



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive
PLANNING COMMISSION AGENDA
Monday, April 10, 2023
6:00 PM

- 1. Roll Call:**
- 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 south wall of the council chambers.
- 3. Notice of Changes in the Agenda by the City Manager:** Additions may not be made to this agenda less than 24-hours before the beginning of the meeting unless added under item 4 of this agenda.
- 4. 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.
- 5. Approval of the Planning Commission Minutes From:**
 - A March 13, 2023**
- 6. Public Hearing :**
 - A Planning Commission to conduct a Public Hearing to consider a Ordinance Text Change to Chapter 25 Article 3 regarding the PBC Zoning District**
 - B Planning Commission to conduct a Public Hearing to consider a Ordinance Text Change to Chapter 25 Article 3 regarding Miscellaneous Regulations**
- 7. Staff Reports:**
 - A (Informational Only)**
- 8. Schedule Meeting:**
 - A Confirm next Meeting Date: May 8, 2023**
- 9. Adjourn**

City of Scottsbluff, Nebraska
Monday, April 10, 2023
Regular Meeting

Item Appr. Min.1

March 13, 2023

Staff Contact:

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
March 13, 2023
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, March 13, 2023 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on March 2, 2023. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chair Becky Estrada called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Dave Gompert, Callan Wayman, Angie Aguallo, Kendall Palu, Henry Huber, Jim Zitterkopf, Jerry Stricker, Linda Redfern (present-excused). "Absent": Dana Weber. City Officials present were Zachary Glaubius, Planning Administrator, Taylor Stephens, GIS Analyst, Katie Quintana, Fire Marshal, Kent Hadenfeldt, City Attorney, and Gary Batt, Code Administrator II.
- 2 Estrada informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the February 13, 2023 meeting were reviewed. **Conclusion:** a motion was made by Aguallo and seconded by Stricker to approve the minutes from February 13, 2023 meeting. Becky Estrada, Dave Gompert, Callan Wayman, Angie Aguallo, Kendall Palu, Henry Huber, Jim Zitterkopf, Jerry Stricker, Linda Redfern (present-excused). "Absent": Dana Weber. The motion carried.
- 6 Estrada introduced Item 6A regarding a staff report on the 2023 Nebraska Planning and Zoning Conference. Glaubius stated he attended the NPZA Conference in Kearney, Nebraska on March 8, 2023. Glaubius stated he attended presentations on proposed TIF legislation, economic development incentives, and commercial building design.
- 7 Estrada introduced Item 6B regarding an update on the code revisions to Chapter 21 and Chapter 25 of the municipal code. Glaubius stated not much has changed since the last meeting. Glaubius stated the main change was revising the minimum lot size to a minimum district size for the PBC Planned Business Center District. Glaubius stated the mall owners are interested in this change in order to subdivide outlots. Glaubius stated revisions to Chapter 21 regarding replatting and plat vacations are being worked on. Glaubius stated definitions in Chapter 21 are being reviewed, and highlighted the updated definitions to streets as a primary access and alleys as secondary access. Glaubius stated references to CD-ROMs in Chapter 21 are proposed to be replaced with electronic versions.
- 8 Estrada introduced Item 7A regarding a discussion on the Planning Commission's role as the City of Scottsbluff Fair Housing Commission. Glaubius stated he had sent out the relevant section of code, Chapter 4 Article 7) to the Planning Commission members, and provided the members with a 2015 memo regarding the code change which reassigned the Fair Housing Commission

role to the Planning Commission. Glaubius stated previously a Fair Housing Complaint would be submitted to the City who would then forward it to the Nebraska Equal Opportunity Commission. Glaubius stated the current process is for a complaint to go directly to the NEOC, who may forward the complaint to the City for investigation. City Attorney Kent Hadenfeldt stated the Planning Commission's role as the Fair Housing Commission is fairly limited as the NEOC serves as the primary contact for these types of complaints. Hadenfeldt stated all violations found in Chapter 20 of the Nebraska State Statutes are referred to the NEOC. Hadenfeldt stated in 2015, the City changed Community Development Advisory Committee who previously was designated the Fair Housing Commission. Hadenfeldt stated in 2015 an ordinance was considered to either designate another Fair Housing Commission or to repeal the Fair Housing Commission. Hadenfeldt stated the City Council minutes from July 2015 show the decision was referred back to the Planning Commission, and in December 2015 the Planning Commission was designated as the Fair Housing Commission. Wayman inquired if Hadenfeldt felt the NEOC did a good job. Hadenfeldt stated he did feel they do a good job and also have an office located in Scottsbluff.

- 9 Redfern stated she recalled an individual who filed Fair Housing complaints when she served on City Council. Redfern stated the City addressed the complaints by the individual. Estrada inquired how the City expected the Planning Commission to act as a quasi-judicial committee without training. Hadenfeldt stated staff and legal counsel would be trained when a complaint is filed. Hadenfeldt stated since the City of Scottsbluff is a city manager-council form of government, the complaints are sent to the City Manager. Hadenfeldt stated the complaints are first addressed and attempted to be solved administratively. Hadenfeldt stated the Planning Commission may never see the complaint as the City will have addressed the complaint before it needing to go before the Planning Commission or if the complaint go directly NEOC and bypass the City. Palu asked Hadenfeldt what would be the best course of action regarding the Planning Commission's role as the Fair Housing Commission. Palu inquired whether it be best to keep the role and regulations as is or change. Hadenfeldt stated any proposal to change the role would need to be considered by the City Manager. Hadenfeldt stated the City Manager could speak with City Council to see if there was support to change or repeal the Fair Housing Commission. Redfern stated she did not see the current setup as hurting anything. Redfern stated it would be a can of worms if the City was to repeal the Fair Housing Commission. Hadenfeldt stated CDBG required recipient cities to have a Fair Housing Commission, which the city was involved with in the past. Redfern stated she felt it would be best to the leave the Fair Housing Commission as is. Stricker stated he reviewed the municipal code section on Fair Housing and found it be focused on handicap accessibility even though many other aspects are included with Fair Housing. Stricker stated he read the state statute regarding Fair Housing and stated he believed it said a City needs to be certified to address complaints, and NEOC gives that certification.
- 10 Stricker stated the statute said the complaint is to first go to the local jurisdiction and then the local jurisdiction has 30 days to address it. Stricker stated if the local jurisdiction does not handle the complaint within 30 days, it is forwarded on to the NEOC. Hadenfeldt confirmed there were two paths for complaints to be addressed as it could be via local or state. Stricker stated the City is suppose to have a form for an individual to use to file a complaint, and no form exists to his knowledge. Stricker stated he believed a process should be set for the Planning Commission in the event the Planning Commission is required to act as a quasi-judicial committee. Stricker stated he hoped the City Attorney would provide guidance in the event the Planning Commission needs to hold a hearing on a Fair Housing complaint. Stricker stated he wanted to reread the statute and code as he interpreted them different than Hadenfeldt. Stricker stated he still would like to see a process established for how the Fair Housing Commission handles

