

City of Scottsbluff, Nebraska

Monday, April 10, 2023

Regular Meeting

Item Pub Hear2

Planning Commission to conduct a Public Hearing to consider a Ordinance Text Change to Chapter 25 Article 3 regarding Miscellaneous Regulations

Staff Contact:

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: March 21, 2023

For Hearing of: April 10, 2023



I. GENERAL INFORMATION

- A. As part of the comprehensive review and update of Chapter 25 Article 3 regarding zoning districts, staff came across three sections of code which prohibit more than one residential building per lot.
- B. These restrictions are under 25-3-25 Miscellaneous Regulations (J), (K), and (L).
 - i. (J) Residence buildings; number. Except as provided in Article 9 of this chapter, no more than one building used for residence purposes may be located on any lot.
 - ii. (K) Residence; sleeping quarters. Permanent sleeping quarters may not be located or used in any building or structure in an R District other than a main residence building.
 - iii. (L) Residence; rear of lot. No building, designed to provide living or sleeping quarters, or both, may be located on an interior lot to the rear of the main building which is used for non-residence purposes.
- C. Additionally, 25-3-25 (D) is a regulation for the development in the floodplain.
 - i. (D) Grades; flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.
- D. Research of the Zoning Code showed (D) has been in place since at least 1957, and (J), (K), and (L), have been in place since at least 1974.

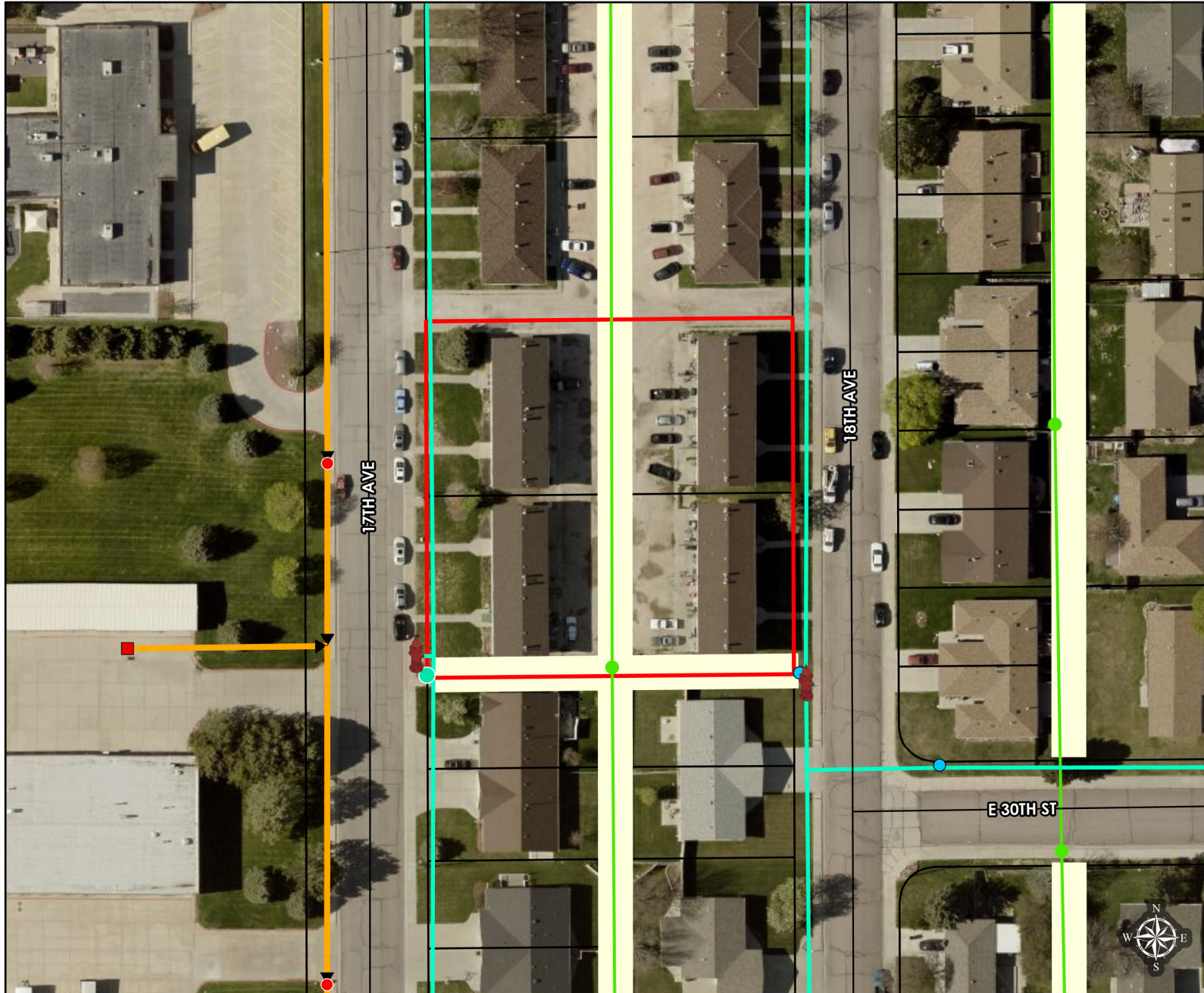
II. STAFF COMMENTS

- A. The current language of J, K, and L prohibit the ability for large housing developments such as apartment complexes and assisted living villages by requiring separate lots for each residential building.
- B. The repealing of these three regulations would benefit developers by:
 - i. Requiring less surveying (larger lot vs. multiple smaller lots)
 - ii. Allowing consolidated parking facilities in lieu of requiring the minimum parking on each of the smaller lots.
 - iii. Potential reduction of public improvements required to be constructed.
 - 1. Private drives could be utilized for interior access instead of requiring interior public streets.
 - iv. Reducing the need for dedicating access easements, which reduce the amount of developable land.
- C. The repealing of these regulations would benefit the City by:
 - i. Reducing amount of City maintenance by requiring less public street dedication and construction.
 - ii. Promotes housing density.
- D. These regulations have not been consistently enforced.

- E. With the adoption of the revised Chapter 25 Article 19 (Floodplain Overlay District) in November 2022, (D) is a redundant regulation.

III. STAFF RECCOMENDATION

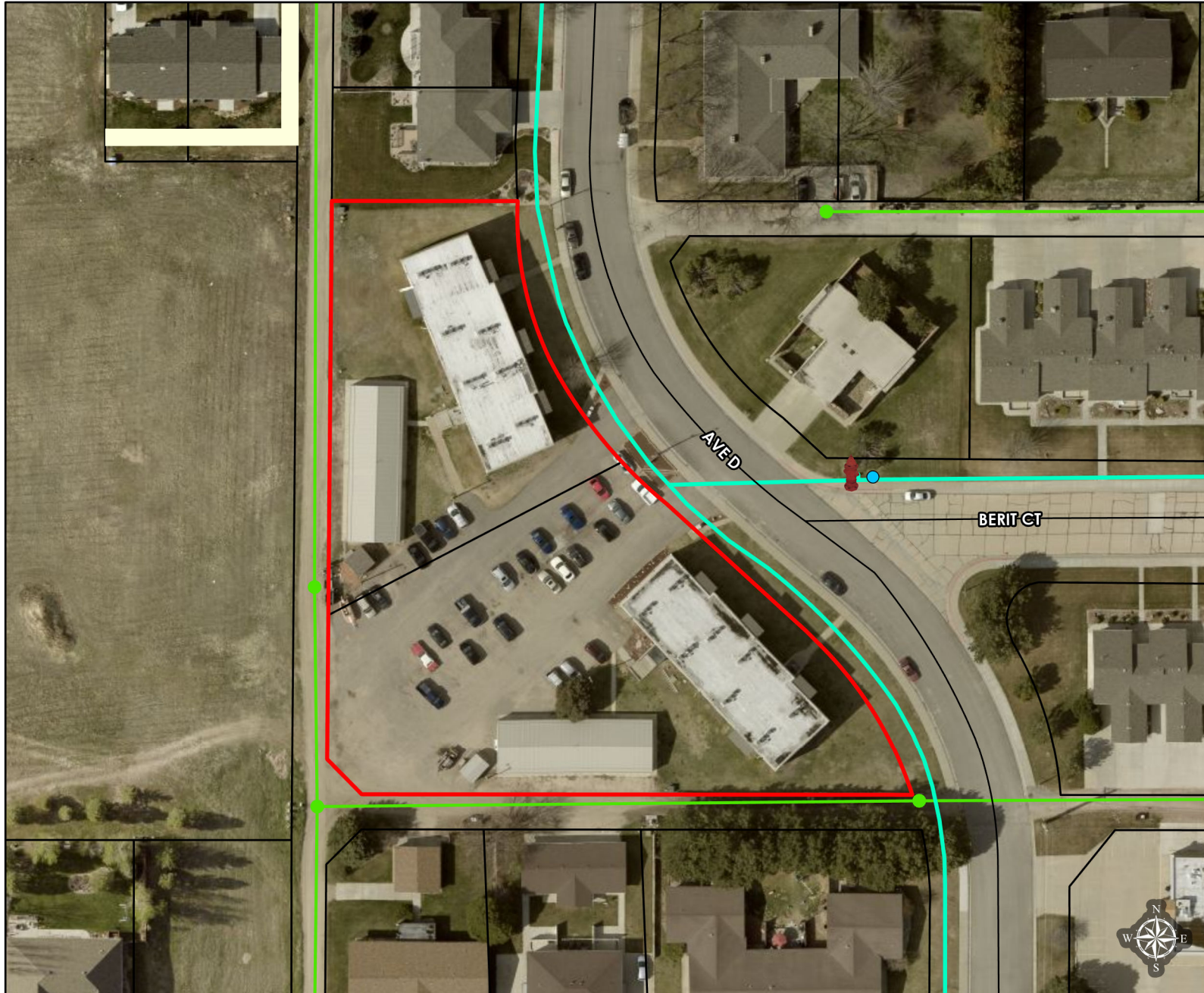
- A. Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised 25-3-25 regarding the repealing of (D), (J), (K), and (L).



- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural
- Utility Features**
- Fire Hydrants
 - Water Curbstop
 - Water Valve
 - Water Manhole
 - Water Lines
 - Wastewater MH
 - Wastewater Lines
 - Outfall
 - Stormwater Inlet
 - Stormwater Manhole
 - Stormwater Arc
 - Easement
 - Proposed Property
 - Parcels

Taylor Stephens
City of Scottsbluff GIS
Created on 3/28/2023
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



Street Centerlines

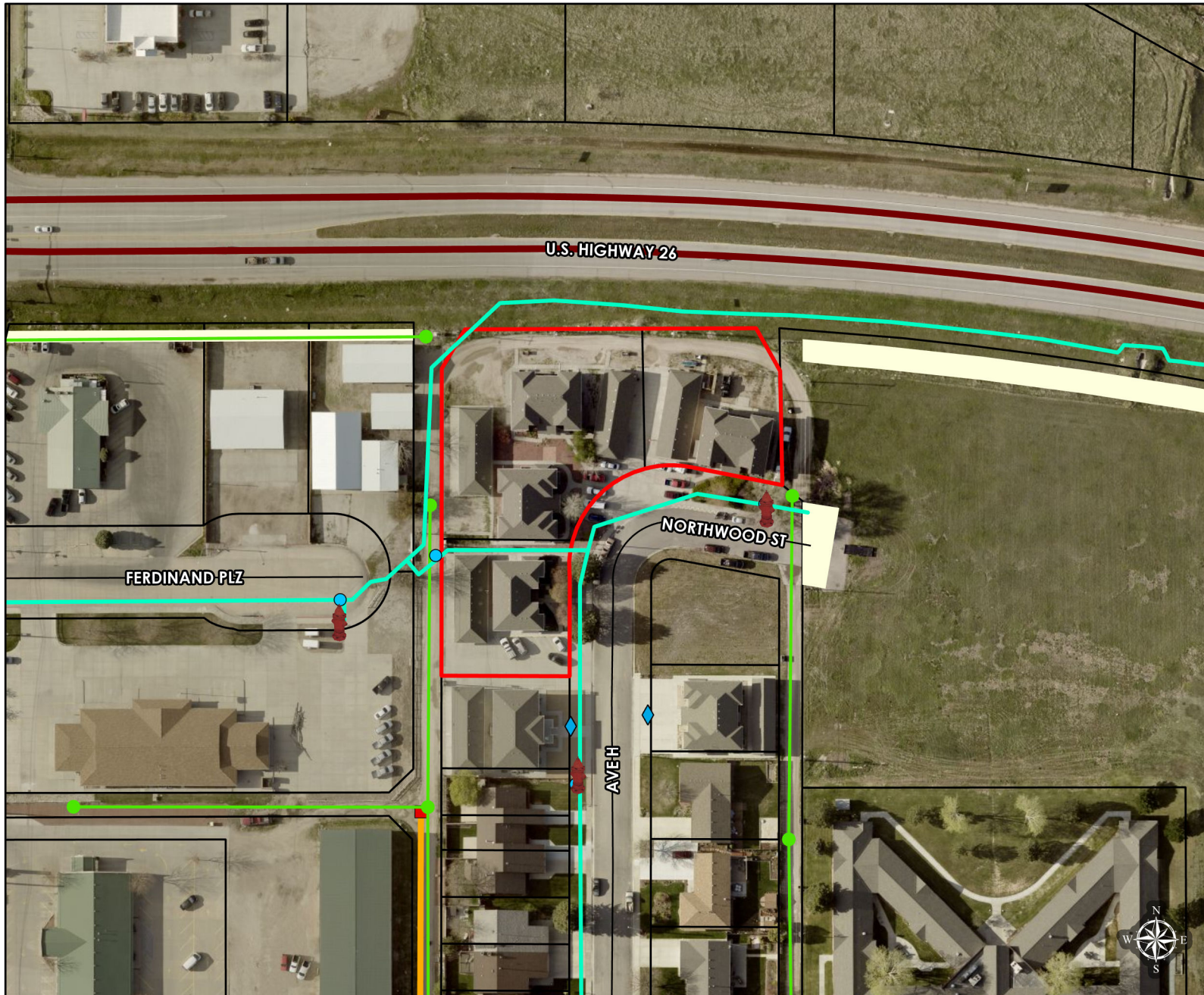
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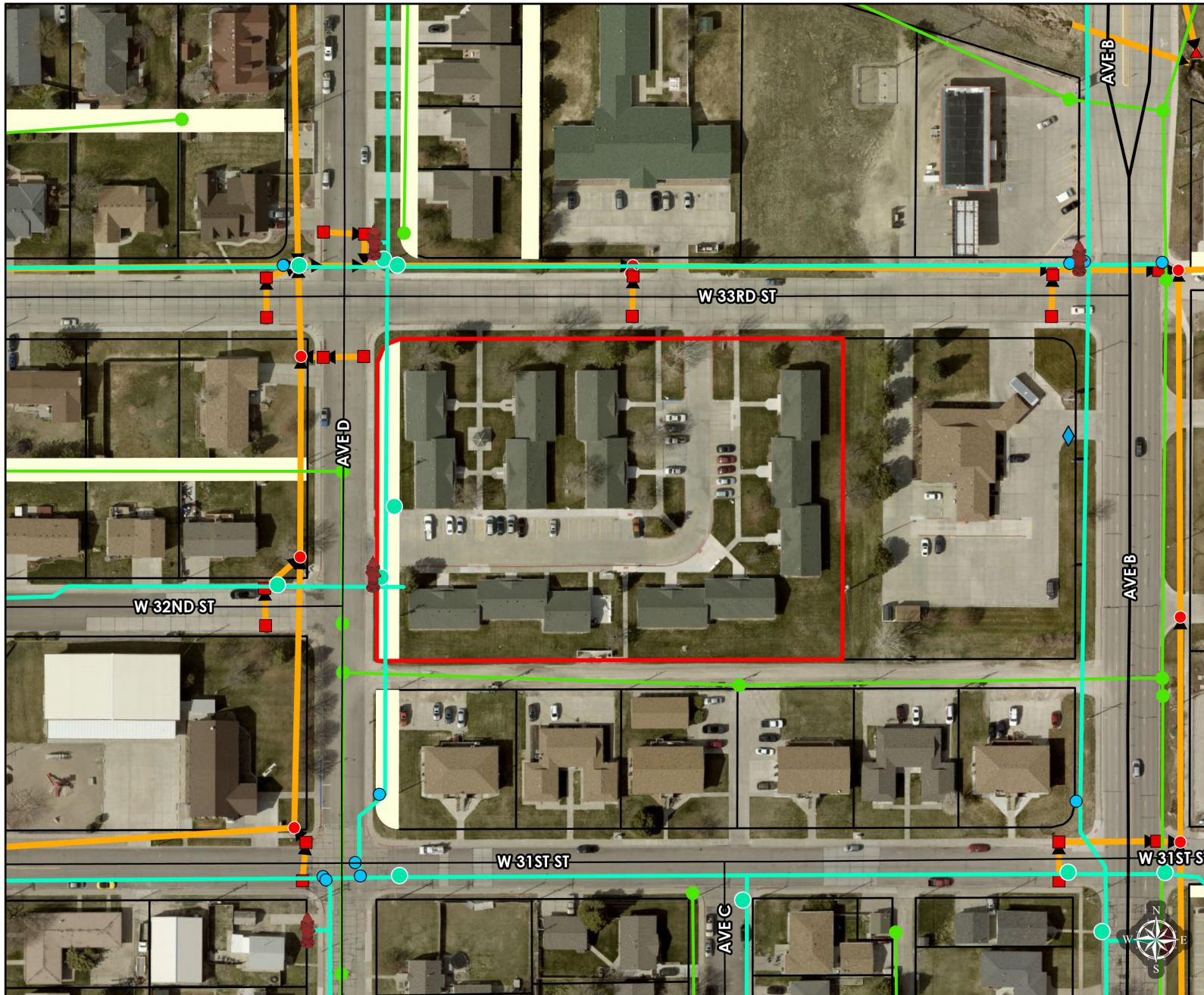
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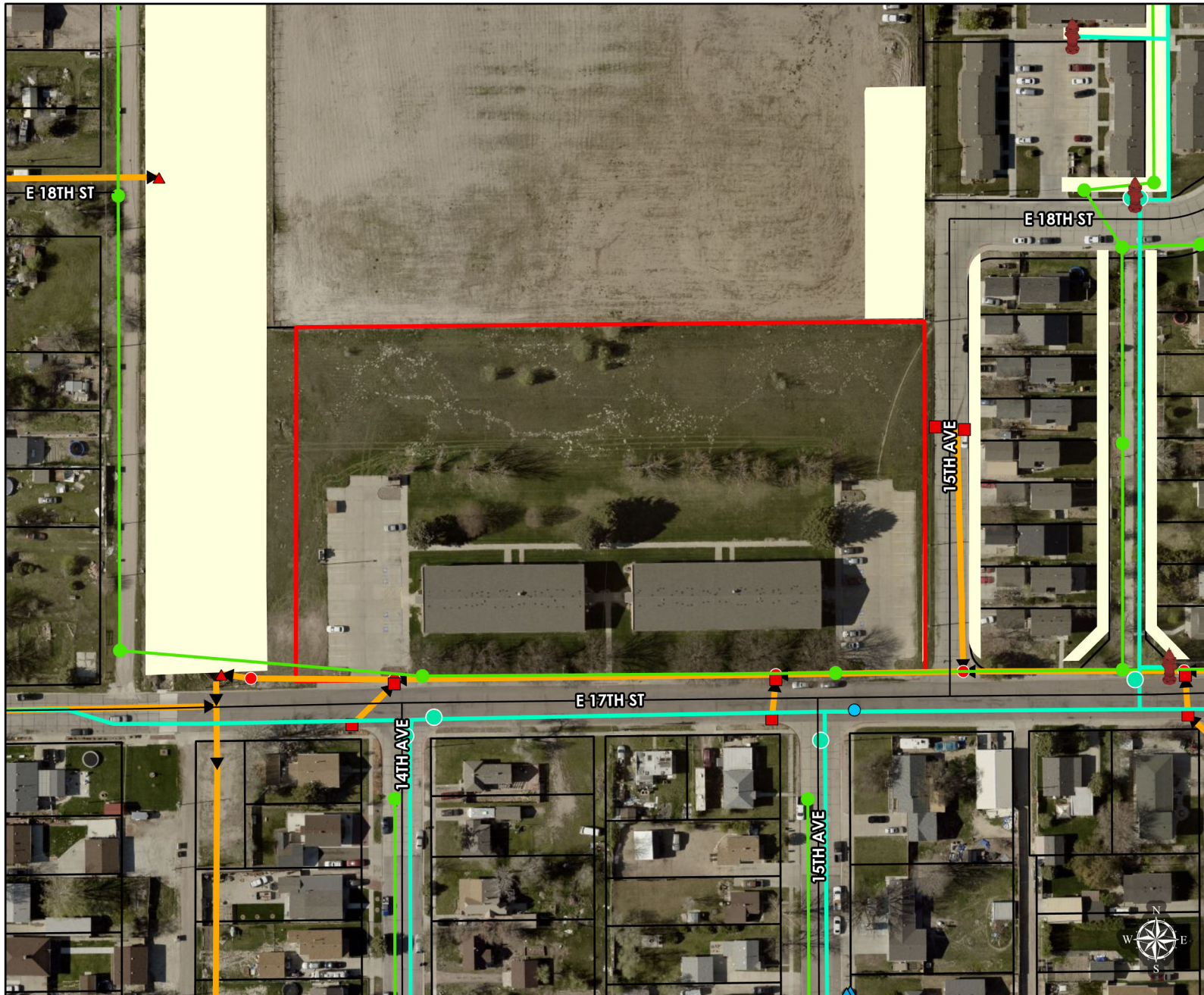
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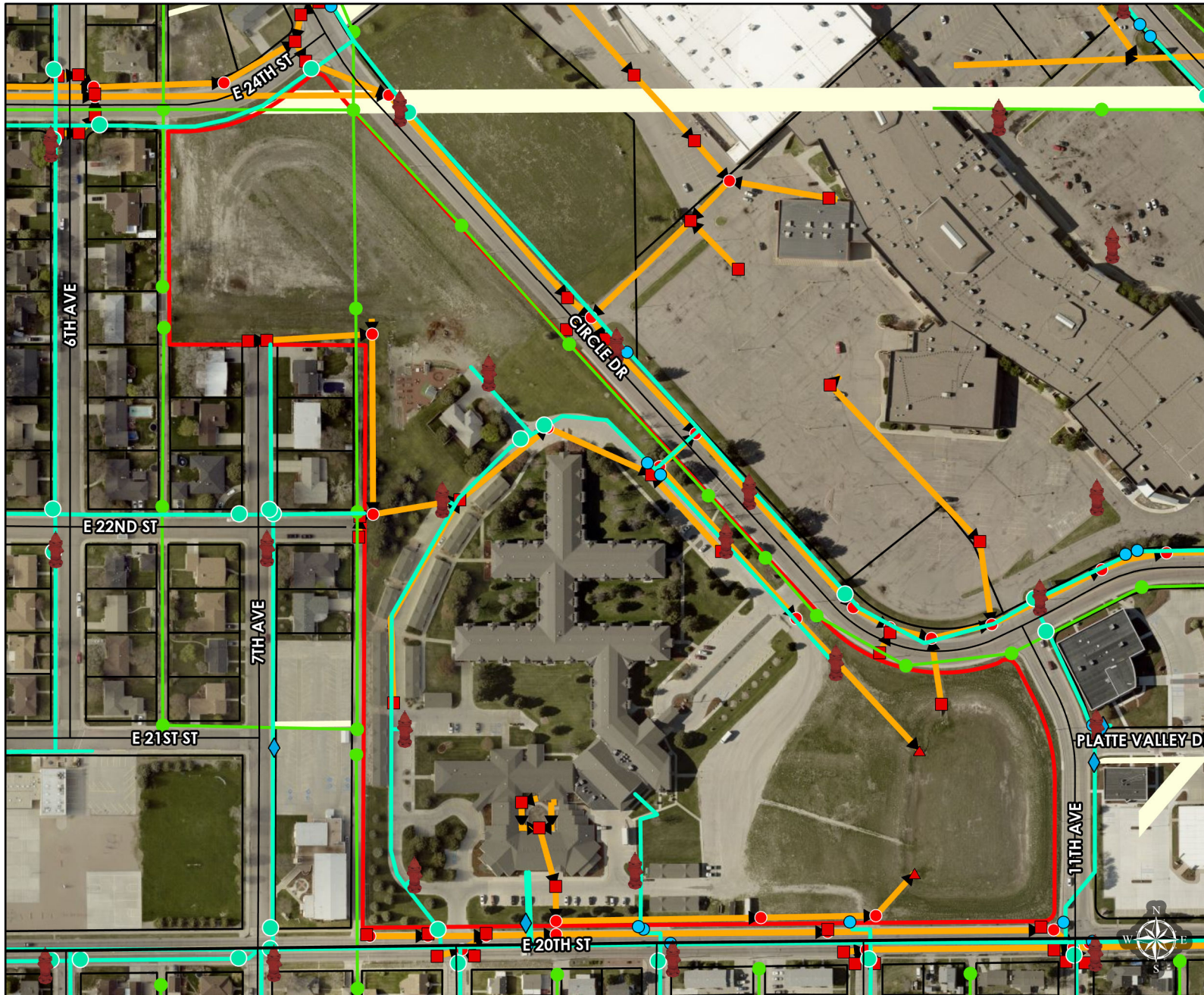
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH MISCELLANEOUS REGULATIONS, REPEALING SUBPARAGRAPHS D, J, K AND L OF 25-3-25 AS THEY ARE ADDRESSED IN OTHER ZONING REGULATIONS, RELETTERING SUBPARAGRAPHS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 25, Article 3, Section 25 of the Scottsbluff Municipal Code is amended as follows:

“Section 25-3-25. MICELLANEOUS REGULATIONS.

(A) Basement garages; grade. No basement garage may be constructed with a front entrance below the established grade nor may such an entrance be constructed in an existing building or structure, unless proper drainage, as determined by the development Services Director, is provided.

(B) Buildings, structure; design; construction. No building or structure may be erected or structurally altered unless its architectural design and construction conforms to applicable provisions of this Chapter insofar as such conformity may be accomplished without unreasonable hardship or substantial interference with the lawful intended use of such building or structure.

(C) Dwelling unit; inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

(D) Ground cover, surfacing. Front yard and side yard setback areas may be landscaped and maintained with low ground cover, except in the case of an approved off-street parking area. Asphaltic concrete, masonry, rock, gravel or other forms of artificial surfacing may not be used as a principal ground cover.

(E) Manufactured Homes.

1. A manufactured home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
2. Manufactured homes shall meet the following standards:
 - (a) The home shall have no less than 900 square feet of floor area;
 - (b) The home shall have no less than an 18-foot exterior width;
 - (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
 - (d) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
 - (e) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 - (f) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed. Mobile home parks shall be excluded from these guidelines. All manufactured (mobile) homes shall meet the standards set forth in the HUD - manufactured housing & standards or verification of HUD standard upgrades.

(F) Multiple unit buildings; exits. Each dwelling unit in a multiple unit residence building, or in a multiple use building, shall have a front and rear exit, or an exit to a corridor on the same level which has a front and rear exit.

(G) Public storage garages; location. No public garage used only for storing motor vehicles may have either a motor vehicle entrance or exit which is within 200 feet of an entrance or exit of any existing public or private school playground, public library, religious assembly, hospital, children's home or nursing home, or a similar public or private institution. No public or private school playground, public library, religious assembly, hospital, children's home, nursing home, or a similar public or private institution may be built within 200 feet of either the motor vehicle entrance or exit to a public garage used for storing motor vehicles.

(H) Public street; abut; necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least 20 feet.

(I) Railroad premises; tracks; docks. A railroad right-of-way may be used for railroad or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is in a C-3 or M District and no R District is within 300 feet of the platform or structure on the same side of the right-of-way.

(J) Single family dwelling; walls. A single family dwelling shall be constructed as a single building with connecting walls. The plane surface of any connecting wall shall be at least eight feet in length.

(K) Quonset; R District. No quonset-type building or structure may be built or placed on any lot or tract of land in an R District.

(L) Shipping containers.

- (1) Shipping containers defined. For the purposes of this Chapter, a SHIPPING CONTAINER shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.
- (2) General restrictions for shipping containers:
 - (a) A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
 - (b) A shipping container may not be placed within the site triangle as defined in §25-2-104.1 of this chapter.
 - (c) A shipping container may not exceed eight feet in width, nine feet in height or 40 feet in length.
 - (d) A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this code.
 - (e) A shipping container may be placed on a lot without a permit if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.
- (3) Residential zoning districts. A shipping container is allowed on a temporary basis only if a valid permit is issued by the City's Planning and Development Department. No shipping container shall be allowed, except on a temporary basis for moving or actually used for construction activities, in all residential zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving or if used for construction activities as set forth in division (L)(2)(e) above. If additional time is required, the owner of the lot may apply for one 30-day permitted extension.
- (4) Commercial zoning districts. Shipping containers may be used only for storage or shipping by the occupant of the lot in all commercial zoning districts only as an accessory building provided:
 - (a) A valid permit for its use is issued by the city's Planning and Development Department;
 - (b) All shipping containers are located in areas not generally utilized by the customers of the commercial business and where shipping and receiving are conducted on the lot;
 - (c) All shipping containers are maintained and kept in good repair with no holes and rust and must be adequately secured to prevent entry by unauthorized people;
 - (d) All shipping containers must be placed on a level surface with a base of rock or concrete/pavement so as to prevent any settling of the shipping container while it is on the lot;
 - (e) Comply with the requirements of division (L)(5) below; and
 - (f) Comply with all requirements for accessory building.
5. In AG, C-1, C-2, C-3, M-1, and M-2 Zoning Districts, no shipping containers shall be allowed except as provided:
 - (a) A building permit is required for a shipping container which will remain on the lot for a period greater than six months and used for on-site storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the city;
 - (b) A shipping container located in a front or side yard must be painted so no signage or language is visible;
 - (c) A shipping container may not be connected to any city utility;

- (d) A shipping container must be kept in good repair with no holes or rust; and
- (e) A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.”

(Ord. 4072, passed –2012; Ord. 4191, passed – 2016, Ord. _____, passed – 2023)

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 or duties existing at the time when this Ordinances becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval as provided by law and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2023.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney