

City of Scottsbluff, Nebraska

Monday, November 3, 2014

Regular Meeting

Item Resolut.1

Council to consider an Ordinance regarding proposed text changes to zoning districts C-2, PBC, R-1B, and R-4, regarding height requirements (third reading).

Staff Contact: Annie Folck, City Planner

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING AND REVISING CHAPTER 25, ARTICLE 3 OF THE SCOTTSBLUFF MUNICIPAL CODE AND CHAPTER 25, ARTICLE 3 PART OF THE SCOTTSBLUFF ZONING CODE TO REVISE AND AMEND SECTIONS 25-3-4, RURAL RESIDENTIAL ESTATE ZONING (R-1b), SECTION 25-3-7, HEAVY DENSITY MULTIPLE FAMILY DISTRICT (R-4), SECTION 25-3-12, PLANNED BUSINESS CENTER DISTRICT (PBC), AND SECTION 25-3-14, NEIGHBORHOOD COMMERCIAL DISTRICT (C-2), ALL RELATING TO HEIGHT LIMITATIONS BY ADDING NEW HEIGHT LIMITATIONS AND CORRECTING HEIGHT LIMITATIONS IN THE ABOVE NAMED DISTRICTS, REPEALING ALL PRIOR SECTIONS AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

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

1. Section 25-3-4, Rural Residential Estate Zone (R-1b) is amended as follows:

25-3-4. R-1b Rural Residential Estate Zone.

Intent: The intent of an R-1b rural residential estate district is to:

1. Provide for low density residential areas with larger lot sizes where the predominant uses are single family detached dwellings.
2. Protect these areas from incompatible uses.

Principle Permitted Uses.

1. Church
2. Community Center
3. Crop production and orchards
4. Family child care home
5. Home occupations
6. Irrigation facilities that are incidental to ag use on premises
7. Municipal Uses
8. Rooming/boarding house with no more than two (2) guests
9. School
10. Single family detached dwelling units

Special Permit Uses.

1. Hospital
2. Library
3. Livestock-Horses and other livestock used solely for non-business recreation of occupier are permissible in the quantity of one (1) animal per lot or, if a lot comprises one (1) acre or more, one (1) animal per each whole acre. Shelters for such animals shall be situated not less than fifty (50) feet from the property line and not less than fifty (50) feet from a residence on another lot or tract.
4. Nursery school or day care center.

5. Public utility facilities
6. Rooming/boarding house with no more than six guests
7. 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.
8. Tourist information booth
9. Utility plants
10. Water storage

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Setbacks			Side Street (ft.)	Floor	
					Front (ft.)	Rear (ft.)	Interior Side (ft.)		Area Min. (sq.ft.)	Height (ft.)
Single Family	3 acres	200	30	1	50	50	20	15	900	35'
Accessory Building						3	2	15	900	1 story
Garage						3	2	15	900	25'

2. Accessory building; detached

A. A detached accessory building must be located:

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

B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.

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

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

2. Section 25-3-7, Heavy Density Multiple Family District (R-4) is amended as follows:

25-3-7. R-4 Heavy Density Multiple Family.

Intent: The intent of an R-4 heavy density multiple family zone is to:

1. Provide for a variety of carefully designed housing types at high densities.
2. Provide for a mix of other uses consistent with the needs of the residential occupants.
3. Encourage the development of affordable housing for young families, low and moderate income families and the elderly.

Principle Permitted Uses.

1. Church
2. Community Center
3. Educational/Charitable institutions.
4. Family child care home
5. Fraternities, sororities, dormitories.
6. Home occupations
7. Multi-family dwelling units
8. Municipal Uses
9. Rooming/boarding house with no more than two (2) guests
10. School
11. Single family detached dwelling units
12. Two family dwelling

Special Permit Uses.

1. Cluster housing, condominiums and townhouses provided all planned unit development standards are met pursuant to Article 7 and the density does not exceed the density level permitted in the zoning district in which the planned unit development is proposed to be located.
2. Crop production & orchards
3. Hospital
4. Irrigation facilities that are incidental to agricultural use of the premises.
5. Library
6. Lodge/club.
7. Nursery school or day care center.
8. Public utility facilities
9. Rooming or boarding house for not more than six (6) roomers or boarders.
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 in which it is located.

11. Tourist information booth
12. Utility plants
13. Water storage

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Setbacks					Side Street	Floor Area (sq. ft.)	Maximum Height (ft.)
					Front (ft.)	Rear (ft.)	Interior (ft.)	Side (ft.)	Side Street			
Single Family	7,000	70	50	1	25	25	5	12.5				35
Two Family	7,000	70	50	2	25	25	5	12.5	600/DU			35
LD Multi Family	7,000	70	50		25	25	5	12.5	400/DU			35
HD Multi Family	7,000	70	A		25	25	B	B	A			70
Accessory Building							3	2	12.5	900	1 story	
Garage (MF)								3	2	12.5	300/DU	18
Garage (SF)							3	2	12.5	900	1 story	18

A. Minimum floor area per dwelling unit and maximum lot coverage:

<u>Minimum Floor Area</u>	<u>Maximum Lot Coverage</u>
500 sq. ft.	70% lot coverage
450 sq. ft.	76% lot coverage
400 sq. ft.	60% lot coverage
350 sq. ft.	55% lot coverage
300 sq. ft.	45% lot coverage

B. The minimum side yard setback is five (5) feet for buildings and structures not more than three stories high. For buildings more than three (3) stories high, the required minimum side yard setback is increased one foot for each additional story over three (3). Provided, in the case of a residential building extending across a common interior lot line of abutting lots which are in common ownership, the above minimum side yard setback requirements do not apply to such lot line, but there shall be a minimum side yard setback of (1) five (5) feet from the lot line on the opposite side of each of the lots in zones R-1, R-1a, R-1b, and (2) ten (10) feet from the lot line on the opposite side of each of the lots in zones R-4 and OP.

C. If buildings have been built on lots which comprise more than twenty-five (25) percent of the front footage of any block, no building or structure may be built or structurally altered which projects beyond the average front yard setback already established.

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

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

2. Accessory building/garage; detached

A. A detached accessory building must be located:

- (1) to the rear of the main building,
 - (2) at least ten (10) feet from the main building, or a distance of at least five (5) feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the International 1&2 Family Dwelling Code Section 309.2, which has been adopted by this Municipal Code, provided a detached accessory building constructed prior to June 26, 1974, to the rear of and at a distance not less than five (5) feet from the main building shall not be deemed to be in violation of this requirement;
 - (3) at least three (3) feet from the rear lot line if the lot line is a common lot line abutting a lot;
 - (4) at least two (2) feet from the interior side lot line; provided, this requirement shall not apply where the interior side lot lines is over which the main building extends. If the lot abuts a side street, an accessory building must comply with the setback requirements applicable to the lot or tract of land upon which the main building is located. Setbacks shall be measured from the nearest eave of the building or buildings.
 - (5) Minimum rear yard setback to a garage with an alley entrance shall be five feet (5').
- B. The setback from a side street line must be at least five (5) feet. Provided, further, a garage with access from a side street must be set back from the right-of-way line of such street a distance of at least twenty (20) feet. The setbacks herein referred to shall be measured from the nearest wall of the garage, except the setback from the side street line, which shall be measured from the nearest eave. (Ord. 3985, 2009)

3. Section 25-3-12, Planned Business Center District (BPC) is amended as follows:

25-3-12. PBC Planned Business Center.

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

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

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Arts & crafts studio
6. Automated or coin-operated car wash
7. Bakery or bakery goods store
8. Bank automated teller facilities, outdoor
9. Bank automated teller facilities, indoor
10. Bank & savings & loan

11. Barber, beauty shop
12. Book & stationary store
13. Business college, trade school
14. Church
15. Cleaning, laundry agency
16. Clinic
17. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
18. Community center (public)
19. Confectionery stores
20. Convenience stores w/o dispensing gasoline
21. Convenience stores with dispensing gasoline
22. Dance, music or voice studio
23. Day care center (child care center) or preschool
24. Delicatessen
25. Drive-thru photo facility
26. Drive-thru (fast food) restaurant
27. Educational and scientific research service
28. Florist
29. Food store, delicatessen
30. Furniture/appliance store
31. Gift shop
32. Grocery store
33. Hardware store
34. Hospital
35. Insurance agency/services
36. Jewelry store
37. Laboratory, medical, dental, optical
38. Laundromat, self-service
39. Library
40. Marriage and family counseling
41. Mortuary
42. Multi-family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
43. Municipal Uses
44. Offices, professional and service
45. Pharmacy
46. Photographic studio
47. Printing & blueprinting
48. Professional membership organizations
49. Professional schools
50. Reducing/Suntanning
51. Restaurant, bar, tavern
52. Retail stores and services

- 53. Service station-full service
- 54. Service station-mixed use
- 55. Single family dwelling units. Living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
- 56. Shoe store
- 57. Theater, indoor
- 58. Tire shop, recapping
- 59. Utility business offices

Special Permit Uses.

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

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Setbacks Rear (ft.)	Interior Side (ft.)	Floor Side Street (ft.)	Maximum Area (sq.ft.)	Height (ft.)
Accessory Building	5 acres	See below		none						*
Garage						12.5				

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

- 2. Accessory building/garage; detached
 - A. A detached accessory building must be located at least ten (10) feet from the main building
 - B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
- 3. Accessory building, attached.

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

4. Design Requirements:

Buffer strips; R Zones.

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

Buildings, structures; height.

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

Dwellings.

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

General design.

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

Loading facilities.

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

Location.

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

Off-street parking.

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

Setbacks.

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

Storage; outdoor; restrictions.

Merchandise, materials or equipment may not be stored in an open area except for immediate sale or temporary display not exceeding seven (7) days.(Ord. 4072, 2012)

4. Section 25-3-14, Neighborhood and Retail Commercial District (C-2) is amended as follows:

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
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
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. Emergency shelter
4. Hardware stores selling lumber
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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	Setbacks			Floor Side Street (ft.)	Maximum Area (sq.ft.) PRTFA	Maximum Height (ft.)
					Front (ft.)	Rear (ft.)	Interior Side (ft.)			
Garage	None	-	-	C or 25	A	B	12.5 12.5			35'
Minimum Lot Area / Dwelling Unit - 2,800 sq.ft.										
Hotels and Apartments-Except with Special Permit Use										
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.(Ord 3965, 2008; Ord. 3985, 2009)

Section 5. Previously existing Sections 25-3-4; 25-3-7; 25-3-12; and 25-3-14 and sections of the Scottsbluff Municipal Code inconsistent herewith are now repealed.

Section 6. This Ordinance shall become effective upon its passage and approval as provided by law.

PASSED AND APPROVED on _____, 2014.

Mayor

ATTEST:

City Clerk (Seal)

Approved by:

City Attorney