complaints. Hadenfeldt stated the process has already been established by municipal code. Hadenfeldt stated an individual would file a complaint in writing, and the city would then investigate and address the complaint. Stricker stated that instead of having the process written on a napkin, it would be beneficial to have the process formally created so it addressed the critical elements. Hadenfeldt stated the City would not tell an individual how to write a complaint. Hadenfeldt stated it would not matter what the complaint was written on so long as it is written, and the City would not tell the individual what and what not to say. Stricker stated he agreed that he did not want to tell the individual what to say, but a designated form with required information would assist in the process and show the individual that the Planning Commission was not dragging its feet. Gompert inquired if Stricker was wanting a form that required basic information. Stricker confirmed. Stricker stated he was concerned about the impression of the City dragging its feet on addressing complaints. Redfern stated the City already has a process, and she did not feel a special form was necessary. Redfern stated the existing process asks for the individuals name and address, and the Planning Commission would not need anymore information than that. Redfern stated it may be a waste of time to develop a form for something that has not happened. Wayman stated that as a realtor, he forwards complaints directly to NEOC or to HUD. Wayman asked Stricker for clarity on his request. Stricker stated a form would not be necessarily necessary, but at least a roadmap on how to handle complaints. Stricker stated he assumed the standard complaint form is different than what is necessary for a Fair Housing complaint. Redfern stated the optimal method is to address issues before a complaint is submitted. Wayman stated in the scenario NEOC forwards a Fair Housing complaint to the City which needs to be addressed by a quasi-judicial committee, it would be sent to the Planning Commission instead of City Council. Hadenfeldt confirmed. Wayman stated he read in code that the Planning Commission can issue subpoenas and other procedures. Stricker stated he wanted to ensure the public did not get the perception that the Planning Commission did not know what to do, and for a procedure be established. Stricker stated he encourage the other commissions to review the code and state statutes. Hadenfeldt stated Fair Housing is covered in code under Chapter 4 Article 7.

- 11 Gompert stated if NEOC were to send a complaint to the City, then it would be a good idea to communicate with NEOC on what they need and how it should be done. Stricker stated that would be wonderful. Aguillo stated the need and process may be dependent on what the complaint is as not all complaints are similar. Gompert stated it would be beneficial to know what NEOC's expectation of the City is. Wayman asked if the Fair Housing Commission exists in order to receive a grant. Hadenfeldt stated he had to believe it was part of the reason. Wayman stated he had not been aware of this role of the Planning Commission. Hadenfeldt stated that fortunately there has not been a reason for the Planning Commission to act as the Fair Housing Commission. Wayman stated that it seemed the City Council handled the most recent complaints in 2015. Stricker stated he would like to discuss the Fair Housing Commission role at the next meeting as if the City is certified, complaints are to come to the City first rather than NEOC. Hadenfeldt stated a complaint can be filed with either the City or NEOC, and most people go directly to NEOC. Palu stated he would like to know what City Council expects from the Planning Commission on the Fair Housing Commission. Palu stated he agreed with Stricker that even though a complaint has not come up, the Planning Commission should be prepared. Gompert stated he believed the reason most complaints go directly to NEOC is because NEOC is trained on how to address and resolve these complaints. Stricker stated his concern is if the City keeps the Fair Housing Commission and is certified, then the NEOC will require complaints go through the City. Aguillo stated the process for these complaints is to go to NEOC who can elect to send it the Fair Housing Commission who then schedules a hearing and makes a

recommendation to City Council, who then decides. Gompert and Aguallo stated the best course of action is to let City Hall handle the complaint to see if it can be addressed without a hearing. Wayman stated NEOC handles these complaints all the time and knows how to address them. Aguallo stated that in the even the Planning Commission must act as the Fair Housing Commission she expected the City's legal counsel to provide guidance.

12 Item 9: Planning Commission confirmed the next meeting date of April 10, 2023.

13 Item 10: Adjournment

14 Adjournment: Motion by Aguallo, seconded by Wayman to adjourn the meeting at 6:38 PM. Becky Estrada, Dave Gompert, Callan Wayman, Angie Aguallo, Kendall Palu, Henry Huber, Jim Zitterkopf, Jerry Stricker, Linda Redfern (present-excused). "Absent": Dana Weber The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, April 10, 2023

Regular Meeting

Item Pub Hear1

Planning Commission to conduct a Public Hearing to consider a Ordinance Text Change to Chapter 25 Article 3 regarding the PBC Zoning District

Staff Contact:



Scottsbluff City Zoning Text Change Application

2525 Circle Drive, Scottsbluff, NE 69361
Telephone (308) 630-6243 Fax (308) 630-6204
www.scottsbluff.org

Project Information

Application Date:

3-17-23

Number (Office Use Only):

Comprehensive Plan Designation:

Comprehensive Plan Amendment Required?

Highway 26 Commercial

No

Brief description of text change request:

Remove the minimum lot size in the PBC district and replace it with a minimum district size of 8 acres

Applicant Information

Applicant:

John Vornholt

Property Owner:

Scottsbluff KM Redevelopment LLC

Address:

1445 N. Loop West Suite 625

Telephone:

713-554-7600

City:

Houston

State:

TX

Zip:

77008

Alt. Telephone:

City Development Process and Requirements

- 1. Staff Review Time:** Approximately 3 to 4 weeks prior to the Public Hearing date. Notice to the newspaper must be mailed out 2 ½ weeks prior to the meeting date.
- 2. Planning Commission:** Held the second Monday of each month at 6:00 p.m.
- 3. City Council:** Held the first and third Mondays of each month at 6:00 p.m.

All meetings are held in the City Council Chambers at 2525 Circle Drive in Scottsbluff.

REQUIREMENTS

- Pre-application meeting with City Planner
- Zoning Ordinance Text Change Fees \$100.00 plus cost of public hearing notice

- Desired Text Change - on disk or emailed to the City Development Service Department in Word format and any other supporting documentation.
- A Letter and/or packet from the petitioner that the proposed text change:
 - Would provide a service needed by the city and/or residents of the community and will be consistent with sound land use principles.
 - The text change will not be injurious to adjacent properties or uses throughout the city or environment.
 - Will the proposed text change create special hazards or problems.
 - Would the proposed text change be harmonious and consistent with the Comprehensive Plan.
 - Why the proposed text change is needed.

If any of these items are not submitted or answered with the application the City maintains the right to return the application as incomplete.

Rezoning Process

After staff receives a completed application the staff will write a report to the Planning Commission including their recommendation. The Planning Commission will then hold a public hearing (which must be noticed in newspaper 10 days prior to the hearing) pertaining to the Zone Change and either recommend supporting the zone change or not to the City Council. After the Planning Commission the City Council will also hold a public hearing on the text change request and either approve, approve with conditions or deny the request.

March 20, 2023

Mr. Zachary Glaubius
Development Services Director
City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

Re: Zoning Text Amendment

Dear Mr. Glaubius:

Please find enclosed an application for a zoning text change. We ask that the language in the PBC district be revised to eliminate a minimum lot size and provide that the district must have a minimum size of 8 acres. This will allow the redevelopment of both the Uptown Mall and the former Kmart properties. This letter confirms the proposed text change will meet all of the checkboxes in the application.

Sincerely,



Tommy Stewart
Chief Operating Officer

Enc.

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: March 28, 2023

For Hearing of: April 10, 2023



I. GENERAL INFORMATION

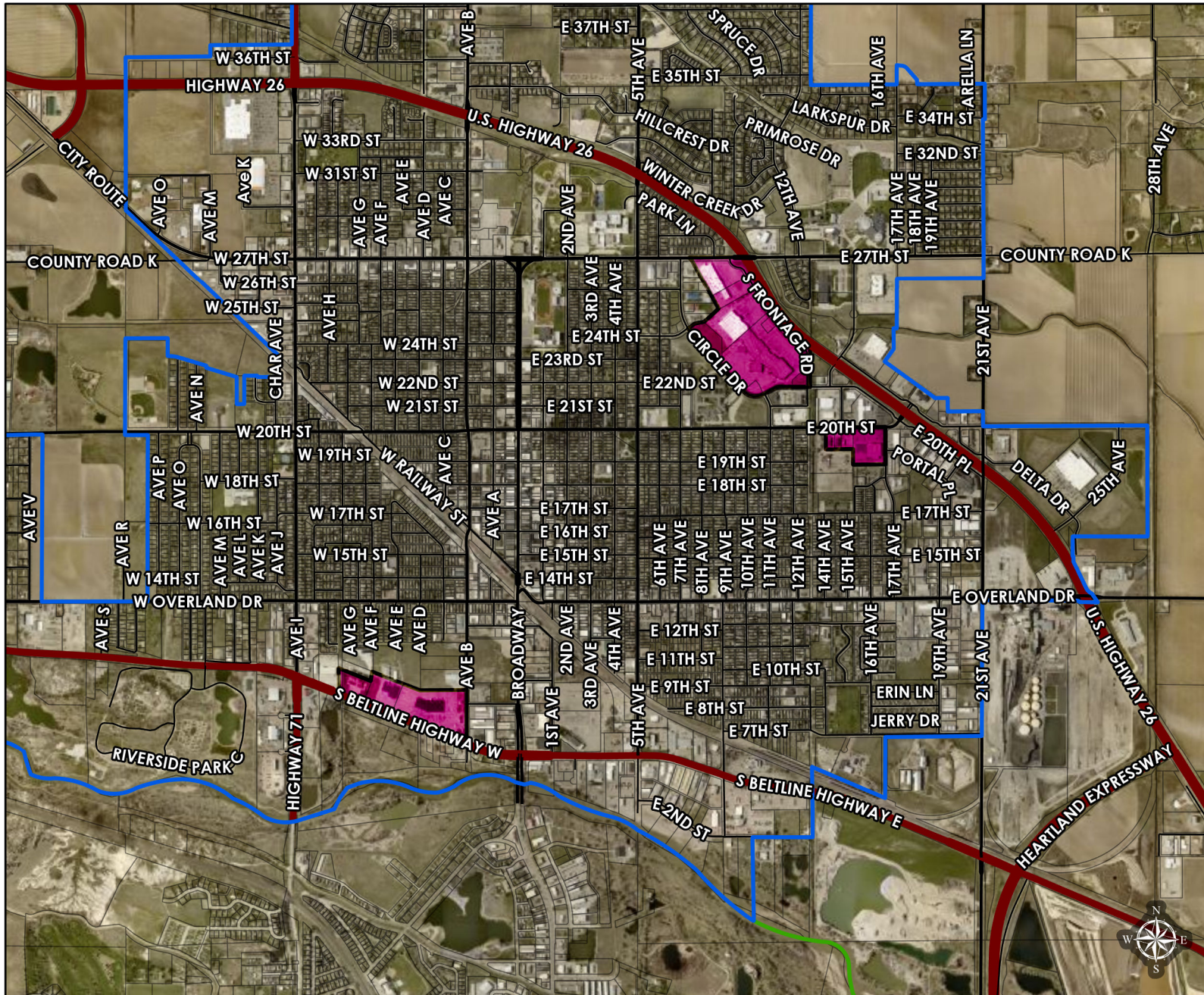
- A. On March 17, 2023, Rockstep Capital submitted an application for a zoning ordinance text change for 25-3-12 regarding minimum lot size of the Planned Business Center District (PBC).
- B. Currently, 25-3-12 requires lots in the PBC district to be a minimum of 5 acres.
- C. Rockstep Capital and the City of Scottsbluff Development Services Department agreed to the proposal of removing the minimum lot size and replacing it with a minimum district size.
- D. The minimum district size would be 8 acres.
 - i. There are three PBC districts in the City. The smallest is approximately 8.5 acres.
 - 1. Uptown Scottsbluff & Kmart: Approximately 46 acres
 - 2. Main Street Market: 24 acres
 - 3. Murdochs: approximately 8.5 acres

II. STAFF COMMENTS

- A. The current 5-acre minimum lot size prohibits the creation of small outlots around the former Kmart and Uptown Scottsbluff Mall, which limits the redevelopment of both sites.
- B. There are existing lots in the three PBC districts which do not meet this 5-acre minimum.
- C. All other commercial and industrial zoning districts of the City do not have a required minimum lot size.
- D. Staff reviewed the zoning code of other Nebraska cities to find equivalents of the City's PBC district.
 - i. Lincoln has a Regional Planned Business Center in which there is a minimum district size of 30 acres. There is no minimum lot size.
- E. This zoning text change would open up land currently underutilized as parking lot to redevelopment.
- F. The 8-acre minimum prevents the creation of any existing non-conforming PBC districts as the smallest PBC district is approximately 8.5 acres.
- G. The 8-acre minimum district size is consistent with the intent of the PBC district under 25-3-12 (A).

III. STAFF RECOMMENDATION

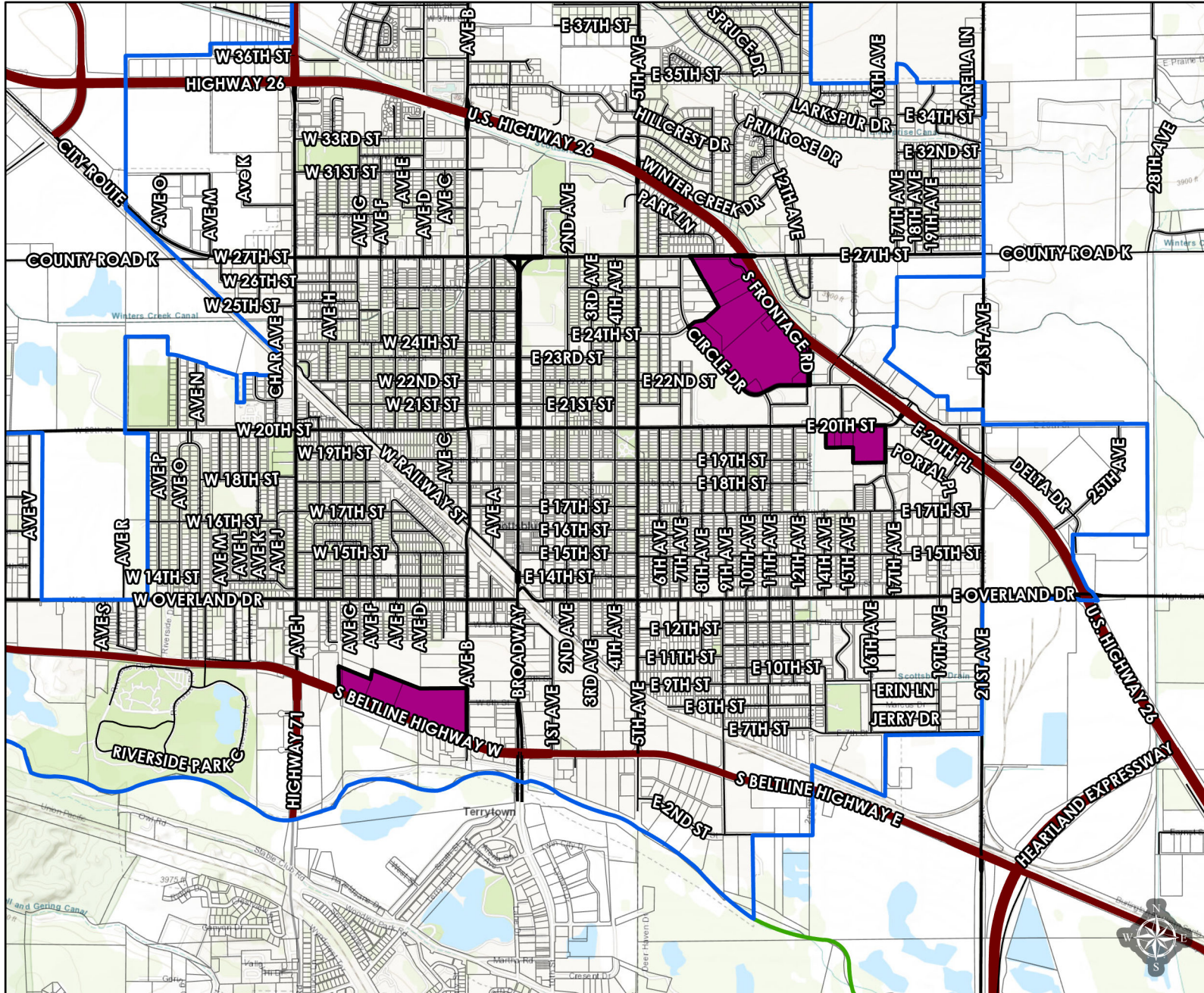
- A. Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised 25-3-12 regarding the replacement of PBC lot minimum size to PBC district minimum size.



- Corporate Limits
- Extended Jurisdiction
- Parcel Boundaries
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- Official City Zoning**
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home

Taylor Stephens
City of Scottsbluff GIS
Created on 3/31/2023
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.



- Corporate Limits
- Extended Jurisdiction
- Parcel Boundaries
- Street Centerlines**
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 12 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH PBC PLANNED BUSINESS CENTER REGULATIONS AND AMENDING THE PERFORMANCE STANDARDS THEREIN, 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 12 of the Scottsbluff Municipal Code is amended as follows:

“§25-3-12. PBC PLANNED BUSINESS CENTER.

(A) Intent. The intent of a Planned Business Center District is to:

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

(B) Principle permitted uses.

- (1) Accounting, auditing, and bookkeeping services;
- (2) Ambulance service;
- (3) Amusement centers; indoor only;
- (4) Animal clinic; indoor only;
- (5) Arts and 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 and savings and loan;
- (11) Barber and beauty shop;
- (12) Book and stationery store;
- (13) Business college and trade school;
- (14) Church;
- (15) Cleaning and laundry agency;
- (16) Clinic;

(17) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;

- (18) Community center (public);
- (19) Confectionery stores;
- (20) Convenience stores without dispensing gasoline;
- (21) Convenience stores with dispensing gasoline;
- (22) Dance, music, or voice studio;
- (23) Day care center (child care center) or preschool;
- (24) Delicatessen;
- (25) Drive-thru photo facility;
- (26) Drive-thru (fast food) restaurant;
- (27) Educational and scientific research service;
- (28) Florist;
- (29) Food store and delicatessen;
- (30) Furniture/appliance store;
- (31) Gift shop;
- (32) Grocery store;
- (33) Hardware store;
- (34) Hospital;
- (35) Insurance agency/services;
- (36) Jewelry store;
- (37) Laboratory, medical, dental, and optical;
- (38) Laundromat; self-service;
- (39) Library;
- (40) Marriage and family counseling;
- (41) Mortuary;
- (42) Multi-family dwelling units. Living quarters for watchperson of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone;
- (43) Municipal uses;

- (44) Offices; professional and service;
- (45) Permanent cosmetic facility;
- (46) Pharmacy;
- (47) Photographic studio;
- (48) Printing and blueprinting;
- (59) Professional membership organizations;
- (50) Professional schools;
- (51) Reducing/suntanning;
- (52) Restaurant, bar, and tavern;
- (53) Retail stores and services;
- (54) Service station; full service;
- (55) Service station; mixed use;
- (56) Single-family dwelling units. Living quarters for watchperson of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone;
- (57) Shoe store;
- (58) Theater; indoor;
- (59) Tire shop and recapping; and
- (60) Utility business offices.

