



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, September 12, 2016, 6:00 PM
Council Chambers, 2525 Circle Drive, Scottsbluff, NE 69361

PLANNING
COMMISSIONERS

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A Minutes**
Approve Minutes of 8/8/16 Meeting
- 7. NEW BUSINESS:**
 - A Public Hearing to Consider Designating East Overland Corridor as Blighted and Substandard**
City Staff has developed a Blight and Substandard study for the East Overland Corridor.
 - B Special Use Permit Daycare in R-4 Zone**
Special Use Permit: Child Care Center
Applicant: Virginia Hilbers
Owner: Virginia Hilbers
Location: 317 W 40th Street
 - C Special Use Permit Permanent Cosmetics Facility in R-1a Zone**
Special Use Permit: Wake Up N Makeup
Applicant: Danielle Darnell
Owner: J Double D
Location: 102 E 23rd Street
 - D Preliminary and Final Plat of Lots 1-7, Melroy Addition**
Preliminary and Final Plat: Lots 1-7, Melroy Addition
Applicant: Steve Melroy
Location: South of 15th Street, between 19th and 21st Avenues
 - E Ordinance Chapter 25 Article 7**
Ordinance: Tiny House PUD Requirements
 - F Ordinance Chapter 25, Article 3**
Ordinance: Microbrewery
- 8. ADJOURN**

2525 CIRCLE DRIVE • SCOTTSBLUFF, NEBRASKA 69361 • (308) 630-6243 • FAX (308) 630-6294

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.	

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City of Scottsbluff, Nebraska
Monday, September 12, 2016
Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of 8/8/16 Meeting

Staff Contact: Annie Folck

**Planning Commission Minutes
Regular Scheduled Meeting
August 11, 2016
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 8, 2016, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on July 29, 2016. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, Angie Aguallo, Henry Huber, Jim Zitterkopf, Callan Wayman, David Gompert, Mark Westphal, and Becky Estrada. Absent: Dana Weber. City officials present: Annie Folck, Planning Coordinator, Annie Urdiales, Planning Administrator, Anthony Murphy, Fire Prevention Officer, and Gary Batt, Code Administrator II.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: None

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of July 11, 2016 were reviewed and approved. A motion was made to accept the minutes by Aguallo, and seconded by Huber. **"YEAS":** Chadwick, Zitterkopf, Aguallo, Huber, Wayman, and Estrada. **"NAYS":** None. **ABSTAIN:** Westphal & Gompert. **ABSENT:** Weber. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance amendments changes to Chapter 25 Article 7 relating to Planned Unit Developments. The ordinance will provide for an additional section relating to Tiny Home Community PUD's.

Annie Folck reviewed the guidelines of the ordinance amendments. A few things we would like the Planning Commission to consider Placement of tiny homes in a PUD will require a special use permit which will come before the Planning Commission for review.

A definition for Tiny Homes will be added under section 25-7-82 - a residential structure on a permanent foundation with a minimum of 200 square feet & constructed according to all building & life safety codes. The Planning Commission recommended 700 square feet for a maximum size.

A tiny house on wheels must be licensed as a recreational vehicle under the laws and regulations of the State of Nebraska and then can be placed wherever recreational vehicles can be placed, however, a tiny house on wheels cannot be lived in year around. To be lived in year around the home must be taken off wheels and affixed to a permanent foundation.

Tiny House sites in a tiny home community planned unit development must have a minimum area of 2,850 square feet & a minimum width of 30 feet.

A tiny home planned unit development shall not be less than three acres in area & shall have frontage on a dedicated Street. Ten units per gross acre will be allowed. The City may approve a smaller site as part of a redevelopment plan and meets the intent of the zoning code of a tiny house. The Planning Commission will review Planned Unit Developments as they will need approval with a special use permit.

Folck asked for a recommendation from the Planning Commission regarding whether or not to have fire suppression in these homes and limiting the number of occupants in the homes.

Anthony Murphy, City Fire Marshall, explained that a smaller home is engulfed in flames a lot faster than a regular residential home the smoke and heat go up to the ceiling area first, in a tiny home the sleeping area is usually in a loft above the kitchen area (where fires usually start). Other means of egress were discussed for the homes. Kick out windows, rope ladders, and fire extinguishers in both lower and upper levels. Commissioner Wayman expressed concern that if tiny homes were required to have fire suppression, other residential developments may be required to do the same in the future, this can be very expensive for the larger homes.

Limiting the number of people occupying the tiny homes was discussed, depending on the size of the homes this could vary. It was recommended that one person per 100 square feet would be reasonable.

Conclusion: A motion was made by Gompert and seconded by Wayman to not require fire suppression in the tiny homes but a second mean of egress will be required. "YEAS": Aguillo, Wayman, Gompert, Zitterkopf, Chadwick, and Estrada. "NAYS": Huber & Westphal. ABSTAIN: None. ABSENT: Weber. Motion carried.

A second motion was made by Westphal and seconded by Wayman to limit the number of people occupying the home to one person per 100 square feet. "YEAS": Aguillo, Huber, Westphal, Zitterkopf, Wayman, Chadwick, Gompert, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a map amendment of lands proposed for annexation into the City limits. The City is looking at areas on the outskirts of the city limits which have existing utilities and abut the current line. These areas are not in the City limits but have City utilities available to them. Another benefit that these areas have is fire protection when fire calls are made in the rural areas they call the City Fire Department for backup and are usually the first ones on scene. These areas benefit the same as the populations within the city limits and pay less property taxes as they are taxed differently, this is unfair to the people who live within the City limits. If they were annexed they could save them money in different ways - being with in the City limits could will help with insurance rates as one of the things the insurance company checks is the ISO rating (insurance services office) the lower the number the better rate they will get on their insurance rates.

The map presented to the Planning Commission include areas east of town, including Inland Trucks, properties east of Menards, city property including the lagoon area. Also, included is property along the Beltline (Simon Contractors area).

The Planning Commission asked about the Sugar Factory area and asked that staff look into whether this area could also be annexed and added to the map.

Conclusion: A motion was made by Aguillo and seconded by Chadwick to adopt the map to be approved by City Council and adopted into the City's comprehensive development plan at a future meeting. "YEAS": Aguillo, Huber, Westphal, Zitterkopf, Wayman, Chadwick, Gompert, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Weber. Motion carried.

111 **ITEMS: 7C & 7D:** The Planning Commission opened a public hearing for a preliminary and final plat
112 along with a special use permit for Melroy Addition, lots 1-13, a replat of lots 12, & 13, Wildy Lana
113 Commercial Tracts. Annie Folck informed the Commission that we had not received the covenants for
114 the special use permit which is required by code 25-7-68 for a planned unit development.
115 Recommendation was made to table the hearings until the next meeting which will be on September 12,
116 2016.

117
118 **Conclusion:** A motion was made by Westphal and seconded by Chadwick to table the hearings for the
119 preliminary and final plat of Melroy Addition lots 1-13, a replat of lots 12&13, Wildy Lana Commercial
120 tracts with a special use permit for a planned unit development to the September meeting. "YEAS":
121 Aguallo, Huber, Zitterkopf, Westphal, Gompert, Wayman, Chadwick, and Estrada. "NAYS": None.
122 ABSTAIN: None. **ABSENT:** Weber. Motion carried.

123
124 **ITEM 7E:** Zoning Code changes. Annie Folck addressed the Planning Commission regarding ongoing
125 changes and updates to our zoning code. Several of the things which will be updated include definitions
126 of uses within the districts. We have had some interest in Vape shops, Solar Farms, Microbrewery, brew
127 pub to name a few. Also some of the existing definitions need to be updated to reflect changes in number
128 of boarders allowed in rooming& boarding homes, which could include Airbnb in the definition of a
129 boarding house, family size and definition of family. One of the first things we want to bring back to the
130 Commission is an ordinance defining a microbrewery and allowing this use in our C-1 zoning district
131 along with our other commercial zones; we hope to have this at next month's meeting as we have had a
132 few requests about this type of business. Staff will check with other communities to see how they define
133 and where this type of business is allowed. Several other changes will be brought to the Planning
134 Commission as staff goes through the zoning code.

135
136 **ITEM 8: Unfinished Business:** None.

137
138 There being no further business, a motion to adjourn was made by Aguallo and seconded by Chadwick.
139 The meeting was adjourned at 7:05 p.m. "YEAS": Zitterkopf, Wayman, Westphal, Gompert, Huber,
140 Chadwick, Aguallo, and Estrada. "NAYS": None. **ABSTAIN:** None. **ABSENT:** Weber. Motion carried.

141
142 _____
143 Becky Estrada, Chairperson

144
145 Attest: _____
146 Annie Urdiales

147

City of Scottsbluff, Nebraska

Monday, September 12, 2016

Regular Meeting

Item NewBiz1

Public Hearing to Consider Designating East Overland Corridor as Blighted and Substandard

City Staff has developed a Blight and Substandard study for the East Overland Corridor.

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: September 12, 2016
Subject: Blight and Substandard Study- E. Overland Corridor

One of the main goals set forth in the newly adopted Comprehensive Plan is redevelopment. Throughout the process of developing the Comprehensive Plan, residents made it clear that they believe the City should focus on improvements in the southeast area of town. Staff has taken the first step to pursue this goal by developing a Blight and Substandard Study for the East Overland Corridor.

Once the East Overland Corridor is designated Blighted and Substandard, all properties within that area will have the ability to use Tax Increment Financing (TIF) in order to help finance redevelopment. TIF funds can be used to purchase property, demolish existing structures, and make any other site improvements necessary for development, such as utility improvements, paving, landscaping, etc. This is a valuable tool that the City is hoping will generate some interest with private developers to invest in the East Overland Corridor.

To inform residents and business owners in this area of the proposed Blight and Substandard designation, the City held a redevelopment workshop at the Guadalupe Center on August 25th. Translators were available for Spanish speakers. About 20 people were in attendance, and City staff was able to answer their questions about the designation and how it affects property owners.

Blight and Substandard Study
East Overland Corridor
City of Scottsbluff, Nebraska

August 1, 2016

Introduction

Background

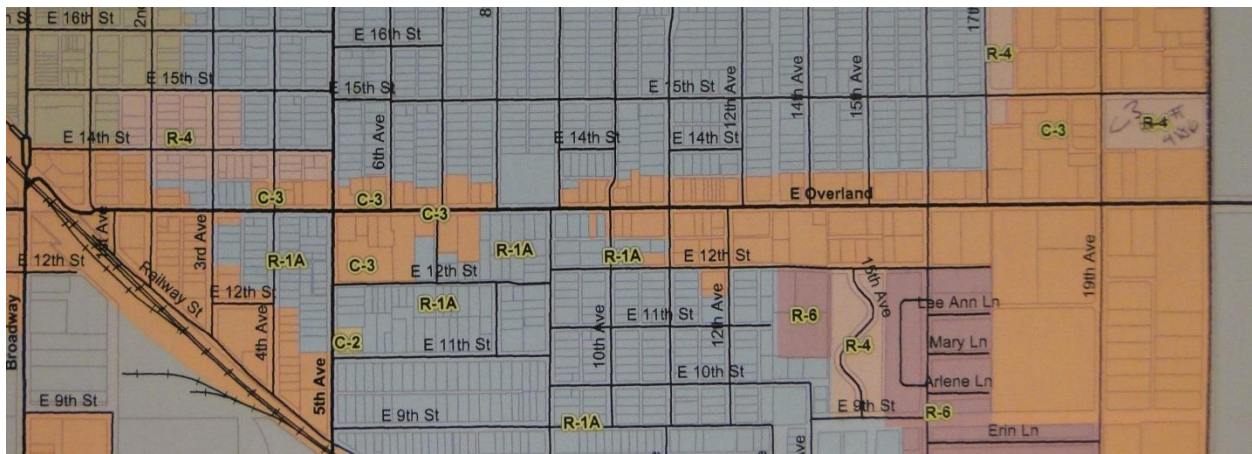
The term “blighted and substandard” is a legal definition not a label placed on a neighborhood. For example the entire downtown in Scottsbluff is a Blighted and Substandard area. Why these terms were used is unclear. What is clear is that the designation opens the door for stimulating new development and allowing developers, in fact all citizens, the ability to make significant public improvements related to their project. The mechanism allows property owners the use of real estate property taxes (normally paid to other government agencies) for improvements including land acquisition and site preparation. Tax money can be used up to 15 years for this purpose.

This designation allows use of most of the new taxes generated by way of redevelopment. An owner pays the property tax but it is “refunded” for the purpose of land acquisition, site preparation and placing public improvements on the site. The program has worked well for our downtown and most recently the Reganis Auto Dealership, hotel adjoining the dealership and the Monument Mall. So while the term may seem objectionable the results can be very positive for the entire community.

The Nebraska Unicameral enacted legislation which addressed the existence of areas within communities that needed incentives to redevelop. These areas tended to be older and out of date. Often spotty improvements had been made but the general condition was not attracting expansion of existing business’ nor new development and investment. On its face this appeared to be true of the East Overland commercial corridor so a decision was made to give the area a closer look.

Like other areas designated as Blighted and Substandard certain parts of the Study Area have not kept pace with overall community standards. Portions of the area have declined to a point where some added incentives are needed to recover. The Community Development Law enables cities to take steps to address these forms of decline through acquisition, clearance and disposition of property for redevelopment or through the conservation and rehabilitation of property.

This study examines existing conditions of land use, buildings, infrastructure, development patterns and general health, safety welfare aspects within the designated study area in the City of Scottsbluff. This has been done in an effort to determine its eligibility for redevelopment activities. The area for analysis is the Proposed Study Area which is generally in the southeast quadrant of the city along the E. Overland Road corridor. A number of opportunities for redevelopment exist along and adjacent to this corridor allowing the community to overcome some of the challenges in the Proposed Study Area.



VICINITY MAP

Generally the corridor has some long standing successful business as well as recently developed locally owned enterprises and national chain commercial growth. However reinvestment has been scattered and extremely slow. It is not on par with the overall community's growth and level of private investment. Much of the corridor is dominated by older buildings and structures in need of rehabilitation or demolition. The corridor is surrounded by single family neighborhoods which over the past decade have seen limited new investment and rehabilitation however even in these already improved areas structures remain in need of upgrading and redevelopment. There appears to be an excellent opportunity to provide incentives triggering new activity where adequate market forces are not present to move development in a positive direction.

Nebraska Revised State Statutes

Nebraska's Community Development Law clearly provide guidelines for communities to address concerns and develop strategies for the rehabilitation and redevelopment of deteriorating areas as well as the prevention and elimination of substandard and blighted areas. This tool is provided in Neb Rev Stat §§18-2101 to 18-2154.

The law states that there are a number of reasons an area goes beyond remedy and control *solely by the regulatory process and cannot be dealt with effectively by ordinary police powers or ordinary operation of private enterprise* without aid. Such things as overcrowding, unsafe, unsanitary conditions, inadequate planning, lack of proper light, air and open space, defective design and arrangement of buildings, faulty street layout and economically undesirable land uses are among the reasons.

The law goes on to provide the city with the ability to declare an area blighted and substandard then create a workable program to utilize private and public resources to address specific conditions to be improved. The statute provides a means for the governing body to address and develop strategies for rehabilitation and redevelopment of the community. The main substance of a workable program is an adopted redevelopment plan for the defined area based in part on an adopted comprehensive plan.

The statute is contained in Appendix "A" of this report.

Purpose of the Study

Implementing this strategy for Designated Study Area is intended to give the Community Redevelopment Authority and City Council a basis for determining the existence of blight and substandard conditions within the delineated Study Area. The general area considered for inclusion in the Study Area is shown on the VICINITY MAP on page 3 of this report. The area can generally be described to include land bounded by E. 16th Street on the north, E. 11 Street on the south, 21st Avenue on the east and the north ROW line of the BNSF Railroad on the west.

The study looks at existing land-uses, platting, structures and infrastructure systems to determine whether the study area or a part of it meets the statutory requirements for the designation as a Blighted and Substandard Area. With the growing interest and use of this valuable tool the State has taken an increased interest in assuring all using the tool use it in accordance with the statutes. For this reason it is imperative the City of Scottsbluff closely adhere to the provisions set forth in the Nebraska Revised State Statutes.

The findings of this study will serve to guide the general redevelopment. The approved Comprehensive Plan and the companion Blighted and Substandard Study will present appropriate land uses, strategies for improved traffic circulation, economic development activities, utilities and other improvement in accordance with the law. The requirements for detailed planning beyond the Comprehensive Plan treatment include but should not be limited to:

1. Boundaries of the area, existing land use and condition of improvements
2. A land-use plan
3. A map showing population density, land coverage and building concentrations
4. An outline of proposed changes in ordinance, layout or other related ordinances
5. A site plan of the area

6. A statement outlining any additional public facilities or utilities required to support new land uses after redevelopment.

The Blighted and Substandard study highlights locations and opportunities for improvement and revitalization.

Once the area is designated the city can guide future development in this area and provide financial incentive for development. Using the Nebraska Community Development Law the city can reduce or eliminate factors impeding redevelopment and implement programs or projects to improve conditions and minimize the negative impacts of blight and substandard conditions.

Substandard and Blight Eligibility Analysis

Scottsbluff Designated Study Area

The City selected the Designated Study Area for evaluation to be within the corporate limits. The area is primarily commercial with mixed residential densities, a variety of commercial uses and light industrial activities. This particular area was selected for several reasons.

1. The area once was an active commercial corridor
2. There is a need to improve infrastructure due to substandard existing conditions
3. There is obvious economic decline and functionally obsolete uses within the area
4. There was the presence of blighted and substandard characteristics within the area
5. A need was apparent for public intervention to stimulate the development and redevelopment of vital infrastructure systems to support private redevelopment efforts.

The City is in a position to remove negative factors and implement programs and projects to improve conditions thereby removing the blighted and substandard conditions. This not only benefits the corridor/study area but the entire community through private reinvestment and enhanced quality of life.

Substandard and blight Conditions Definition and Explanation

Blighted and Substandard are statutorily defined in §18-2103, set out below:

(10) Substandard areas means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger

life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

(11) Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions:

(i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;

(ii) the average age of the residential or commercial units in the area is at least forty years;

(iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;

(iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or

(v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section [18-2123.01](#) shall not count towards the percentage limitations contained in this subdivision;

By statute a substandard area means one where a predominance of building or improvements (residential or nonresidential) having one or more of the following characteristics:

1. Dilapidating or deteriorated
 - a. Unacceptable standard for walls, foundation, roof, gutters, roof, surface, chimney, fire escapes, weatherizing, steps, exterior paint and site conditions. Chipping, cracks, loose components, missing pieces, sags and other signs of substandard condition all qualify for this condition.
2. Age (obsolescence)
 - a. A 40 plus year criteria was used for estimate

3. Inadequate ventilation, light, air, sanitation, or open spaces
 - a. Things like junked cars and other accumulated debris, antiquated infrastructure, unpaved parking, outdoor storage
4. Other conditions
 - a. High density population or overcrowding (census)
 - b. Other conditions which could be unsafe or unsanitary endangering life or property.
 - c. Any combination of factors conducive to poor health, disease, mortality, delinquency or crime. Any combination that is detrimental to public health, safety, morals or welfare. This may include inadequate infrastructure as well as statistical data.

Blighted Area Designation Criteria

The area designation is based on a number of criteria or indicators of substandard conditions. These are specified in the law and outlined here.

1. The presence of a substantial number of deteriorated or deteriorating structures. This takes the form of structural problems, exterior paint, cracks, chimney, site conditions, roof and similar problems with the building.
2. Existence of a defective or inadequate street layout. This includes dead ends, railroad crossings, linear downtown, narrow alleys and blind crossings.
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness. Such things as landlocked parcels, odd shaped lots, undersized lots and accessibility problems.
4. Unsanitary or unsafe conditions. Examples here include age and physical condition of structures, flood plain, lack of public infrastructure, unsanitary conditions and ventilation.
5. Deterioration of site or other improvements. Such things as off street parking, storm drainage, junk cars, dilapidated structures, debris and on-site storage are examples.
6. Diversity of ownership. This condition exists when numerous lots are needed to develop to up to date standards. Assemblage is difficult without some form of public assistance.
7. Tax or special assessment delinquency exceeding the fair value of the land.
8. Defective or unusual conditions of title. Liens, improper filings
9. Improper subdivision or obsolete platting. Examples include undersized lots, improper zoning, lot configuration, easements and accessibility are problems that often are present.
10. The existence of conditions which endanger life or property by fire or other causes. Such things as inoperative infrastructure, site access, on-site storage, secluded areas for pests to thrive, poor surface drainage, poor street and poor sidewalk condition are examples.
11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability. Here incompatible land uses, obsolescence and inability for a property to compete in the market place.
12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a. Unemployment in the area at least 100% of state or national average census data
 - b. The average age of residential and commercial units is over 40 years as determined by field observations

- c. More than half of the plotted/subdivided property has been unimproved for 40 years using public record
- d. Per capita income of the area is lower than the average of the city from census data.
- e. The area has a stable or declining population based on the last two decennial censuses.

Structural Condition

Structural conditions were evaluated using the U.S. Department of Housing and Urban Development standard definitions:

No Problem

- No structural or aesthetic problems are visible

Adequate Condition

- Slight damage to porches, steps, roofs
- Slight wearing of mortar between bricks/stone/block
- Small cracks in walls or chimneys
- Cracked windows
- Lack of paint
- Slight wear on steps, doors and frames

Deteriorating Conditions

- Holes, open cracks, rotted, loose, or missing material in parts of the foundation, walls (1/2 of the wall) or roof (1/4 of the roof)
- Shaky, broken, or missing steps or railings
- Numerous missing and cracked window panes
- Rotted or loose windows or doors no longer water-proof

Dilapidated Condition

- Holes, open cracks, rotted, loose or missing material over a large area of the foundation, on wall or on roof
- Substantial sagging of roof, floors, or walls
- Extensive fire, flood, or storm damage
- Inadequate original construction such as building elements made of scrap materials or conversion of structures not adequate for housing.

Analysis of Study Area

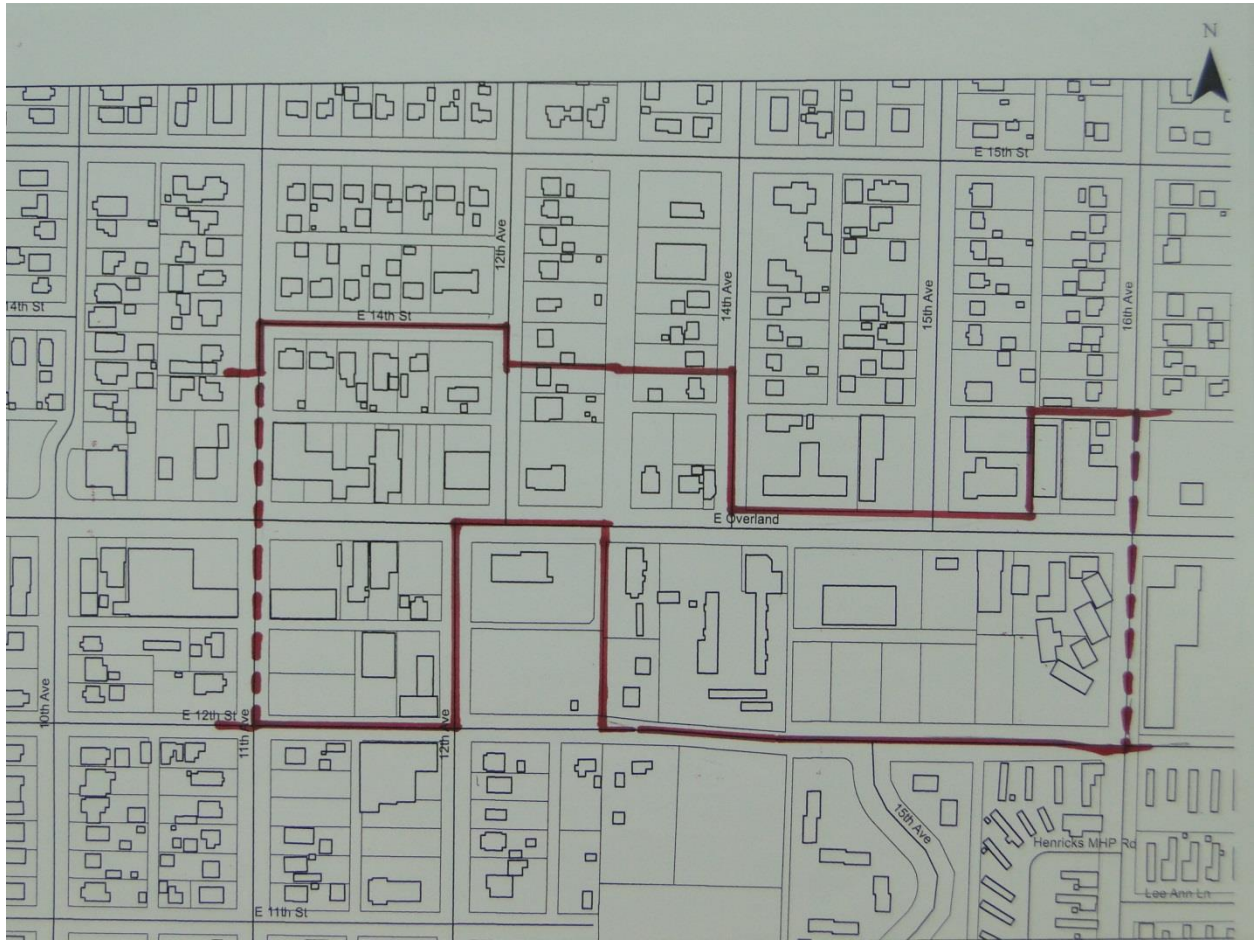
Designated Study Area

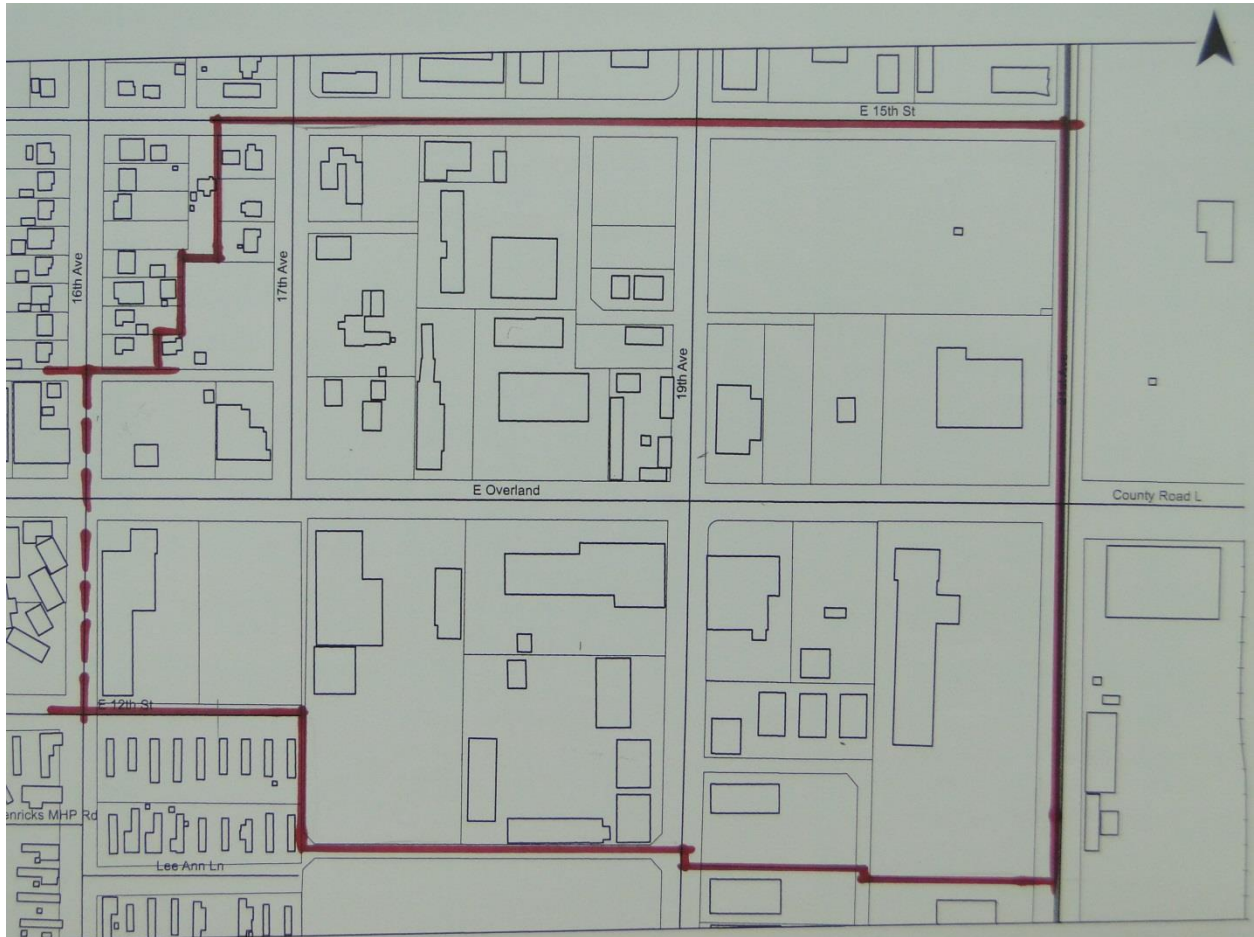
Proposed Blighted Area

The following four maps delineate the Study Area and by reference apply to this entire report. The mapping starts at the west end of the Study Area and extends the Area east. Solid red lines are the Study Area boundary. Dashed red are match lines from one page to the next. This Study Area's west boarder co-terminates with an existing Blighted and Substandard area (the Broadway business district). A portion of that area is illustrated in black solid/double dash lines on the first map on the following page .

The total acreage with the City of Scottsbluff city limits is 4,038 acres. Currently the city has 810 acres designated as "Blighted and Substandard" slightly more than 20% of the City's total acreage. The proposed additional "Blighted and Substandard" area consists of 99 acres. Adding this proposed area to the existing "Blighted and Substandard" area brings the total Blighted and Substandard area to 909 acres or 22.5% of the total area of the City of Scottsbluff. This remains well within the allowed 30% providing future opportunity to add more.







Findings and Contributing Factors

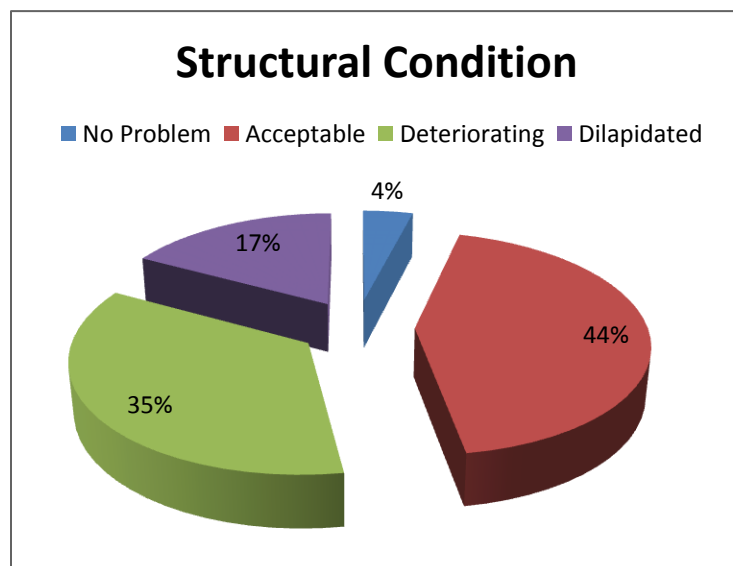
The intent of this study is to determine if the subject area has experienced structural and site deterioration or if there are other negative factors which are decreasing the potential to develop. The field survey work was done in June of 2016 and strongly supported initial impressions that the area had in generally declined below community standards. What follows are the factors evaluated to determine if there is a reasonable presence of blight and substandard conditions within the designated area. This section reviews the building and structure conditions, infrastructure and land use found in the area based on statutory definitions, observations and explains the identified contributing factors.

As set forth in Nebraska legislation a blighted area means an area which by reason of the presence of :

Substantial Number of Deteriorated or Deteriorating Structures

Exterior Inspection of Buildings

There were a total of 381 structures evaluated using the Blighted and Substandard criteria as described on page 8 of this report. An additional 116 were subject to field investigation in determining the Study Area limits. Only the primary structures were evaluated under the Blighted and Substandard definition. If outbuildings or other structures were present they were not included in the survey. Thus the boundary for the Blighted and Substandard designation includes 381 buildings and structures. Field surveys concluded that 4% of the total structures had no problems, 43% were acceptable, 35% were deteriorating and 17% were dilapidated.



Defective or Inadequate Street Layout

Street Conditions and Accessibility

Inadequate infrastructure, street conditions and accessibility as well as inability to safely move traffic through an area is a contributing factor to the blight and substandard conditions.

The surface condition of roads in the study area is good. All the surfaces have been maintained to community standards. Much of the study area is serviced with gravel alleys as secondary service access. This was customary in the day development occurred and still is in some new commercial development.

The entire length of E. Overland from 1st Avenue to 21st Avenue exhibits several traffic safety issues that need be addressed.

1. There is an excessive number and linear feet of curb cuts. Numerous parking spaces servicing private property depend on the public street (an arterial) to pull in and out of private parking stalls.
2. The width of the street is excessive given the daily traffic counts. While redevelopment will add to these counts, consideration should be given to enhancing the pedestrian experience with landscaping as well as providing lanes for alternative transportation like bicycles. Medians may become an increasingly important additional enhancement in certain segments of East Overland. Medians promote pedestrian safety and comfort, enhance the visual appearance and improve the overall environment of the streetscape. They also serve to improve traffic flows at intersections providing exclusive lane use for turning movements.
3. Circulation around Roosevelt School is tight and parking is minimal. Pick up/drop off enhancements should be considered to include a median in East Overland along the school frontage.
4. Gravel and dead end alleys are present
5. Street widths are not consistent with the community's overall standard development pattern.
6. As redevelopment occurs consideration should be given to the possibility of adding angle parking on East Overland as well as the addition of landscaped bulb-outs. Bike lanes are another feature adding to accessibility and further enhancing the pedestrian oriented experience. While it may not be possible to include all of these features further planning and design must keep these elements in mind. Numerous examples have proven they promote a more vital economic precinct. This is particularly true where private development has favored commercial uses in more intensely developed areas most often found at streets intersecting with East Overland. Unorthodox street geometry is causing less than acceptable safety and limiting a smooth flow of traffic.



Side street "S" curve at intersection with East Overland



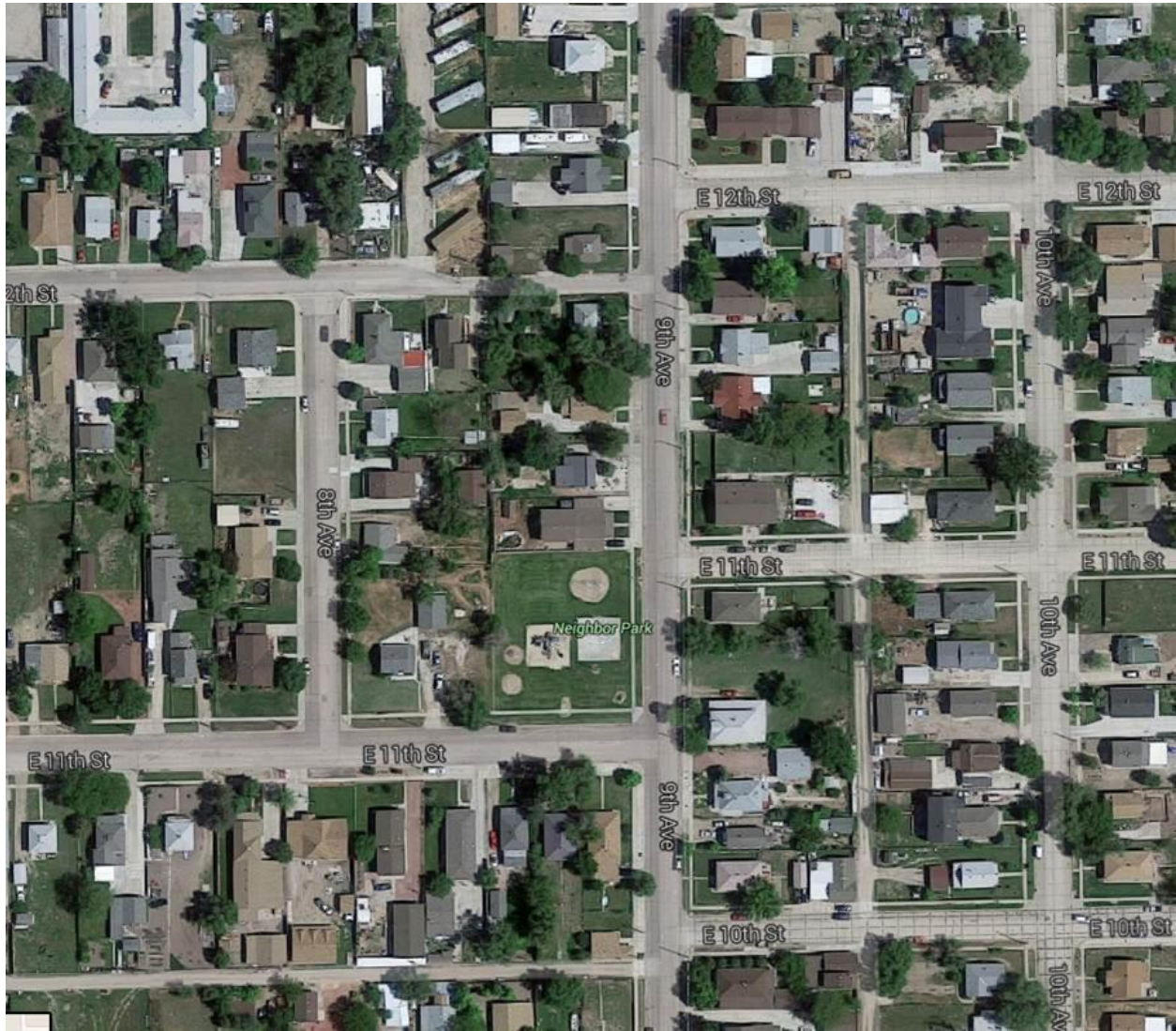
Street narrows from two lanes to one



Commercial parking uses sidewalk and East Overland for maneuvering to stalls



Offset intersections, 9th Avenue and East Overland Drive



Offset intersection at East 11th Street and 9th Avenue

Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

From 16th Avenue west single family residential lots restrict customary commercial development along E. Overland. Commercial uses along E. Overland typically have lot depths that will not serve standard commercial development. Any redevelopment along E. Overland will likely require acquisition of multiple parcels particularly residential structures behind existing commercial uses fronting on E. Overland. Most of the homes in these residential areas are in “Acceptable” condition making the redevelopment process that much more challenging.

Residential lot sizes are substandard depth and width in most of the blocks within the study area. This was an acceptable standard at the time development occurred but over the years has proven to cause crowded conditions with the ills that accompany that pattern.

Deterioration of site or other improvements

Debris

Due to numerous out buildings lots are crowded limiting air and light. In addition the structures are closer to one another than current standards. The risk of the spread of fire is amplified. While out-buildings like sheds and garages do not significantly add to poor or declining conditions the related accumulation of clutter is a threat.

Debris accumulates in and adjacent to alleys and in rear yards as well. A total of 42 significant examples of debris were noted in field observation. This debris included everything from construction materials, on-site storage to junked vehicles. Numerous (somewhat less severe) additional instances are present as well suggesting the problem is growing.



Abandon vehicles and debris on residential lot one block off East Overland



Vehicle storage and debris one block off East Overland



Debris at building on East Overland



Junk vehicles stored in fenced lot fronting on East Overland



Vehicle storage on lot on East Overland



Fence buffering vehicle storage on East Overland

Dilapidated structures

17% of the structures were dilapidated and pose a threat as well as 35% deteriorating. These present a challenge to redevelopment as well as an opportunity as a means to redevelop.



Abandoned dilapidated structure on East Overland



Vehicle storage and burnt out building (storage) on East Overland



Dilapidated structures on East Overland



Dilapidated commercial structures on East Overland



Dilapidated homes and commercial structures on East Overland



Abandoned dilapidated commercial structure one block off East Overland



Abandoned hotel office structure with hotel units demolished on East Overland



Dilapidated and abandon hotel units on East Overland



Dilapidated and abandoned hotel structures on East Overland



Second photo of above hotel cluster



Dilapidating hotel structures on East Overland

Diversity of Owership

Looking at the property ownership records underscores the fact that numerous owners would need to participate in a meaningful redevelopment plan. A new business will be faced with accumulating enough land area, specifically lot depth, to build an up to date enterprise along much of the E. Overland corridor.

From 16th Avenue west single family residential lots restrict customary commercial development along E. Overland. The reason is that the commercial parcels were not platted deep enough for current standard commercial development. Commercial uses along E. Overland typically have lot depths that will not serve customary commercial development. Any redevelopment along E. Overland will likely require acquisition of multiple parcels particularly residential structures behind them. Most of the homes in these residential areas are in "Acceptable" condition making the redevelopment process that much more challenging from an economic perspective.

Improper subdivision or obsolete platting

Obsolete platting

Many lots in the area were platted in the 1940's according to records available at the City of Scottsbluff. While these plats were based on standards at that time they do not meet current standards which tend to be larger. Thus lot sizes are substandard in platted residential developments within the study area and along the corridor. Platting was in a grid pattern with alleys paralleling frontages. While the relatively flat topography lends itself to this pattern, storm drainage is often inadequate and puddling in street gutters is common. Heavy rains cause some street flooding with inadequate pipe sizing and engineering that did not anticipate growth nor design for certain storm events because the technology and political control was not in place.



Residential structures crowding rear lot lines of commercial structures on East Overland preventing redevelopment of commercial sites. Lot geometry is substandard, lot size inadequate and multiple parcels would have to be purchased.



Commercial buildings on East Overland exhibiting poor lot configuration and development with building placement and access poorly designed for further/expanded development or multi-lot purchase.



Residential uses behind commercial development fronting on East Overland prevents commercial expansion, requires multi-parcel purchase to accommodate current standard, commercial development .

The existence of conditions which endanger life or property

Sidewalk Conditions

The majority of the Study Area is serviced with sidewalks however the condition of the paving shows signs of age with cracks, root heaving, gaps and missing pieces. The following five examples illustrate the problem. Street curb and gutters also show signs of ageing with settling, cracks and missing pieces. These conditions are wide-spread. In addition roughly 5 blocks of development in the Study Area do not have sidewalks.







On Site Storage

The Study Area has numerous sites of outdoor storage both in the residential and commercial districts. These locations range from junked cars on lots along E. Overland to excessive storage of outdated or abandoned items and materials. These findings point to an impediment for development or upgrades in the neighborhood and should be evaluated for removal.



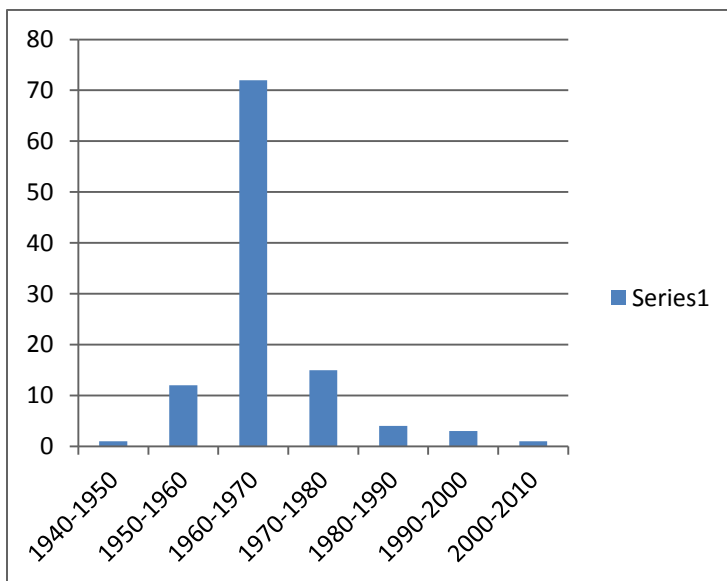
Trailers used for storage one block off East Overland



Trailer used for storage fronting on East Overland

Structure Age

The predominate age of the residential or commercial structures in the area exceeds 40 years. Age of the structures within the Designated Study Area is provided through the Scotts Bluff County Assessor's Office, City of Scottsbluff Development Services Records and field verification. While it was not possible to verify every structure there was an adequate sample of known ages to determine age through comparison and proximity to other like structures and appearance. Those structures built before 1976 qualify for the 40 years and older structures designation in the State of Nebraska laws.



Analysis is based on City of Scottsbluff Development Services permit tracking information. In all but 5 buildings the actual building permit issuance and completion dates were not available. Other permits like plumbing, electrical or construction permit dates were used. Hence the buildings would have been

in place when such permits were issued. The charted ages reflect a minimum age of structure not the actual age.

Decreasing Population

The study area is located in census tracts in which the census data reports population from both the 2000 and 2010 decennial census. The following maps describe in xxxxx in the 2000 decennial census to xxxxx in the 2010 decennial census for each of the census tracts in the Study Area. Based on the data described on the maps the Study Area has displayed a stable or decreasing population between the last two decennial censuses.

Income Level

The median income of the census tract is lower than the average median income of Scotts Bluff County and the average of the census tracts within the City. The following describes the Median Household income (MHI) and the unemployment (UNPL) for each census tract in the Study Area.

Conclusion of Blighted and Substandard Analysis

Based on this analysis the Study Area meets the criteria of both blighted and substandard conditions. The area displays the presence of criteria required for a finding of a blighted and substandard condition as defined by the State of Nebraska Legislature.

The primary conditions leading to this conclusion include:

Blighted and substandard conditions

- 133 of the total 381 buildings evaluated for the Study Area were deteriorating or dilapidated.
- The street system does not meet acceptable engineering standards.
- The area has numerous lot layout faults in relation to size, adequacy, accessibility or usefulness.
- Obsolete platting exists in the entire area.
- Conditions exist which endanger life or property by fire and other causes.
- Conditions exist which are detrimental to the public health, safety, morals and welfare in the present condition with a majority of structures in excess of 40 years old and the population is either stable or declining.
- Diversity of ownership is present with nearly all parcels independently owned. Accumulation of parcels is not occurring.
- Unemployment in the study area is at least 120% of the state or national average.
- The per capita income of the area is lower than the average per capita income of the city in the study area.

Blighted conditions that do not appear to be present

- There are not more than half of the platted and subdivided property that is unimproved, within the city for forty years and has remained unimproved during that time.

Blighted conditions not evaluated:

- Tax or special assessment delinquency exceeding the fair value of the land
- Defective or unusual conditions of title

Substandard conditions not present

- There did not appear to be areas of excessively high density of population and overcrowding

Comprehensive Plan

A declaration of blighted and substandard conditions in the Study Area conforms to the City of Scottsbluff Comprehensive Plan. The Study Area is located in an area that qualifies for this declaration. The Comprehensive Plan identifies this area as an employment focused corridor, supporting commercial activity, and an area served by existing infrastructure. While identified as a commercial strip there are numerous residential developments fronting on E. Overland as well as a park and public school. Additional opportunities will exist to add housing units in the Study Area. However the value of existing housing will limit the size of new housing/investment. While identified as a commercial corridor in the Comprehensive Plan a sub-area plan will be undertaken following completion of this Study Area analysis.

Blighted and Substandard Area Declaration

Based on the findings in this report the Study Area may be declared blighted and substandard in keeping with and conforming to the Nebraska Community Development Law. This finding will make this area available for redevelopment activities. The General Redevelopment Plan, when prepared, shall be composed in a manner consistent with the City of Scottsbluff Comprehensive Plan.

City of Scottsbluff, Nebraska

Monday, September 12, 2016

Regular Meeting

Item NewBiz2

Special Use Permit Daycare in R-4 Zone

Special Use Permit: Child Care Center

Applicant: Virginia Hilbers

Owner: Virginia Hilbers

Location: 317 W 40th Street

Staff Contact: Annie Folck



SCOTTSBLUFF
PLANNING COMMISSION
Staff Report

To:	Planning Commission	Zoning:	R-4
From:	Development Services Department	Property Size:	N/A
Date:	September 12, 2016	# Lots/Units:	2
Subject:	Special Use Permit Request – Virginia Hilbers		
Location:	317 West 40 th Street		

Background: The applicant(s), Virginia Hilbers is requesting a special use permit to allow for a Daycare Center in an R-4 multi-family residential zoning district. The property is on the north side of 40th Street between Avenue B and Avenue D, and operating as Crossroads Corner Pre-school.

Daycare Centers are listed under special permits uses in the R-4 heavy density multiple family residential zoning district with approval from the Planning Commission. The Fire Prevention Officer has inspected the business and made a positive recommendation of the Daycare, he also advised Ms. Hilbers that even though the business has been operating as a daycare for a few years it did need a special use permit as the facility has over twelve children and the facility does not meet the requirements of a home daycare.

This property is licensed as a Daycare and has been used for Daycare since 2004. The Daycare is licensed for 67 children.

Analysis: The property is located in an R-4 – Heavy Density Multiple Family Residential zoning district. The applicant has submitted all the necessary paper work for the special use permit; we have had no complaints about the daycare occupying this building on 40th Street.

The surrounding properties to the north, south, west, and east are all zoned R-4 – Heavy Density Multiple Family Residential.

RECOMMENDATION

Approve

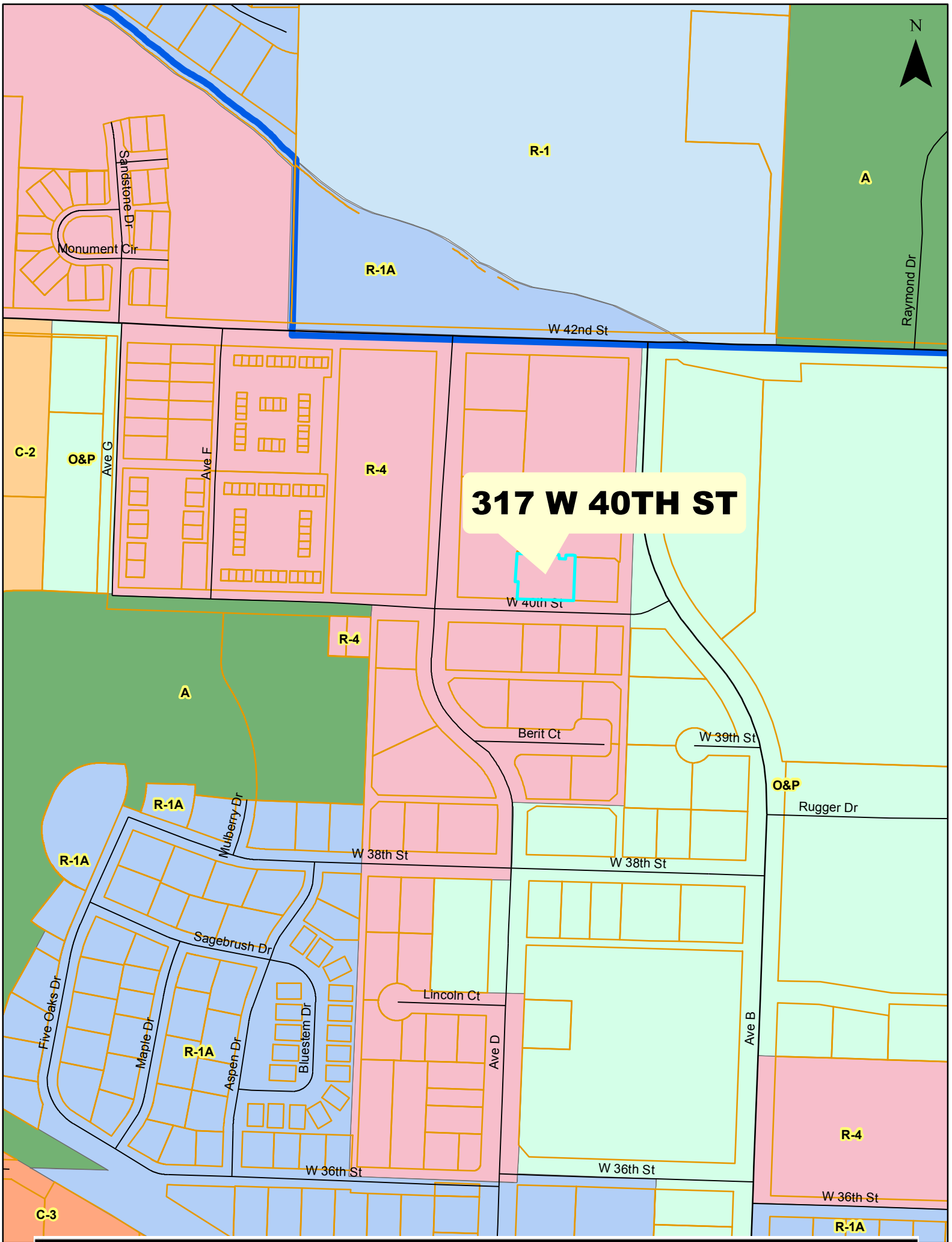
Make a motion to approve the special use permit to allow for a Daycare Center at 317 W 40th Street in a R-4 Heavy Density Multiple Family Residential zoning district to Virginia Hilbers subject to the following condition(s):

Deny

Make a motion to disapprove the special use permit for a Daycare Center at 317 W 40th Street in a R-4 Heavy Density Multiple Family Residential zoning district to Virginia Hilbers for the following reason(s):

Table

Make a motion to TABLE the special use permit request for a Daycare Center at 317 W 40th Street in a R-4 Heavy Density Multiple Family Residential zoning district to Virginia Hilbers for the following reason(s):



317 W 40TH ST

City of Scottsbluff, Nebraska

Monday, September 12, 2016

Regular Meeting

Item NewBiz3

Special Use Permit Permanent Cosmetics Facility in R-1a Zone

Special Use Permit: Wake Up N Makeup

Applicant: Danielle Darnell

Owner: J Double D

Location: 102 E 23rd Street

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To:	Planning Commission	Zoning:	R-1a
From:	Development Services Department	Property Size:	N/A
Date:	September 12, 2016	# Lots/Units:	1
Subject:	Special Use Permit Request – Danielle Darnell		
Location:	102 E 23 rd St		

Background: The applicant(s), Danielle Darnell is requesting a special use permit to allow for a Permanent Cosmetics Facility in a R-1a single family residential zoning district. The property is on the corner of 1st Ave and 23rd Street, across the street from Bluffs Middle School.

Permanent Cosmetics Facilities are listed under special permits uses in the R-1a single family residential zoning district with approval from the Planning Commission. This property previously operated as Lee's Skincare and Permanent Cosmetics and was licensed as a Body Art Facility in 2012. It sold to Danielle Darnell in 2015, who renamed the business to Wake Up N Makeup.

The owners of the property are in the process of getting it licensed as a Body Art Facility.

Analysis: The property is located in an R-1a – Single Family Residential zoning district. The applicant has submitted all the necessary paper work for the special use permit; we have had no complaints about the business operating at this location.

The surrounding properties to the north, south, west, and east are all zoned R-1a – Single Family Residential.

RECOMMENDATION

Approve

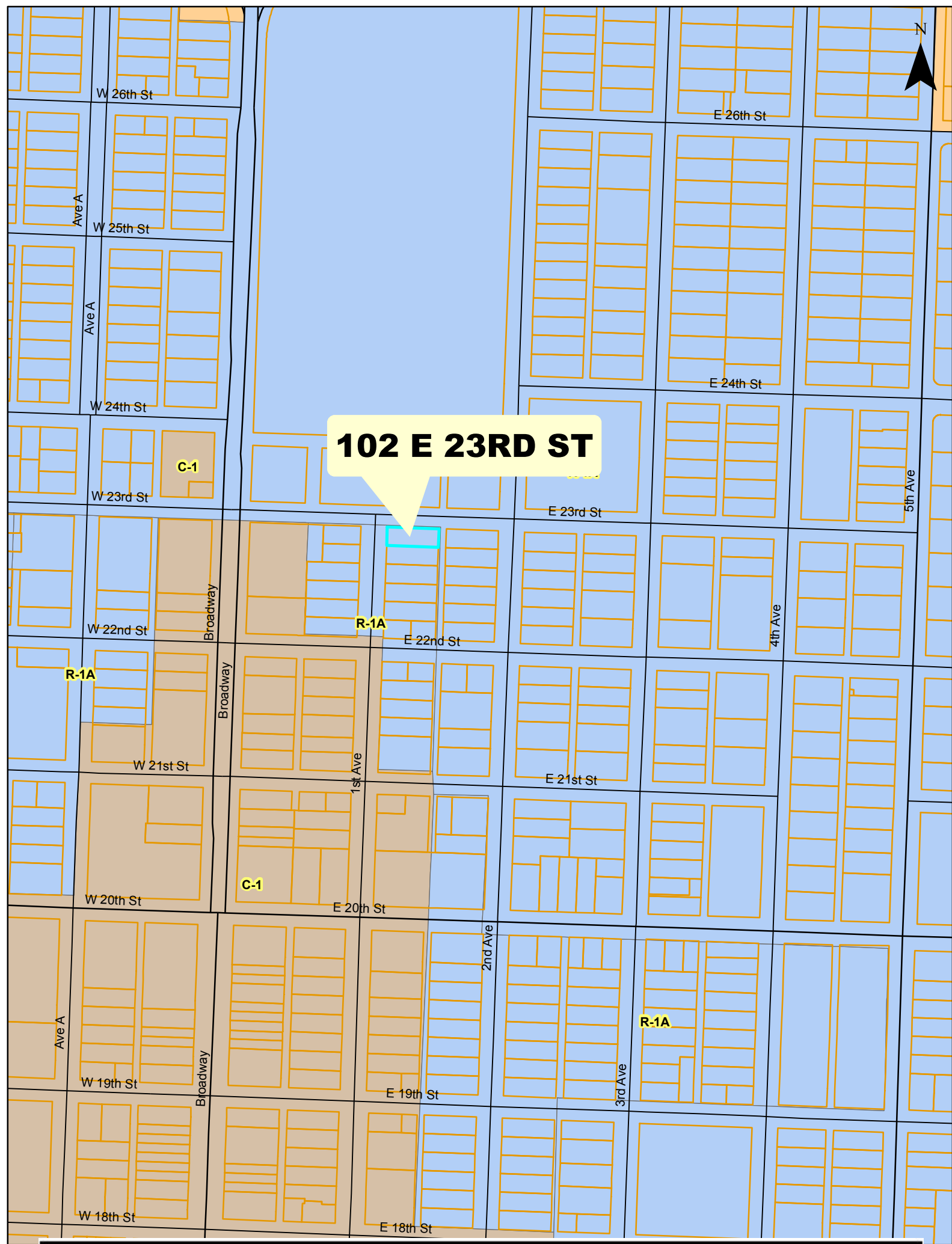
Make a motion to approve the special use permit to allow for a Permanent Cosmetics Facility in the R-1a Single Family Residential zoning district at 102 E 23rd Street to Danielle Darnell subject to the following condition(s):

Deny

Make a motion to disapprove the special use permit for a Permanent Cosmetics Facility in the R-1a Single Family Residential zoning district at 102 E 23rd Street to Danielle Darnell for the following reason(s):

Table

Make a motion to TABLE the special use permit request for a Permanent Cosmetics Facility in the R-1a Single Family Residential zoning district at 102 E 23rd Street to Danielle Darnell for the following reason(s):



City of Scottsbluff, Nebraska
Monday, September 12, 2016
Regular Meeting

Item NewBiz4

Preliminary and Final Plat of Lots 1-7, Melroy Addition

Preliminary and Final Plat: Lots 1-7, Melroy Addition

Applicant: Steve Melroy

Location: South of 15th Street, between 19th and 21st Avenues

Staff Contact: Annie Folck

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: August 8, 2016
Subject: Preliminary & Final Plat –Lots 1-7, Melroy Addition a replat of lots 12&13, Wildy Lana Commercial Tracts
Location: 1401 19th Avenue

Zoning: C-3
Property Size: 4.17±

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property.

Background

Baker and Associates representing Steve Melroy have filed a request for a preliminary and final plat for 7 lots which are located between 19th and 21st Avenue just south of East 15th Street; these parcels are the former Wagon Wheel Trailer Court. This property was recently rezoned from R-4 multifamily residential back to C-3 Heavy Commercial. Mr. Melroy plans to build storage/comm shops and possibly sell the units off separately.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve the preliminary & final plat of Lots 1 through 7, Melroy Addition, a replat of lots 12 & 13, Wildy Lana Commercial Tracts situated in the SE ¼ of Section 24, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the preliminary & final plat of Lots 1 through 7, Melroy Addition, a replat of lots 12 & 13, Wildy Lana Commercial Tracts situated in the SE ¼ of Section 24, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

Table

Make the motion to TABLE the preliminary & final plat of Lots 1 through 7, Melroy Addition, a replat of lots 12 & 13, Wildy Lana Commercial Tracts situated in the SE ¼ of Section 24, T22N, R55W of the 6th P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

City of Scottsbluff, Nebraska
Monday, September 12, 2016
Regular Meeting

Item NewBiz5

Ordinance Chapter 25 Article 7

Ordinance: Tiny House PUD Requirements

Staff Contact: Annie Folck

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25 ARTICLE 7 RELATING TO PLANNED UNIT DEVELOPMENTS PROVIDING FOR AN ADDITIONAL SECTION RELATING TO A TINY HOME COMMUNITY PLANNED UNIT DEVELOPMENTS, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE.

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

Section 1. Chapter 25, Article 7 of the Scottsbluff Municipal Code is amended by adding new Sections 25-7-81 through 25-7-87 to provide as follows:

“(f) TINY HOME COMMUNITY PLANNED UNIT DEVELOPMENT 25-7-81.

(1) Applicability. The regulations in this subdivision (f) of this Article apply to Tiny Home Community Planned Unit Developments.

(2) Scope. With respect to such developments, these regulations supersede all other regulations in this Article, and in other Articles of this Chapter, which are in conflict with these regulations. Except in cases of such conflict, or in situations where such other regulations clearly are inapplicable (because clearly inappropriate) to Tiny Home Community Planned Unit Developments, such other regulations, otherwise applicable, apply also to such developments.

(3) Purpose. The purpose of the regulations in this subdivision (f) is to permit the planning, construction, and occupancy of Tiny Home Community Planned Unit Developments in accordance with standards for Tiny Houses, and for accessory buildings and lands, containing adequate parking facilities, open spaces, recreation facilities, pedestrian walkways and other amenities which are not required or, as the case may be, not permitted under other provisions of this Article, or other Articles in this Chapter.”

“25-7-82 Definition of Tiny House, lots; area.

A Tiny House is a residential structure on a permanent foundation with a minimum of 200 square feet and a maximum of 700 square feet. A Tiny House must be constructed according to all building codes and life safety codes. A Tiny House on wheels must be licensed as a recreational vehicle under the laws and regulations of the State of Nebraska and then can be placed wherever a recreational vehicle can be placed, however, a Tiny House on wheels cannot be lived in year around. To be lived in year around, the Tiny House must be taken off wheels and affixed to a permanent foundation.

Tiny House sites in a Tiny Home Community Planned Unit Development must have a site area with a minimum of 2,850 square feet and a minimum width of thirty (30) feet.”

“25-7-83 Site; area; frontage and density.

A Tiny Home Community Planned Unit Development shall be not less than three acres in area, and shall have a frontage on a dedicated street of not less than two hundred (200) feet. The density of Tiny Home Community Planned Unit Development shall not exceed ten (10) units per gross acre. Provided, however, the City may approve a smaller site if it is part of a redevelopment site and meets the intent of this Article.”

“25-7-84 Setbacks.

The following minimum yard setbacks shall be maintained in each Tiny Home Community Planned Unit Development:

- (1) Public street frontage: On that part of a Tiny Home Community Planned Unit Development which is adjacent to a major street, a minimum setback of twenty (20) feet shall be maintained. On that part of such development which is adjacent to a secondary street or a street with a lower classification, a minimum setback of fifteen (15) feet shall be maintained.
- (2) Interior lot lines: A minimum setback from interior lot lines of ten (10) feet shall be maintained.”

“25-7-85 Accessory buildings.

All accessory buildings and structures in a Tiny Home Community Planned Unit Development shall be:

- (1) Located to the rear of the Tiny House.
- (2) At least three (3) feet from the rear lot line if the line is a common lot line with an abutting lot.

- (3) At least two (2) feet from the interior side lot line and if the lot is a corner lot, the accessory building shall not protrude beyond the tiny house into the front yard abutting the side street.
- (4) Any detached accessory building shall be situated not less than five (5) feet from the Tiny House.”

“25-7-86 Off-street parking.

Two (2) off-street parking spaces shall be provided on each Tiny House site.”

“25-7-87 Other requirements.

To insure the residential character of a Tiny Home Community Planned Unit Development, and to minimize adverse effects on adjacent properties, the following additional requirements shall be observed:

- (1) Tiny Houses shall be affixed to permanent foundations.
- (2) Tiny Houses must meet all building codes and life safety codes, minimum square footage requirements, height requirements, including kitchen and bathroom with minimum clearances for all fixtures.
- (3) Tiny Houses with sleeping lofts must have a secondary means of egress, such as a window or another means of escape, in the event of a fire.
- (4) Tiny Houses shall be limited to occupancy of one person for every 100 square feet.
- (5) Tiny Houses must be connected to utilities with separate water services and sewer services and meters for each Tiny House.
- (6) A Tiny Home Community Planned Unit Development may be allowable in any residential zone as long as they meet the requirements set forth in this Article.

Section 2. All other ordinances and parts of ordinances in conflict herewith are repealed; provided, however, this ordinance shall not be construed to effect 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 3. This Ordinance shall become effective upon its passing and approval and publication shall be in pamphlet form.

PASSED and APPROVED on _____, 2016.

Attest:

Mayor

City Clerk (Seal)

Approved as to Form:

Deputy City Attorney



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: September 12, 2016
Subject: Tiny Home Requirements
Location: Residential Zoning Districts

Zoning: N/A
Property Size: N/A
Lots/Units:

Staff met with legal about establishing guidelines and requirements for tiny homes. Several issues were discussed, state requirements; along with concerns from our code administrators regarding fire safety.

Recommendations discussed is to only allow them on permanent foundations, require minimum square footage that allows for building codes to be met, utilities to each unit.

The Tiny Homes/Houses will be added under Article 7 of our zoning code Planned Unit Developments (PUDs) which has information on Condominiums, Townhouses, Cluster Housing, & Mobile Home PUDs.

As a result of discussion at the August 8th meeting, the requirement for residential fire suppression systems was removed, a requirement for a secondary means of egress for sleeping lofts was added, and a limit on the number of people allowed to live in these homes was added (1 person per 100 square feet).

See proposed ordinance attached.

RECOMMENDATION

Approve

Make a motion to approve and continue with a draft ordinance to make changes to code with additional language to Article 7, Chapter 25 regarding Tiny homes requirements subject to the following condition(s):

Deny

Make a motion to disapprove changes to Article 7, Chapter 25 adding language to Article 7, Chapter 25 for Tiny Homes, for the following reason(s):

Table

Make a motion to TABLE the proposed changes to Article 7, Chapter 25, regarding language for Tiny Homes for the following reason(s):

City of Scottsbluff, Nebraska
Monday, September 12, 2016
Regular Meeting

Item NewBiz6

Ordinance Chapter 25, Article 3

Ordinance: Microbrewery

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To:	Planning Commission	Zoning:	N/A
From:	Development Services Department	Property Size:	N/A
Date:	September 12, 2016	# Lots/Units:	
Subject:	Microbrewery/Brew Pub Zoning Definition		
Location:	C-1, C-2, C-3, M-1, M-2 Zoning Districts		

Staff met with legal about establishing guidelines and requirements for microbreweries. An ordinance was drafted based off of Grand Island's zoning code.

The ordinance defines brewery, micro brewery, and brew pub. A brewery produces over 10,000 barrels a year, and a micro brewery produces under 10,000 barrels a year. This is the same way that the State of Nebraska classifies them. A brew pub is a business such as a restaurant or hotel that also brews its own beer on site.

A brew pub is proposed as a permitted use in C-1, C-2, C-3, M-1, and M-2 zoning districts. Because a microbrewery is more of an industrial use, it is proposed as a Special Permit Use in C-1 and C-2 zones to give Planning Commission a little more oversight on the traffic and other effects it generates. It would be a permitted use in C-3, M-1, and M-2 zoning districts. A brewery is proposed as a permitted use in C-3, M-1, and M-2 zones.

See proposed ordinance attached.

RECOMMENDATION

Approve

Make a motion to approve proposed ordinance to make changes to Article 3, Chapter 25 defining Brew Pubs, Breweries, and Microbreweries subject to the following condition(s):

Deny

Make a motion to disapprove proposed ordinance to make changes to Article 3, Chapter 25 defining Brew Pubs, Breweries, and Microbreweries for the following reason(s):

Table

Make a motion to TABLE the proposed ordinance to make changes to Article 3, Chapter 25 defining Brew Pubs, Breweries, and Microbreweries for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING ARTICLE 2, CHAPTER 25 OF THE MUNICIPAL CODE BY INCLUDING DEFINITIONS FOR A BREW PUB, BREWERY, CRAFT BREWERY AND MICRO BREWERY, AND AMENDING ARTICLE 3 OF CHAPTER 25 BY INCLUDING THOSE FACILITIES AS A PERMITTED USE IN ZONING DISTRICTS WITHIN THE CITY, 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 adding the following language:

“25-2-13.1. Brewery.

Brewery shall mean any industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

25-2-13.2. Brewery, Micro.

Micro Brewery shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other used such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

25-2-13.3. Brew Pub.

Brew Pub and shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 50 percent of the total floor area of the commercial space.”

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

“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
- 12.1 Brew Pub
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
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
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. Micro Brewery
3. Equipment rental and sales yard
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.

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.)	Floor Maximum Side Street Area (sq.ft.)	Maximum Height (ft.)
Garage	none	none	-		C A	B 5	- 12.5	PRTFA 70	

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

"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
- 12.1 Brew Pub
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
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
68. Warehousing, wholesaling

Special Permit Uses.

1. Auto sales and service
2. Billboards
3. Micro Brewery
4. Emergency shelter
5. Hardware stores selling lumber
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.)	Setbacks Rear (ft.)	Interior Side (ft.)	Floor Side Street (ft.)	Maximum Area	Height
Garage	None	-	-	C or 25	A B	12.5 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. Chapter 25, Article 3 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

“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
- 19.1 Brewery
- 19.2 Brew Pub
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.
- 62.1 Micro Brewery
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
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 parlor meeting the following conditions:
 - a. Prior to operating a tattoo parlor, the operator/practitioner must first apply for and receive a permit and certificate of occupancy from the Development Services Director. The permit is subject to revocation if the permittee at any time fails to comply with the conditions set forth herein.
 - b. The operator/practitioner must comply with any and all federal, state and local regulations pertaining to the activity of tattoo artistry on the human skin.
 - c. The operator/practitioner must submit to regular and/or unannounced inspections by the Department of Planning, Building and Development, the Scotts Bluff County Department of Health, and any other authority empowered to regulate such activities.
 - d. All instruments and equipment must be cleaned and sterilized before use. Sterilization of equipment shall be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred forty (240) degrees Fahrenheit or one hundred sixteen (116) degrees Celsius.
 - e. The operator/practitioner must positively identify each client and keep record of the client's name, age, mailing address and phone number and not dispose of such information for a period of at least ten (10) years. Any transfer in ownership or operation of the business will result in revocation of the permit. All records shall be relinquished to the Development Services Director at that time.
 - f. The operator/practitioner may not perform work on anyone eighteen (18) years of age or younger without written permission from the minor's parent/parents or legal guardian.
 - g. The operator/practitioner shall comply with the OSHA (Occupation Safety and Health Act) blood borne pathogen rules as it relates to the disposition of hazardous waste materials.
 - h. To prevent the cause and/or spread of infection or disease, any and all tattoo needles used for each client shall be disposed of properly and not reused.
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.)	Setbacks Rear (ft.)	Interior Side (ft.)	Floor Side Street (ft.)	Maximum Area	Height
Garage	none	-	-		C A	B	12.5 PRTFA 12.5	35		

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

“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
- 19.1 Brewery
- 19.2 Brew Pub
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
- 67.1 Micro Brewery
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
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.)	Setbacks Rear (ft.)	Interior Side (ft.)	Floor Side Street (ft.)	Maximum Area	Height
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. Chapter 25, Article 3 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding the following language:

“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
- 19.1 Brewery
- 19.2 Brew Pub
- 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
- 67.1 Micro Brewery
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
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.)	Setbacks Rear (ft.)	Interior Side (ft.)	Floor Side Street (ft.)	Maximum Area	Height
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.”

Section 7. Previously existing Chapter 25, Article 2 and 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)

Approved by:

City Attorney