

City of Scottsbluff, Nebraska

Monday, June 13, 2016

Regular Meeting

Item NewBiz3

Ordinance Chapter 25, Article 3

Ordinance: Permanent Cosmetic Facilities

Staff Contact:



*SCOTTSBLUFF
PLANNING COMMISSION
Staff Report*

To: Planning Commission
From: Staff Development Services
Date: June 13, 2016
Subject: Ordinance amendment for Permanent Color Facilities

At the Planning Commission meeting last month, the Commissioners discussed the differences in permanent color technology and tattoos. They also discussed placement of Permanent Cosmetic Facilities and which zoning districts they could be allowed in. Most permanent cosmetics are usually done within Beauty Salons and Spas and not as an individual facility; some beauty salons offer this type of service for their clients.

Jon and Danielle Darnell, property owners, of Wake Up N' Makeup, spoke in favor of allowing this type of facility in less restrictive zoning districts including residential districts with a special use permit from the Planning Commission. Permanent cosmetics are delicate and designed to work with the skin's undertones to mimic hair for eyebrows and other skin enhancements, the ink is more organic it does need to be reapplied as it does fade. Hours of these facilities are also more in keeping with office hours 9 to 5, no evening hours, and limited weekend hours. Permanent makeup or permanent cosmetic businesses are a fast growing segment of the cosmetic industry and will be around for a while. Most popular procedures are eyebrows, eyeliner & lip color. Some points brought up - permanent cosmetic facilities mostly function as traditional spas or salons; they are small in size, have a nice clean appearance, & this type of facility would not harm the public interest.

The Planning Commission made recommendation to go ahead with the ordinance amendments and allow the permanent cosmetic facilities in the O & P and PBC zoning districts as a permitted use by right and in R-1A residential zoning districts with a special use permit from the Planning Commission.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve the ordinance text amendment changes Chapter 25, Article 3, adding Permanent Cosmetic Facilities as a permitted use by right in O & P, & PBC zoning districts and a special permitted use in a R-1A residential districts approved by the Planning Commission subject to the following condition(s): Hours will be limited to 8:00 A.M. to 5:00 P.M.

Deny

Make a motion for negative recommendation to City Council to disapprove the ordinance text amendment changes Chapter 25, Article 3, adding Permanent Cosmetic Facilities as a permitted use by right in O & P, & PBC zoning districts and a special permitted use in a R-1A residential districts approved by the Planning Commission for the following reason(s):

Table

Make the motion to TABLE the ordinance amendment text changes to Chapter 25, Article 3, adding Permanent Cosmetic Facilities as a permitted use by right in O & P, & PBC zoning districts and a special permitted use in a R-1A, residential districts approved by the Planning Commission for the following reason(s):

ORDINANCE NO.

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING SECTIONS 3, 11 AND 12 IN CHAPTER 25, ARTICLE 3, AMENDING VARIOUS ZONING DISTRICTS R-1A SINGLE FAMILY, O-P OFFICE AND PROFESSIONAL AND PBC PLANNED BUSINESS CENTER AS DISTRICTS IN WHICH A PERMANENT COSMETIC FACILITY WILL BE ALLOWED AS A SPECIAL PERMITTED USE OR 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 3, Section 3 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

25-3-3. R-1a Single Family.

Intent: The intent of the R-1a Single Family Zone is to:

1. Provide for medium and low density residential areas where the predominant uses are single family detached and single family semi-attached dwelling units.
2. Protect these areas from incompatible uses.

Principle Permitted Uses.

1. Church
2. Community Center
3. Family child care home
4. Home occupations
5. Multi-family units
6. Municipal Uses
7. Rooming/boarding house with no more than two (2) guests
8. School
9. Single family detached dwelling units
10. Golf courses
11. Parks
12. Fire stations
13. Public utilities and substations
14. Two family dwellings
15. Water wells

Special Permit Uses.

1. Cluster housing
2. Condominium
3. Funeral home
4. Hair salons
5. Hospital
6. Library
7. Lodge or club
8. Nursery school or day care center
9. Permanent cosmetic facility with the condition that hours of operation are limited to 8 a.m. to 5 p.m.
10. Public utility facilities
11. Retirement facilities
12. Rooming or boarding house for not more than six (6) roomers or boarders.
13. 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.
14. Tourist information booths
15. Townhouses (single family attached) dwelling units
16. Utility plants
17. Water storage

18. Retirement facilities

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Setbacks			Interior Side (ft.)	Side Street (sq.ft.)	Floor Area Min (ft.)	Height
					Front (ft.)	A (ft.)	B (ft.)				
Single Family	5,500	55	60	1	A	B	5	C	700	35	
Two Family	7,000	70	50	2	25	15	5	12.5	600/DU	35	
Multi Family	7,000	70	50		25	25	5	12.5	400/DU	35	
(Minimum 2500 sq. ft. per dwelling unit)											
Accessory Building					3		2	C	900	1 story	
Garage					3		2	C	900	18	

A. Minimum front yard setback to front facing garage shall be twenty (20) feet; to front of dwelling face shall be twelve (12) feet; to front of porch shall be seven (7) feet. If buildings have been built on lots which comprise more than twenty-five (25) percent of the front footage of any block, no building or structure may be built or structurally altered which projects beyond the average front yard setback already established.

If the only building is one on an adjoining lot, the minimum front yard setback shall be the greater of twenty (20) feet or the setback of such building. If buildings have been built on lots which comprise twenty-five (25) or less percent of the front footage of any block, the minimum front yard setback shall be twenty (20) feet.

No front yard setback shall exceed fifty (50) feet.

B. Minimum rear yard setback to the dwelling shall be fifteen (15) feet. Minimum rear yard setback to a deck shall be ten (10) feet.

C. Minimum side yard setback from a side street shall be twelve and one-half (12.5) feet. Minimum side yard setback from a side street for a side-loading garage shall be twenty (20) feet.

2. Accessory building; detached

A. A detached accessory building must be located:

- (1) to the rear of the main building,
- (2) at least ten (10) feet from the main building, or a distance of at least five (5) feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the international 1&2 Family Dwelling Code Section 309.2, which has been adopted by this Municipal Code, provided a detached accessory building constructed prior to June 26, 1974, to the rear of and at a distance not less than five (5) feet from the main building shall not be deemed to be in violation of this requirement;
- (3) at least three (3) feet from the rear lot line if the lot line is a common lot line abutting a lot;
- (4) at least two (2) feet from the interior side lot line; provided, this requirement shall not apply where the interior side lot lines is over which the main building extends. If the lot abuts a side street, an accessory building must comply with the setback requirements applicable to the lot or tract of land upon which the main building is located. Setbacks shall be measured from the nearest eve of the building or buildings.
- (5) Minimum rear yard setback to a garage with an alley entrance shall be five (5) feet.

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.

C. A detached garage may be located in the side yard if the following requirements are met:

- (1) The garage must meet the performance guidelines in the residential zone.
- (2) The garage must observe the same front yard setbacks required for the main structure.
- (3) Garages shall not be placed over easements.
- (4) Lot coverage will meet requirements in the zoning district.—

Section 2. Chapter 25, Article 3, Section 11 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

25-3-11. O-P Office and Professional.

Intent: The intent of an O-P office and professional zone is to:

1. Allow for a mixture of professional office and some residential occupancies with limited other compatible commercial uses.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Arts & crafts studio
3. Bank automated teller facilities, indoor
4. Bank & Saving & Loan
5. Barber/Beauty shop
6. Church
7. Clinic
8. 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.
9. Community Center
10. Educational or charitable institutions & educational or scientific research services
11. Florist
12. Gift shop
13. Home Occupations
14. Hospital
15. Insurance agency/services
16. Laboratory, medical, dental, optical
17. Library
18. Marriage and family counseling
19. Mortuary
20. Multi-family dwellings. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval.
21. Municipal Uses
22. Offices, professional services
- 22.1 Permanent cosmetic facility
23. Pharmacy
24. Professional membership organizations
25. Professional schools
26. Rooming/boarding house
27. School
28. Single family dwelling. Whenever a lot or tract of land is used in whole or part for residential purposes, preliminary and final site plans of a proposed development must be submitted to the Planning Commission for review and approval.
29. Tourist information booth
30. Two family dwelling

Special Permit Uses.

1. Ambulance service
2. Animal clinic (indoor only): Residential use is permitted above the ground floor and within the confines of a business building. The entire business must be conducted within a building. Preliminary and final site plans must be submitted to the Planning Commission for review and approval.
3. Bank automated teller facilities, outdoor: (See "a" below)
4. Book & stationery store
5. Day care center (child care center) or preschool: (See "a" below)
6. Delicatessen
7. Health food store
8. Restaurant
9. 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.

10. Temporary medical housing
11. Public utility facilities
12. Lodge or club
13. Utility plants
14. Water storage
 - a. 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

Performance Standards.

1. Area & bulk regulations.

Use Maximum	Minimum	Minimum	Maximum	Maximum #	Setbacks					Floor
	Lot Size (sq.ft.) 7,000	Lot Width (ft.) -	Coverage (%) C	Dwelling Units C	Front (ft.) 25 or D	Rear (ft.) A	Interior Side (ft.) B	Side Street (sq.ft.) 12.5	Area (ft.) C	Height 70

- A. If a lot abuts on a public alley, the minimum rear yard setback is five feet; otherwise, the minimum rear yard setback is fifteen (15) feet.
 - B. The minimum side yard setback is five (5) feet for buildings and structures not more than three stories high. For buildings more than three (3) stories high, the required minimum side yard setback is increased one foot for each additional story over three (3). Provided, in the case of a residential building extending across a common interior lot line of abutting lots which are in common ownership, the above minimum side yard setback requirements do not apply to such lot line, but there shall be a minimum side yard setback of (1) five (5) feet from the lot line on the opposite side of each of the lots in zones R-1, R-1a, R-1b, and (2) ten (10) feet from the lot line on the opposite side of each of the lots in zones R-4 and OP.
 - C. Minimum floor area per dwelling unit and the maximum lot coverage is as follows:

Floor Area	Lot Coverage
500 sq. ft.	70% lot coverage
450 sq. ft.	76% lot coverage
400 sq. ft.	60% lot coverage
350 sq. ft.	55% lot coverage
300 sq. ft.	45% lot coverage
 - D. 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.(Ord. 4072, 2012)

Section 3. Chapter 25, Article 3, Section 12 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

25-3-12. PBC Planned Business Center.

Intent: The intent of a planned business center zone is to:

1. Provide an area for a unified commercial center which provides goods and services to a regional trading area.
2. Provide for joint or grouped parking facilities serving several retail stores.
3. Coordinate a vehicular and pedestrian traffic circulation system and carefully design access that is compatible with surrounding uses.

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. Business college, trade school
14. Church
15. Cleaning, laundry agency
16. Clinic
17. 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.
18. Community center (public)
19. Confectionery stores
20. Convenience stores w/o dispensing gasoline
21. Convenience stores with dispensing gasoline
22. Dance, music or voice studio
23. Day care center (child care center) or preschool
24. Delicatessen
25. Drive-thru photo facility
26. Drive-thru (fast food) restaurant
27. Educational and scientific research service
28. Florist
29. Food store, delicatessen
30. Furniture/appliance store
31. Gift shop
32. Grocery store
33. Hardware store
34. Hospital
35. Insurance agency/services
36. Jewelry store
37. Laboratory, medical, dental, optical
38. Laundromat, self-service
39. Library
40. Marriage and family counseling
41. Mortuary
42. Multi-family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
43. Municipal Uses
44. Offices, professional and service
- 44.1 Permanent cosmetic facility
45. Pharmacy
46. Photographic studio
47. Printing & blueprinting
48. Professional membership organizations
49. Professional schools
50. Reducing/Suntanning
51. Restaurant, bar, tavern
52. Retail stores and services
53. Service station-full service
54. Service station-mixed use
55. Single family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
56. Shoe store
57. Theater, indoor
58. Tire shop, recapping

59. Utility business offices

Special Permit Uses.

1. Adult book store. No such use shall be located within three hundred (300) linear feet of any school, public or private, place of worship, public park, day care center, child nursery, library, or residential district. No such use shall be located within 1,000 linear feet of any existing adult book store. No such use may be allowed in combination with the sale or consumption of alcoholic beverages.
2. Lodge or club
3. Public Utility facilities
4. 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.
5. 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.
6. Utility Plants
7. Water storage

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Setbacks Rear (ft.)	Interior Side (ft.)	Side Street (sq.ft.)	Floor Area (ft.)	Maximum Height
Accessory Building		See below		none						
Garage						12.5				*

* = Height requirement listed in #4 of Design Requirements: Buildings, structures; height.

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.

4. Design Requirements:

Buffer strips; R Zones.

A buffer strip, at least twenty-five (25) feet in width, sodded, and planted with shrubs or other greenery, and with a permanent screen at least ten (10) feet high, must be established and maintained adjacent to the boundary line of any abutting lot or tract of land located in whole or part in an R Zone.

Buildings, structures; height.

No building or structure, except for an elevator, penthouse water tower, or decorative building projection, may exceed three (3) stories or forty-five (45) feet in height, whichever is lower.

Dwellings.

No building in a center may be used as dwelling except for a paid custodian, caretaker, or watchman living in the center.

General design.

A center must be laid out and developed as a unit in accordance with an integrated or coordinated overall design that complies with the provisions of this Article. Buildings, structures, parking areas, walks, lighting, and appurtenant facilities must be located and arranged with due regard for surrounding land uses. Any part of a center not used for buildings, structures, access ways, parking and loading or unloading areas must be landscaped with grass, trees, shrubs, or pedestrian walks.

Loading facilities.

A center must provide adequate areas for motor vehicles to load or unload merchandise, materials,

or equipment without interfering with the use of any public street or alley.

Location.

A center may be located only in a PBC Zone established in accordance with this Article, and only on a lot or tract of land abutting one (1) or more arterial streets.

Off-street parking.

Adequate off-street parking must be provided in a center to accommodate all motor vehicles of employees, customers, and other persons reasonably expected to use the center, and for vehicles used in the conduct of businesses in the center. At least one (1) parking space must be provided for each two hundred (200) square feet of floor area used for selling or offices. Areas designed primarily for loading and unloading or standing space are not parking spaces within the meaning of this section. Floor area designed for selling or office may not include areas used for storage, utilities or restrooms. Parking spaces and areas must meet the requirements of Chapter 25, Article 5.

Setbacks.

No building or structure may be constructed or maintained in a center within one hundred (100) feet of the boundary line of an abutting lot or tract of land located in an R Zone nor within twenty-five (25) feet of the right-of-way of a public street or road. No roadway or parking area in a center may be constructed or maintained within twenty-five (25) feet of the right-of-way line.

Storage; outdoor; restrictions.

Merchandise, materials or equipment may not be stored in an open area except for immediate sale or temporary display not exceeding seven (7) days.

Section 4. Previously existing Chapter 25, Article 3, Section 3, Section 11 and Section 12, 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 5. 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)