(C) Special permit uses.

- (1) Adult bookstore: no such use shall be located within 300 linear feet of any school, public or private, place of worship, public park, day care center, child nursery, library, or residential district. No such use shall be located within 1,000 linear feet of any existing adult bookstore. No such use may be allowed in combination with the sale or consumption of alcoholic beverages;
- (2) Lodge or club;
- (3) Public utility facilities;
- (4) Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located;
- (5) Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one;
- (6) Utility plants; and
- (7) Water storage.

(D) Performance standards.

(1) Area and bulk regulations.

Use	Minimum District Size	Minimum Lot Size	Minimum Lot Width	Maximum Coverage	Maximum # Dwelling Units	Setbacks				Structure Regulations
						Front	Rear	Interior Side	Side Street	Maximum Height
Permitted Use	8 acres	No minimum	20 feet	No maximum	4(c)	25 feet or 4(h)	4(h)	4(h)	25 feet	4(b)
Accessory Building						Not Permitted	4(h)	4(h)	25 feet	4(b)

(2) Accessory building/garage; detached.

(a) A detached accessory building must be located at least ten 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 20 feet.

(3) Accessory building; attached. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event, shall meet all requirements for the main building.

(4) Design requirements.

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

(b) Buildings and structures; height. No building or structure, except for an elevator, penthouse water tower, or decorative building projection, may exceed three stories or 45 feet in height, whichever is lower.

(c) Dwellings. No building in a center may be used as dwelling except for a paid custodian, caretaker, or watchperson living in the center.

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

(e) Loading facilities. A center must provide adequate areas for motor vehicles to load or unload merchandise, materials, or equipment without interfering with the use of any public street or alley.

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

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

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

(I) Storage; outdoor; restrictions. Merchandise, materials, or equipment may not be stored in an open area except for immediate sale or temporary display not exceeding seven days.” (Ord. 4072, passed -2012; Ord. 4137, passed -2014; Ord. 4192, 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 Ordinance 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

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.

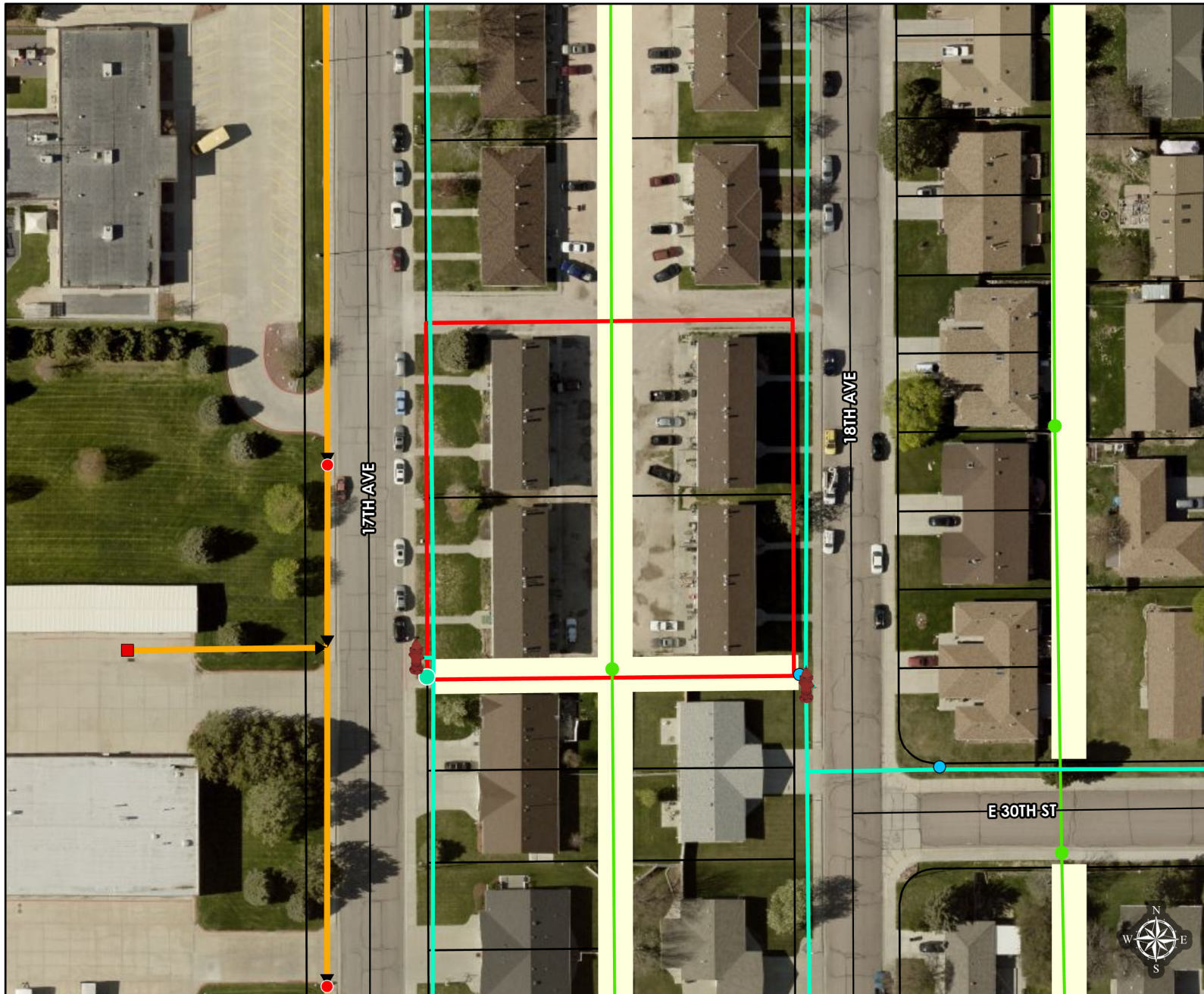
II. STAFF COMMENTS

- 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).

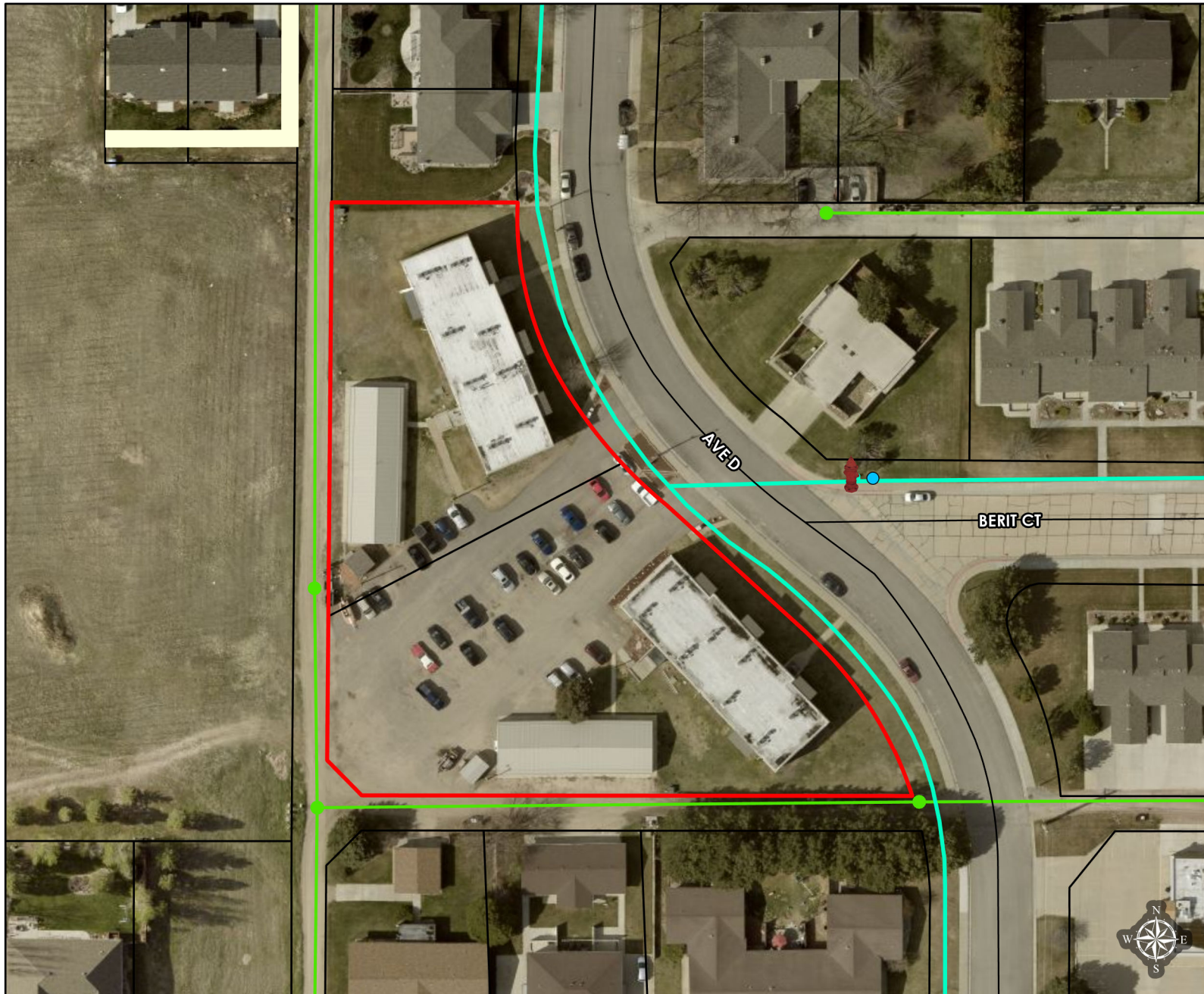


Street Centerlines

- Highway
- Main Road
- Residential/Rural
- 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.



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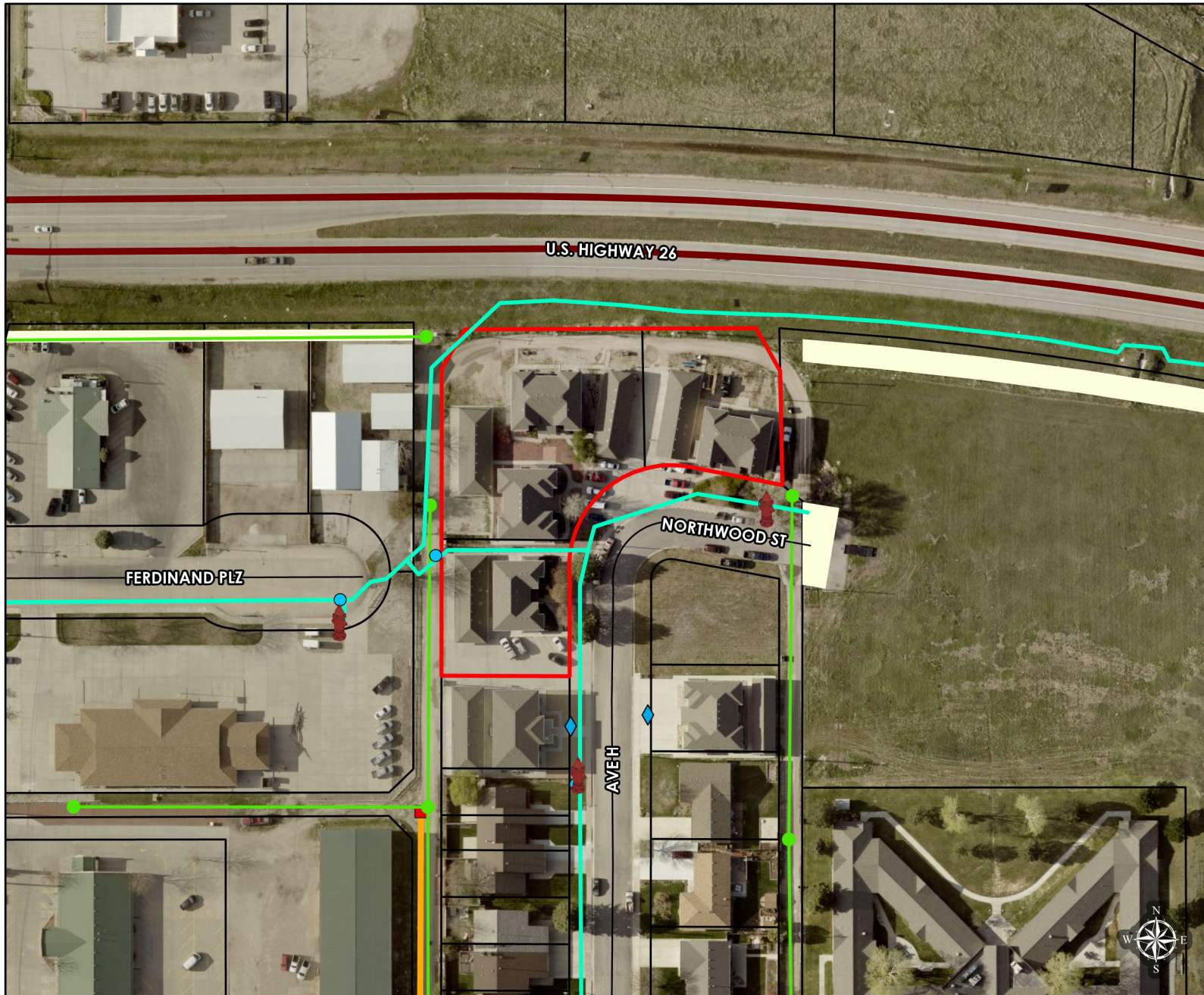
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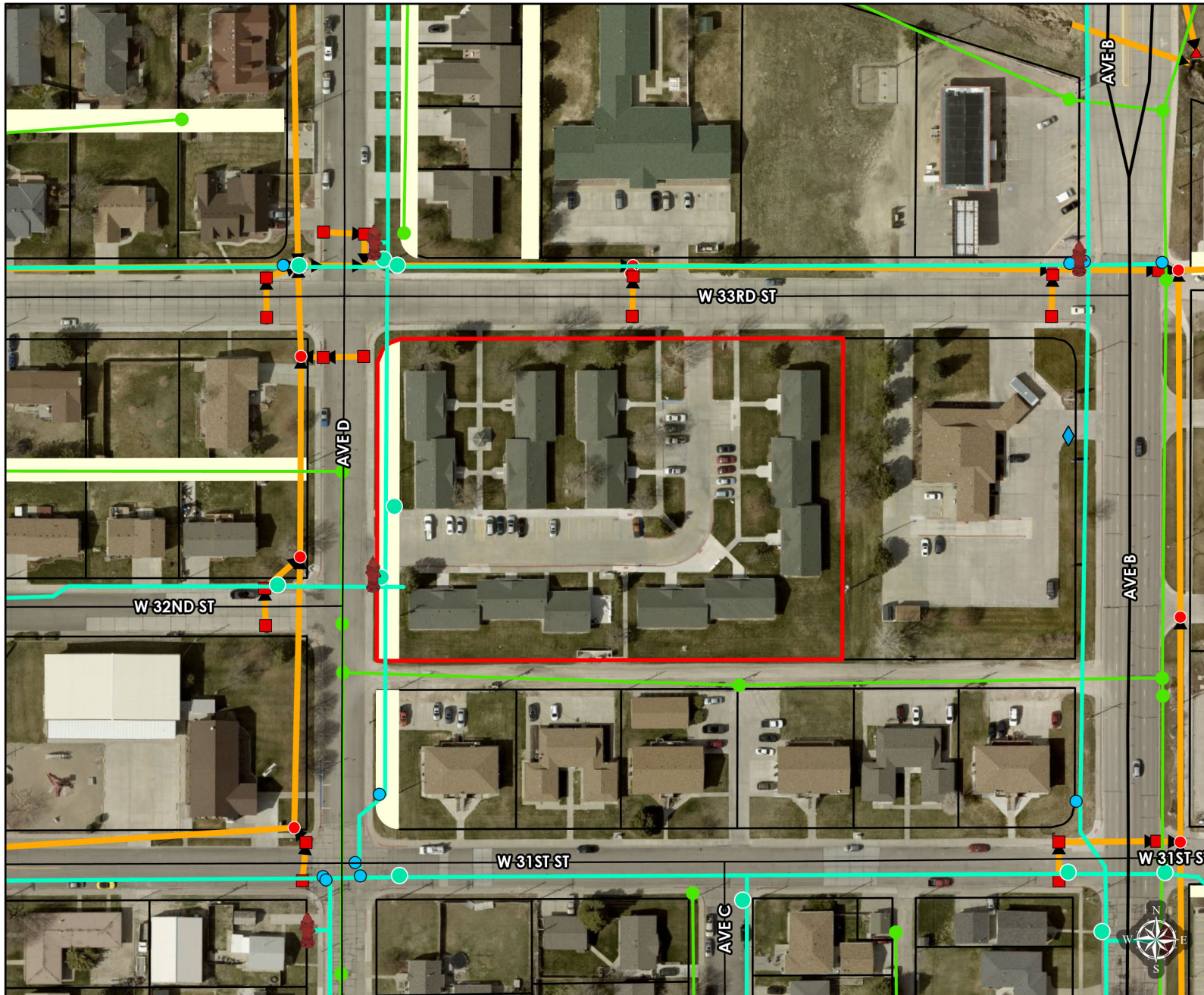
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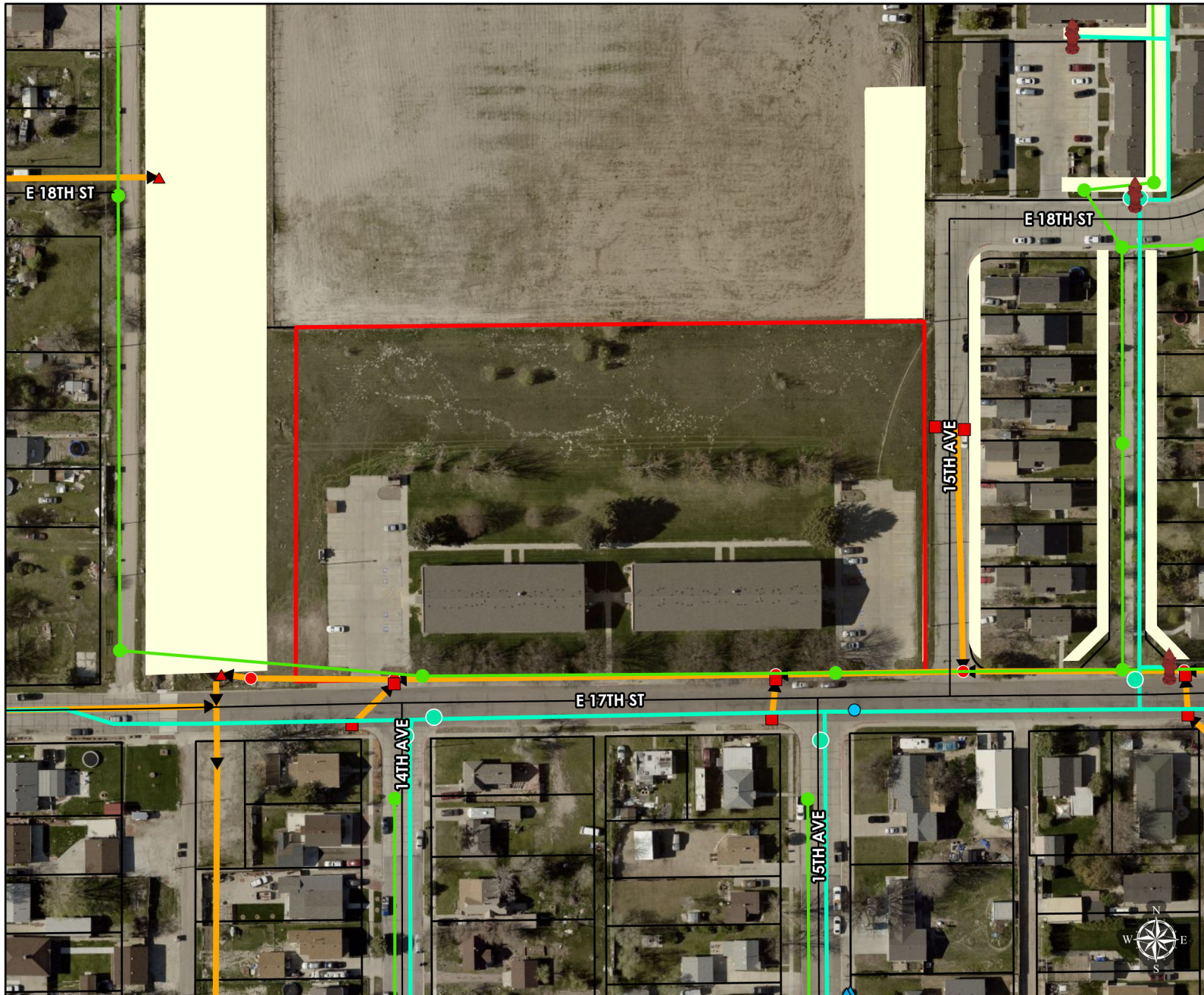
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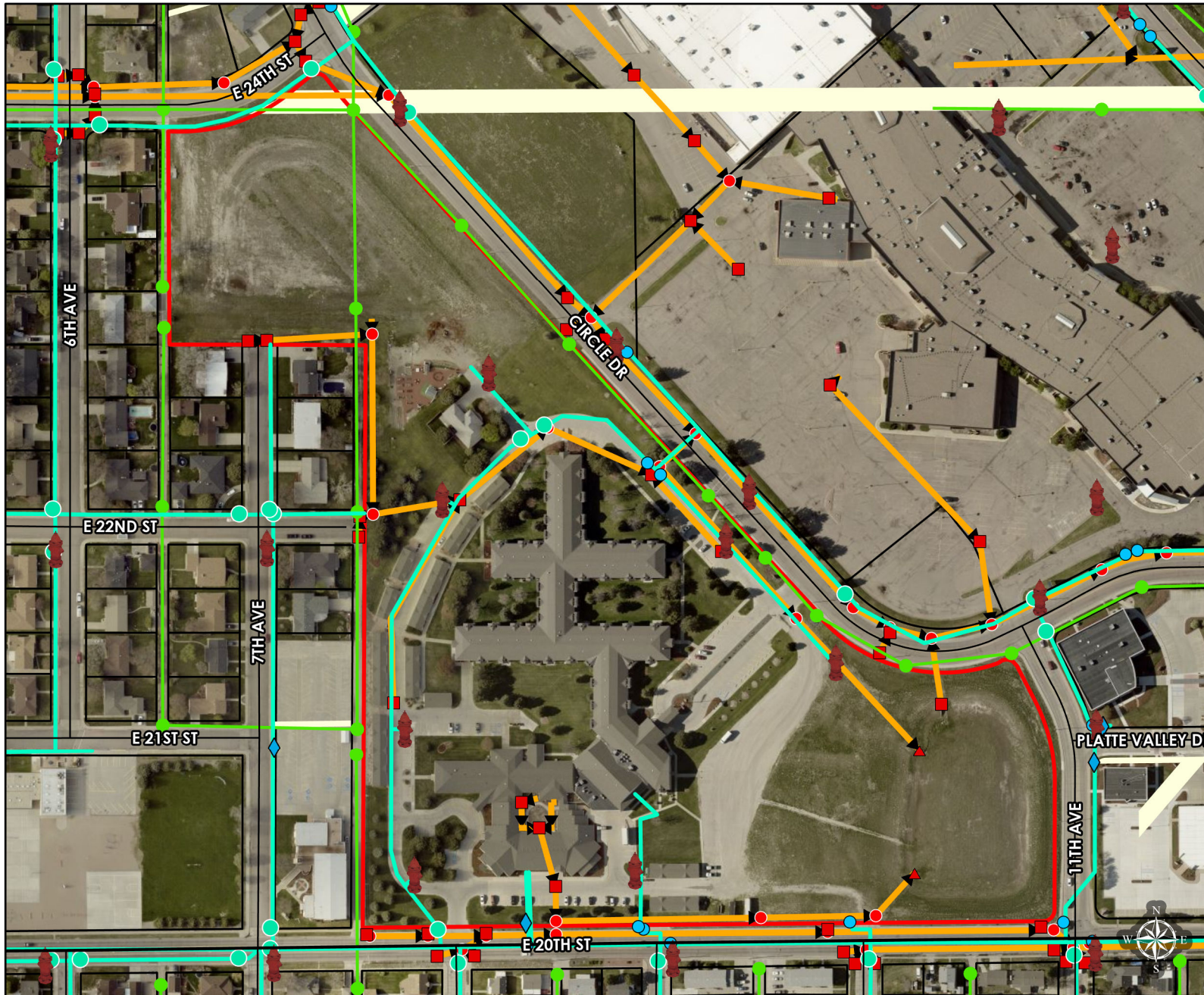
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ORDINANCE NO. _____

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

City of Scottsbluff, Nebraska

Monday, April 10, 2023

Regular Meeting

Item Staff Rep1

(Informational Only)

Staff Contact:

City of Scottsbluff, Nebraska
Monday, April 10, 2023
Regular Meeting

Item Meet1

Confirm next Meeting Date: May 8, 2023

Staff Contact: