. Public scale
86. Railroad station
87. Railroad yard or shops
88. Recreational vehicle sales lot
89. Recreational vehicle storage lot, outside
90. Recycling center
91. Reducing/Suntanning
92. Restaurant, bar, tavern
93. Retail stores and services
94. Sandblasting
95. School
96. Service station-full service
97. Service station-mixed use

- 98. Service station -self service dispensing of gas only
- 99. Shoe store
- 100. Shop for building contractor
- 101. Sign shop
- 102. Single family dwellings for living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
- 102.01 Tattoo/body piercing establishment
- 103. Temporary medical housing
- 104. Terminal yard, trucking
- 105. Theater, indoor
- 106. Theater, drive-in
- 107. Tire shop, recapping
- 108. Tourist information booth
- 109. Tractor/trailer parking lot
- 110. Travel trailer, mobile home, manufactured housing sales lot
- 111. Truck and tractor repair
- 112. Used car lot
- 113. Utility business offices
- 114. Warehousing/wholesaling facilities
- 115. Wholesale stores and distributors

Special Permit Uses.

- 1. Asphalt Batch Plant
- 2. Fertilizer mixing and storage plant
- 3. Junk yard
- 4. Kennel, dog
- 5. Livestock auction or holding pens
- 6. Rendering plants
- 7. Scrap metal processing facility
- 8. Second dwelling for relatives, employees
- 9. Solid waste transfer station
- 10. Tanning, curing, storage of skins or hides
- 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 building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one, with all use requirements for the Zone.
- 13. 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.

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 Interior (ft.)	Side (ft.)	Side Street (ft.)	Area (sq.ft.)	Floor Height (ft.)	Maximum
Garage	none	-	-	none	20	A	B	-	-	12.5	75	

Minimum Lot Area / Dwelling Unit - DU not allowed

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

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.(Ord. 3951, 2007; Ord. 3985, 2009)

Section 7. Previously existing Sections 25, Article 2 and Chapter 25, Article 3 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 8. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2016.

Mayor

ATTEST:

City Clerk

(Seal)