

City of Scottsbluff, Nebraska

Monday, September 19, 2016

Regular Meeting

Item Resolut.4

Council to consider an Ordinance defining Microbreweries, Brew Pubs, and Breweries and providing for them in the zoning code.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: September 19, 2016

AGENDA TITLE: Council to consider an ordinance defining Microbreweries, Brew Pubs, and Breweries and providing for them in the zoning code

SUBMITTED BY DEPARTMENT/ORGANIZATION: Planning and Zoning

PRESENTATION BY:

SUMMARY EXPLANATION: The City has had several inquiries over the past few months about zoning for microbreweries. An ordinance has been 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 can be more of an industrial use depending on its size, 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.

BOARD/COMMISSION RECOMMENDATION: Planning Commission recommends approval of this ordinance (see attached minutes).

STAFF RECOMMENDATION: Recommend approval of the ordinance

EXHIBITS

Resolution ☐ Ordinance ☒ Contract ☐ Minutes ☒ Plan/Map ☐

Other (specify) ☐ _____

NOTIFICATION LIST: Yes ☐ No ☒ Further Instructions ☐

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

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.
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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

**Planning Commission Minutes
Regular Scheduled Meeting
September 12, 2016
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, September 12, 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 September 2, 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, Dana Weber, David Gompert, Mark Westphal, and Becky Estrada. Absent: Jim Zitterkopf, Callan Wayman. City officials present: Annie Folck, Planning Coordinator, 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 August 8, 2016 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Huber. **"YEAS":** Chadwick, Aguallo, Huber, Westphal, Gompert, and Estrada **"NAYS":** None. **ABSTAIN:** Weber. **ABSENT:** Zitterkopf and Wayman. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing to consider designating the East Overland Corridor as Blight and Substandard.

Annie Folck gave an overview of the study. 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. This study was written by Rick Kuckkahn while he was under contract with the City.

The study itself made it very clear that the area being considered for the Blight Designation meets the requirements laid out in state statute for such a designation. Not every property in the study area is in poor condition; however, of the 381 buildings surveyed as part of the study, 35% were classified as deteriorating, with another 17% that were dilapidated. In addition to more than half of the buildings surveyed being classified as deteriorating or dilapidated, there are many other issues in the area, such as a substandard street system with half streets and offset intersections that support argument for designating the area as blighted and substandard.

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.

Several residents were in attendance to speak about the proposed blight study. Robert Franco, a resident of Southeast Scottsbluff, stated that he is neither for nor against the blight study, but wanted more information about potential results of the designation. He stated that while TIF can help improve properties in the area, this can lead to higher property valuations for neighbors. He is concerned that increased valuations can cause some long-time residents to be taxed out of their homes. Additionally, a blight and substandard designation can make it easier for eminent domain to be used to force property owners to sell their property to make way for new development. Development can be good, because it is an older community, but the City needs to implement it in a way that benefits the community. The people who use TIF in the area will be mostly outside investors, not long-time residents and business owners. He is concerned that businesses that residents in other parts of town do not want will be located on East Overland. He reiterated that he is neither for nor against the blight and substandard designation, and that these programs can be good, but they can also be bad.

Astrid Munn spoke as well, stating that she believed that the meeting at the Guadalupe Center on August 25th helped inform both English speaking and Spanish speaking residents of Southeast Scottsbluff. She stated that she appreciates that the City wants to make sure everyone understands the meaning behind the Blight and Substandard designation. She does not anticipate similar backlash from residents of Southeast Scottsbluff that the City has experienced when designating other areas of town as blighted and substandard. Southeast Scottsbluff is a very impoverished neighborhood, and while there is a lot of pride in the neighborhood, residents can see their vulnerabilities as well and she believes most would agree that the neighborhood is in need of improvement.

Father Jonathan Sorenson, priest of Our Lady of Guadalupe Church, stated that while the neighborhood is not at all dangerous, it is definitely blighted. It is an older neighborhood that has seen better days, and many properties are in need of investment. Something needs to be done in the area, because many other residents of Scottsbluff perceive the area to be dangerous. Even though the area is not dangerous, that perception is bad for businesses in the area. The neighborhood is in need of help and redevelopment, and the Blight and Substandard designation will allow one tool, TIF, to help take down dilapidated buildings and encourage redevelopment. Area residents love their neighborhood, but they want to see more improvements, and they can't do it all by themselves. This designation can go a long way toward making improvements.

Josefa Guadarrama stated that she has lived in Southeast Scottsbluff all her life. There is a history there of undesirable businesses, with East 9th Street being a former "red light district". In past years, there were efforts that got rid of the bars on 9th Street and it is now a much better neighborhood. However, the area has also lost grocery stores and other desirable businesses, and the neighborhood is now deteriorating because there is a lack of accountability for property owners to maintain their properties. There are many beautiful homes in the area, but some eyesores as well. Colley's auto repair is one of these, with weeds and junk cars, and it has been that way for over a year, and the police are not taking care of it. It would be nice to have a health clinic in the area, or a Mexican ethnic grocery store. The business district is currently known for car lots and restaurants, and residents would like for it to be known for something more. It would be great if the City could help the neighborhood because they need some nicer merchants down there.

Commissioner Westphal asked who wrote the study. Folck stated that the study was completed by Rick Kuckkahn while he was under contract with the City, and that the City's legal counsel had reviewed it.

Commissioner Huber questioned whether TIF would be a part of this, and how it could work with several different properties and zoning districts involved. Commissioner Weber responded that this action by itself essential does nothing, just opens the door to tools like TIF being used in the future. The study will be in place so that if any specific developers step forward, they can utilize TIF without having to first go through the step of having the property declared blighted and substandard.

Robert Franco stated that he was concerned about the types of businesses that might come in as result of the ability to use TIF, and that he didn't want to see businesses that residents in other parts of town did not want in their backyard coming to East Overland. Folck stated that there is a lot of C-3 zoning in the area already, so if businesses that are permitted uses in the C-3 zone want to come in, they can right now. However, the Comprehensive Plan shows future zoning as C-1, C-2, or R-1a, so if a developer came in and requested a rezone to M-1 or M-2, staff would recommend denying that request, as it would not be consistent with the Comprehensive Plan. The overall goal of this is to create more appropriate land uses for the commercial corridor that is adjacent to residential areas.

Commissioner Estrada stated that there are many people in that area who have been in their homes for many years, and she understands the concern about rising property valuations possibly increasing the tax burden on these residents.

Tim Reganis, a property owner along East Overland, stated that he is for designating the area as Blighted and Substandard, as it will help encourage investment and help improve the area. It would be great if TIF could be used as an incentive for a grocery store or convenience store to come into the area.

Conclusion: A motion was made by Huber and seconded by Chadwick to recommend that Council approve the study that would designated the East Overland Corridor as blighted and substandard. "YEAS": Aguillo, Huber, Gompert, Westphal, Weber, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Wayman and Zitterkopf. Motion carried.

ITEM 7B: The applicant, 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. Virginia Hilbers spoke, stating that she had been located there for 13 years, and did not realize that a Special Use Permit was necessary. Staff recommended approval of this special use permit because the daycare has been in place for many years, and the City has never received a complaint about it. The City's fire prevention officer also gave a positive recommendation, saying that the daycare met all life and safety requirements.

Conclusion: A motion was made by Westphal and seconded by Gompert 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. "YEAS": Aguillo, Huber, Westphal, Weber, Chadwick, Gompert, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Zitterkopf, Wayman. Motion carried.

ITEM 7C: 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 have it licensed as a Body Art Facility.

Morgan Bradley, representative of Wake Up N Makeup, spoke in favor of the Special Use Permit, stating that the business had been there for many years with no issues.

Conclusion: A motion was made by Gompert and seconded by Westphal 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. "YEAS": Aguillo, Huber, Weber, Westphal, Gompert, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Zitterkopf, Wayman. Motion carried.

ITEM 7D: The preliminary and final plat of Lots 1-7, Melroy Addition were pulled from the agenda by the property owner prior to the meeting.

ITEM 7E: Tiny House Ordinance: 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). Commissioner Weber asked about the discussion on the fire suppression system, and if staff felt that the code changes that are being requested addressed the fire safety issue adequately. Folck stated that the City's fire prevention officer was concerned about the small window of time between the start of a fire and when the home could be fully engulfed in flames, which would happen much faster in a tiny home than in a traditionally sized home. This is the reason that the requirement for a secondary means of egress was included. Staff is recommending the code change as currently written.

Conclusion: A motion was made by Westphal and seconded by Gompert to recommend that Council adopt the ordinance amending Chapter 25 Article 7 to allow for tiny home communities. "YEAS": Aguillo, Huber, Weber, Westphal, Gompert, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Zitterkopf, Wayman. Motion carried.

ITEM 7F: Staff met with legal about establishing guidelines and requirements for microbreweries. There have been several inquiries to the City about zoning for this use. 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.

Commissioner Weber asked about storage of product and additional truck traffic for a microbrewery, and if that was the reasoning behind requiring a Special Use Permit for a microbrewery in a C-1 or C-2 zone. Folck stated that it was, and that the size and scope of microbreweries can vary from extremely small microbreweries that are more of a hobby to larger-scale microbreweries that are nearing the 10,000 barrel a year amount that would be similar to a full-scale brewery. For this reason, a Special Use Permit could give a little more oversight in the C-1 and C-2 zones to ensure that the amount of truck traffic or other characteristics of the business do not adversely affect neighboring properties.

Conclusion: A motion was made by Westphal and seconded by Gompert to recommend that Council adopt the ordinance amending Chapter 25 Article 3 to define breweries, microbreweries, and brew pubs and to provide for them in the zoning code. "YEAS": Aguillo, Huber, Weber, Westphal, Gompert, Chadwick, and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Zitterkopf, Wayman. Motion carried.

ITEM 8: Unfinished Business: None.

There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The meeting was adjourned at 7:25 p.m. "YEAS": Weber, Westphal, Gompert, Huber, Chadwick, Aguillo, and Estrada. "NAYS": None. ABSTAIN: None. **ABSENT:** Wayman, Zitterkopf. Motion carried.

Becky Estrada, Chairperson

Attest: _____
Annie Folck