



**SCOTTSBLUFF CITY**  
**PLANNING COMMISSION AGENDA**  
**Monday, February 9, 2015, 6:00 PM**

PLANNING  
COMMISSIONERS

BECKY ESTRADA  
CHAIRPERSON

ANGIE AGUALLO  
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN  
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**  
**A Minutes**  
Approve Minutes of January 14, 2014
- 7. NEW BUSINESS:**  
**A Gateway Greenway Ordinance**  
Ordinance: Text changes to GGO Zoning District  
Applicant(s): N/A  
Owner(s): N/A  
Location: N/A  
**B Ordinance Floodway**  
Ordinance: Floodway text changes  
Applicant(s): N/A  
Owner(s): N/A  
Location: N/A  
**C Ordinance text changes in C-1 Zoning**  
Ordinance: C-1 Central Business District  
Applicant: N/A  
Owner(s): N/A  
Location: Broadway 14th St north to 20th St.
- 8. ADJOURN**

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

**City of Scottsbluff, Nebraska**  
**Monday, February 9, 2015**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve Minutes of January 14, 2014*

Staff Contact: Annie Urdiales

**Planning Commission Minutes  
Regular Scheduled Meeting  
January 12, 2015  
Scottsbluff, Nebraska**

6 The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on  
7 Monday, January 12, 2015, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff,  
8 Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general  
9 circulation in the City, on January 3, 2015. The notice stated the date, hour and place of the meeting, that  
10 the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation  
11 to attend the Planning Commission meeting should contact the Development Services Department, and  
12 that an agenda of the meeting kept continuously current was available for public inspection at  
13 Development Services Department office; provided, the City Planning Commission could modify the  
14 agenda at the meeting if the business was determined that an emergency so required. A similar notice,  
15 together with a copy of the agenda, also had been delivered to each Planning Commission member. An  
16 agenda kept continuously current was available for public inspection at the office of the Development  
17 Services Department at all times from publication to the time of the meeting.

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

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

28 **ITEM 3:** Acknowledgment of any changes in the agenda: None.

30 ITEM 4: Business not on agenda: None

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

34 **ITEM 6:** The minutes of December 8, 2014 were reviewed and approved. A motion was made to accept  
35 the minutes by Weber, and seconded by Westphal. “YEAS”: Westphal, Zitterkopf, Weber, Chadwick,  
36 and Aguallo. “NAYS”: None. ABSTAIN: None. ABSENT: Gompert, Wayman, Huber and Estrada.  
37 Motion carried

39 NOTE: Becky Estrada arrived at 6:10 p.m. and took over as Chairman

41 **ITEM 7A:** The Planning Commission opened a public hearing for proposed ordinance text changes in  
42 Chapter 21 of the City's Subdivision code. Annie Folck, City Planner, addressed the Planning  
43 Commission and outlined the proposed changes to the code. The proposed changes are as follows:

**Section 21-1-21** - Current code refers to "Master Street plan," which does not currently exist.  
*Changed to refer to Future Street Extensions map which already exists in our Comp plan.*

**Section 21-1-27** - Current code states that areas outside of City Limits but within Extraterritorial Zoning Jurisdiction are required to make improvements when subdivided. *Changed to state that areas within designated areas set forth in the Comp plan may not be required to make improvements when subdivided.* This will accommodate the desire for large lots with individual wells and septic systems while ensuring that they are not placed in areas which will cut off future growth for the City.

52       **Section 21-1-34** - Current code states that the City Planner may waive the requirement for  
53 paving. *Changed to state that the planner may only do so in areas that are designated within the*  
54 *Comp plan.* This keeps this section of code consistent with the changes in section 21-1-27  
55

56       Annie Folck also discussed a map which will go along with these text changes. The map will show the  
57 areas in town which will allow for large lot development in the City's extra territorial areas. Three areas  
58 shown on the map one is east of 28<sup>th</sup> Avenue between 27<sup>th</sup> and 42<sup>nd</sup> Street to the airport line. Second one  
59 is west of County Road 19 and between Riverview Golf course and Highway 26. The other area  
60 identified is half a mile west of Highway 71 and north of Highway 92. This map is not set in stone and  
61 changes can be made as we update our comprehensive development plan.  
62

63       The map will be adopted into the Comprehensive development plan which outlines the areas in which  
64 engineering consultants believe large residential lots could be allowed to develop without impeding future  
65 growth for the City. Along with the code changes in Chapter 21 of the City Subdivision code.  
66

67       Discussion regarding what other cities require for large lot development, other cities require that dry  
68 infrastructure be put in place along with well and septic fields for this type of development. The City's  
69 new economic development plan may have ways that the City can possibly extend infrastructure in the  
70 future with trunk lines.  
71

72       **Conclusion:** A motion was made by Weber and seconded by Westphal to approve the proposed text  
73 changes to Chapter 21, Article 1 of the Scottsbluff municipal code dealing with subdivisions and  
74 improvements required, amending 21-1-21, 21-1-27, and 21-1-34 of the subdivision code. **"YEAS":**  
75 Weber, Chadwick, Zitterkopf, Aguallo, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** None.  
76 **ABSENT:** Gompert, Wayman, and Huber. Motion carried.  
77

78       **ITEM 7B:** The Planning Commission opened a public hearing for a map amendment addition to the  
79 comprehensive development plan. This map will work with the language in the above stated ordinance  
80 changes regarding large lot development in the City's extra territorial area.  
81

82       **Conclusion:** A motion was made by Weber and seconded by Westphal to make a positive  
83 recommendation to City Council to approve the amendment map addition to the comprehensive  
84 development plan for areas to allow large lot development in the City's extra territorial jurisdiction.  
85 **"YEAS":** Weber, Chadwick, Zitterkopf, Aguallo, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:**  
86 None. **ABSENT:** Gompert, Wayman, and Huber. Motion carried.  
87

88       **ITEM 7C.** The Planning Commission opened a public hearing for the 2015 One and Six Year Street  
89 Plan. Mark Bohl, Director of Public Works, addressed the Commission. The projects that are listed  
90 include work that is being projected for this construction season as well as other street improvement  
91 projects that go out to the next six years. Number one on the list this year is 12th Avenue and Wintercreek  
92 Drive in the Reganis Subdivision these should be done by the end of this year. Number two is to install  
93 left turn lanes on 27th St. and 2nd Ave. Number three through eight are in the Five Oaks Subdivision and  
94 include extending Five Oaks Drive to the west 140'Pine Circle; the others projects are streets that were  
95 approved last year with the Revised Five Oaks preliminary plat.  
96

97       **Conclusion:** A motion was made by Aguallo and seconded by Zitterkopf to make a positive  
98 recommendation to City Council to approve the 2015 One and Six Year Street Plan **"YEAS":** Weber,  
99 Chadwick, Zitterkopf, Aguallo, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:**  
100 Gompert, Wayman, and Huber. Motion carried.  
101

102 **7D:** The Planning Commission opened a public hearing regarding City parking lots. The Business  
103 Improvement Board met on November 19, 2014 and recommended that two parking lots be sold. The  
104 BID Board discussed and made recommendations on Parking lot # 2 which is located on the northwest  
105 corner of 2nd Avenue and 17th Street; it is not included in the Business Improvement District. Valley  
106 Bank is to the east and a law firm is north of the parking lot, the City has been maintaining this lot  
107 without funds from the BID, the lot is mostly used by the two businesses. This parking lot is in need of  
108 repairs estimated at \$40,000; this does not include routine maintenance. The other parking lot  
109 recommended for sale is Parking lot # 15 which is located north of 19th Street and east of Avenue A, this  
110 lot was previously a residential lot which had the home removed and relocated through CDBG, and the  
111 City then converted the lot into a parking lot. The lot is 50' wide and has sidewalk areas on each side of  
112 the lot making it difficult for larger vehicles to park. It also has two brick walls with areas for plants;  
113 these were originally planted with shrubs but the plants have not been maintained. This parking lot is  
114 used by a few businesses that front Broadway, and the apartment building to the south. A suggestion was  
115 made that possibly the apartment owner may be interested in buying for private use or maybe the two  
116 businesses to the north and south would be interested in this lot.

117

118 **Conclusion:** A motion was made by Westphal and seconded by Zitterkopf to make a positive  
119 recommendation to City Council to sell Parking lots # 2 and # 15. "YEAS": Weber, Chadwick,  
120 Zitterkopf, Aguallo, Westphal, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Gompert,  
121 Wayman, and Huber. Motion carried.

122

123 **7E:** The Planning Commission discussed updating areas in the zoning and subdivision codes regarding  
124 addition of language and requirements for Doggie Daycare and allowing for Condominiums in the C-1  
125 Central Business District (Broadway) would also change the number from four units to one to four units.  
126 These changes will be brought to the Planning Commission at a later meeting.

127

128 Staff also reminded the Commission about the annual NPZA/APA conference which will be held on  
129 March 11, 12, and 13<sup>th</sup> this year. The conference will be held in Kearney, all Commissioners are eligible  
130 for scholarships. If anyone is interested let Annie U.

131

132 **ITEM 8. Unfinished Business:** Discussed attendance requirements for the Planning Commission  
133 members we would like to have each Planning Commissioner attend at least 75% of the meetings. We  
134 will review rules and regulations and if necessary draft language to add to them. We want to make sure  
135 we have a quorum for our meeting and that the members are aware of what is discussed and approved at  
136 previous meeting.

137

138 There being no further business, a motion to adjourn was made by Weber and seconded by Westphal. The  
139 meeting was adjourned at 7:45 p.m. "YEAS": Gompert, Wayman, Weber, Westphal, Chadwick,  
140 Zitterkopf, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Huber. Motion  
141 carried.

142

143

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Becky Estrada, Chairperson

146

147 Attest: \_\_\_\_\_

148 Annie Urdiales

**City of Scottsbluff, Nebraska**  
**Monday, February 9, 2015**  
**Regular Meeting**

**Item NewBiz1**

**Gateway Greenway Ordinance**

*Ordinance: Text changes to GGO Zoning District*

*Applicant(s): N/A*

*Owner(s): N/A*

*Location: N/A*

**Staff Contact: Annie Folck**

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** February 9, 2015  
**Subject:** Proposed Ordinance Text Changes to Gateway Greenway Overlay zone (25-3-22.1)

### **Procedure**

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

**Public Notice: This item was noticed in the paper**

### **Background**

City Staff has the final draft of the proposed changes to the Gateway Greenway Overlay zoning district that were presented to the Planning Commission last year in June. Most of the changes are requirements for landscaping in commercial development in the Gateway Greenway Overlay zoning area. Staff has met with legal on the proposed changes and a draft ordinance is attached for your review.

### **RECOMMENDATION**

#### ***Approve***

Make the motion to give a POSITIVE recommendation for the requested zone text change of Gateway Greenway Overlay Zone, code section 25-3-22.1 to the City Council subject to the following condition(s):

#### ***Deny***

Make the motion to give a NEGATIVE recommendation for the requested zone text change of the Gateway Greenway Overlay Zone, code section 25-3-22.1 to the City Council for the following reason(s):

#### ***Table***

Make the motion to TABLE the request for zone text change of the Gateway Greenway Overlay Zone, code section 25-3-22.1 for the following reason(s):

Request, Page 1

Use	Minimum Lot Size (sq ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior Side (ft.)	Side Street (sq.ft.)	Floor Area (ft.)	Maximum Height
none	-	A	none		A	A	A	SP	A	

SP = special permit

- A. No height and area regulations are specified for a F Zone. Preliminary and final site plans must be submitted to the Commission for review and approval.
- 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. 3951, 2007)

### **25-3-22.1. GG-O Gateway Green Overlay Zone (GG-O).**

#### **Purpose.**

The Gateway Green Overlay (GGO) Zone is intended to:

- A. Promote the general health, safety and welfare of the community
- B. Create a sense of continuity throughout the corridor with harmonious design standards for public improvements and private property development.
- C. Preserve and enhance the historical attractions and landmarks of Scottsbluff and the surrounding area.

#### **Design Guidelines**

The GGO Zone is an overlay zone that supersedes those of any other zoning district to which a tract of land may be subject and shall be read together and incorporated with the Landscaping Article of this Chapter found at Section 25-22-1 through 25-22-10 of the Municipal Code, referred to as the "Landscaping Article". All new development and redevelopment must conform to the design guidelines. All plans shall be reviewed and approved for design, landscaping and architectural detail and compatibility. No design plans that have been approved by the Planning Commission may be altered without approval of the planning commission.

#### **Boundaries**

The GGO Zone shall consist of all land located within one thousand feet measured perpendicular from the right-of-way of the following transportation corridors:

- A. U.S. Highway 26, extending from the East Extraterritorial Boundary to the West Extraterritorial Boundary
- B. Highland Road, extending from the intersection with Airport Road to the intersection with U.S. Highway 26
- C. McClellan Expressway (East Bypass Highway 71) from the North Platte River to its intersection with U.S. Highway 26,

D. Broadway Avenue from the North Platte River to its intersection with South Beltline Highway

E. Avenue I from the North Platte River to its intersection with South Beltline Highway

F. Highway 71 from the intersection with Highway 26 to the north Extraterritorial Boundary

G. Highway L-79-G (West 20<sup>th</sup> Street extended) from the west Extraterritorial boundary to the West corporate limits of the city.

#### **Development Action**

There shall be no development action within the GGO Zone without permission of the Planning Commission. Any person or entity desiring a development action within the GGO Zone must submit plans to the Planning Commission for review and approval.

#### **Development Standards**

The development standards were formulated to create a visually pleasing GGO Zone and to convey the values of the City of Scottsbluff.

##### **A. Signs**

1. Monument Signs - One ground sign, monument type with a maximum height of 6' shall be permitted on each lot. Total area of sign not to exceed 250 square feet. Sign structure materials shall be comparable with materials used on the facade of the principal building.
2. Wall Signs and Marquee Signs – One wall sign or marquee sign shall be permitted per building side.
3. One 25' pole sign will be allowed in the GGO zone per development.
4. Other signs may be permitted, in the sole discretion of the Planning and Development Director, if the sign is small in scale, is directional in nature and meets the intent of this section.

##### **B. Lighting**

1. Lighting on private property shall be in harmony with poles and lanterns within specified corridors. Lights shall provide safe and efficient lighting and be without glare for pedestrians and motorists passing by. All lighting shall be designed to avoid intrusion on adjacent properties and adjacent roads.

##### **C. Overhead lines**

1. Eliminate the need for power cables by burying cables underground.

##### **D. Parking Lot Design**

1. All parking areas shall be paved to meet current ordinance requirements, including those in the Landscaping Article.
2. All developments shall have off-street parking.
3. Parking areas over 50 spaces shall include landscape islands. All landscape islands shall have a minimum of 100 square feet of open ground and at least 300 cubic foot of good soil rooting volume for each tree. One half of all landscape islands must include a deciduous canopy tree. Understory plantings of shrubs/perennials/groundcover shall be durable and able to withstand foot traffic and frequent breakage from pedestrian traffic. Landscape islands shall be evenly distributed to the maximum extent possible.
4. Parking areas should be placed between or behind buildings unless lot layout does not allow. If layout does not allow for parking between or behind buildings then conceptual parking design may be approved by the Planning Commission.

5. All parking areas visible from the transportation corridors shall have a complete visual buffer of 4' minimum height.
6. Where parking lots abut adjacent residential zoned areas a buffer yard of 20' minimum is required.

E. Landscaping and Screening Standards

Landscaping is critical in creating a visually pleasing appearance of the transportation corridors in the City of Scottsbluff. Landscape design and development shall be priority in the planning process. To the extent reasonably feasible, all landscape plans shall be designed to incorporate water conservation materials and techniques in order to comply with each of the xeriscape landscaping principles listed below. Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed covered or infested surfaces or any landscaping that does not comply with the standards of this section. See appendix A for recommended species.

1. Xeriscape landscaping principles are as follows:
  - a. Design. Identify zones of different water requirements and group plants together that have similar water needs;
  - b. Appropriate use of Turf. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs;
  - c. Low-Water-Using Plants. Choose low-water-demanding plants and turf where practicable;
  - d. Irrigation. Design, operate and maintain an efficient irrigation system. Drip irrigation shall be used in all landscape beds, If sprinklers are used for turf, no water shall be sprayed over sidewalks, streets or park lots. Areas of low water use landscaping may be included but must be indicated on the plans. Irrigation water must be available for the initial two years after planting to establish low-water use landscapes;
  - e. Soil Preparation. Incorporate soil amendments before planting;
  - f. Mulch. Add mulch to planting beds to a minimum depth of 3" around trees and shrubs and 1" around perennials and ornamental grasses. Organic mulch is preferred, Rock mulch may be used only if pre-approved by the Planner;
  - g. Maintenance. Provide regular and attentive maintenance.
2. Screening
  - a. All loading and service areas that are within a 50' of a side or rear lot line abutting property that is residentially zoned shall be surrounded by a 6' high masonry wall or solid wood or PVC fence with opaque gate.
  - b. Waste receptacles, including dumpsters, garbage cans, or grease containers shall be located in the rear or side yard of lot and no more than 20' from residentially zoned areas. All waste receptacles shall be screened from view from all property lines and public areas of the site by a minimum 6' high evergreen planting, masonry wall, wood or PVC fence.
  - c. Rooftop mechanical equipment, including HVAC and utility equipment shall be screened from adjacent streets, sidewalks, residential, public and institutional uses. Screening shall consist of parapet walls or an opaque

- enclosure around the equipment that is constructed of one of the materials used on the primary facade of the principal structure.
- d. Ground or wall mounted mechanical equipment such as HVAC equipment, transformers, generators, and gangs of multiple utility meters shall be screened from adjacent streets, sidewalks, residential, public and institutional uses. Screening shall consist of evergreen planting masonry wall, wood or PVC fencing or other opaque enclosure around the equipment that is constructed of one of the permanent and durable materials used on the primary facade of the building. The height of the planting or fence shall be sufficient to effectively screen the equipment from view.
- e. Outdoor storage shall be prohibited.
3. Buffer Yards
- a. Developed for the purpose of providing an effective visual screen between two dissimilar uses.
- b. Buffer Yards shall be required along and inside the property line of commercial property abutting a residentially zoned property.
- c. Buffer Yards shall be 20' minimum in depth and shall meet the following criteria:  
Be planted with a staggered double row of evergreen trees at least 6' in height, or be planted with a single row of deciduous shade trees 2" caliper trunk minimum and two staggered rows of evergreen shrubs at least 3' in height, planted a maximum of 4' on center.
- d. If a 6' high solid wood or PVC fence or masonry wall is incorporated into the design the buffer yard may be reduced by 10'. Finished side of fencing will face abutting property. A row of evergreen trees at least 6' in height, or a single row of deciduous shade trees 2" caliper trunk minimum and a staggered row of evergreen shrubs at least 3' in height, planted a maximum of 4' on center must accompany the fence.
4. Maintenance of Buffer Yard
- a. The buffer yard shall be maintained so as to provide an effective visual screen. If plant material shall die or be removed such that the buffer yard no longer functions, the plant material shall be replaced by the property owner.
5. Landscaping
- a. Building Perimeter Walls
1. Shrubs shall be planted within 10' of the foundation of the primary structure along each building facade at a density that will obscure X% of the building foundation after 5 years. the rate of at least 20 shrubs per 100 linear feet of building facade except for sides or rear of building used for loading or service area.
- b. Along each street frontage there shall be, at a minimum, 10' wide landscape strip, continuous along the frontage except for the perpendicular crossings for driveways and utilities. The landscape strip shall be planted with shade trees at a rate of one per 40' of linear frontage or evergreen trees at a rate of one per 20' of linear frontage. Evergreens may only be planted if planting bed is a minimum of 20 feet wide. Trees may be spread irregularly in informal

groupings or be uniformly spaced, as consistent with large overall planting patterns and organization. Trees shall be spread a minimum of 15' apart for large shade trees and evergreens, and a minimum of 10' apart for small ornamentals (list provides). Grouping of trees may be no more than 150' apart. The space between the trees should be planted and maintained to aid the health and growth of the trees. There must be a maintained, non-turf grass landscape bed under and around trees, to be a minimum of 40 square feet per large shade tree or evergreen and 30 square feet per small or medium tree. The landscape zone must be planted to appropriate and compatible shrubs or herbaceous grasses or perennials to cover at least 50% of the bed. The remainder may be mulch. Organic mulch should be used if possible. Screen standards shall comply with Sections 25-22-7 and 25-22-8 of this Code. Where overhead wires exist directly over tree planting area, small ornamental trees shall be substituted for required shade trees at an equal number.

- c. Plant material, wall or fencing in any required landscaped area shall not obstruct the view from the off street parking facility to any driveway approach, street, alley or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.
- d. Storm water retention ponds shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.
  - 1. Retention basins should be "free form" following the natural contours of the land. If land lacks contour, the basins shall be created to look like a natural depression. Side slopes should vary to give the appearance of a natural condition.
  - 2. Trees and shrub groupings shall be planted intermittently along the ridge of the retention pond to create the appearance of the plants naturally occurring.
  - 3. Approved erosion control measures will be required on all slopes. Use of Inorganic landscape materials is prohibited. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials such as stone or decorative pavers, may be used provided that such material does not compromise more than 25% of the minimum required landscaped area. When calculating the area to determine how much inorganic material may be used, the area of driveways and walkways shall not be counted. Loose rock and cobblestones shall not be permitted within any required landscaped area which is within 10' of a traveled street surface.
- e. Minimum Tree and Shrub Sizes
  - 1. All deciduous shade trees shall be a minimum 1 1/2 " caliper measured 12" from above the root ball.
  - 2. All evergreen trees shall be a minimum 5' in height measured from the top of the root ball to the top of the tree.

3. All ornamental deciduous trees shall be a minimum 1 ½" caliper measured 12" from above the root ball.
  4. Shrubs shall be two gallon size or greater or 15" in height if balled or burlapped.
  5. All perennials and ornamental grasses shall be 1 quart size or greater.
- f. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistently with this section and the approved landscaping plan for the project.

F. Minimum Species Diversity.

To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and expansive monocultures are prohibited. The following minimum requirements shall apply to any development plan.

Number of trees on site
Maximum percentage of one species
10-19: 33%
30-39: 25%
40 or more: 15%

G. Use of Approved Species.

Regionally native plants should be used when possible to help aid biodiversity and convey a sense of place with the natural context of our community. Ninety percent (90%) of all required trees planted must be from the approved list provided in Appendix A.

H. Redevelopment.

In the event any property owner or occupant owning or possessing property located within the GGO overlay zone commences a remodel or redevelopment project, the cost of which exceeds \$100,000.00 based upon the building permit issued by the City's Planning and Development Department, upon property that does not then meet the requirements of this section then the property owner or occupant will be required to spend 3% of any remodel or redevelopment project toward bringing the property and landscaping up to the development standards in this section. Once the property and landscaping meet the requirements of this section, the property owner or occupant will no longer have to spend a portion of the remodel or redevelopment project to make improvements in order to comply with this section. In addition, if the property owner or occupant is able to show they are unable to bring the property into compliance because of the property's topography or features, then the property owner or occupant may appear before the City's Planning Commission to explain why they cannot comply. If the Planning Commission finds the property owner or occupants are unable to comply with the requirements of this section for the reasons stated above, then it may excuse the property owner or occupant from attempting to comply and instead allow them to pay an amount equal to 3% of their project directly

to the City for use by the City on Gateway Green projects within the GGO overlay zone or other Gateway and Green projects on City improvements or parks.

#### Definitions

1. Buffer Yard: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
2. Gateway: An intersection designated as an entrance into the city or into the downtown area that is planned for additional design elements to "announce" the arrival to a special place.
3. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
4. Storm Water Retention Ponds: Ponds or basins designed to hold rain water that has run off the surrounding landscape of lawns, roads, and rooftops.
5. Evergreen Planting: Dense planting of evergreen plant material that creates an opaque barrier.

#### Appendix A

##### **Approved Deciduous Shade Trees**

<u>Botanical Name</u>	<u>Common Name</u>
Aesculus glabra	Ohio Buckeye
Celtis occidentalis	Common Hackberry
Ginkgo biloba	Ginkgo
Gleditsia triacanthos var. inermis	Shademaster Honeylocust
	Skyline Honeylocust (Additional varieties must be approved by Planning Commission)
Gymnocladus dioicus	Kentucky Coffeetree
Populus deltooids	Eastern Cottonwood (only on very large sites, may not be used for parking lot plantings)
Quercus alba	White Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus robur	English Oak
Tilia americana	American Linden
Tilia cordata	Littleleaf Linden

Due to the Emerald Ash Borer destroying large quantities of Ash trees in the Eastern United States and its progressive movement west, Ash trees will be prohibited in GGO Zones.

##### **Approved Small Ornamental Trees**

<u>Botanical Name</u>	<u>Common Name</u>
Amelanchier x grandiflora	Apple Serviceberry
Crataegus crusgalli x intermis	Thornless Cockspur Hawthorn
Malus spp.	Crabapple varieties:

Prunus virginiana 'Canada Red'	Bechtal
Syringa reticulata	Brandywine (prohibited in parking areas and around walkways)
Viburnum lentago	Indian Magic Indian Summer Pink Spire Red Barron Red Jade Spring Snow Canada Red Chokecherry Japanese Tree Lilac Nannyberry Viburnum

#### **Approved Evergreen Trees**

<u>Botanical Name</u>	<u>Common Name</u>
Picea pungens	Colorado Spruce
Pinus aristata	Bristle Cone Pine
Pinus cembroides	Pinyon Pine
Pinus contorta	Lodgepole Pine
Pinus flexilis	Limber Pine
Pinus nigra	Austrian Pine
Pinus ponderosa	Ponderosa Pine
Pinus sylvestris	Scotch Pine (Ord. 4072, 2012)

#### **25-3-23 General requirements**

- (1) Accessory buildings. Accessory buildings, regardless of the direction they face, may not project beyond the rear of the main building. Accessory structures under two hundred square feet

**City of Scottsbluff, Nebraska**  
**Monday, February 9, 2015**  
**Regular Meeting**

**Item NewBiz2**

**Ordinance Floodway**

*Ordinance: Floodway text changes*

*Applicant(s): N/A*

*Owner(s): N/A*

*Location: N/A*

**Staff Contact: Annie Folck**



**SCOTTSBLUFF**  
**PLANNING COMMISSION**  
***Staff Report***

**To:** Planning Commission  
**From:** Staff Development Services  
**Date:** February 9, 2015  
**Subject:** Proposed Ordinance text changes/additions/  
definitions in Chapter 25, Article 19 Floodways

City Staff met with FEMA representatives in the fall of 2014 regarding areas with the City's floodway and our requirements in the floodway. They reviewed our code and asked for a few changes/additions to our Floodway ordinance. Annie Folck has worked with legal and the ordinance with changes is attached.

In summary the changes added are: Section 25-19-18 (2) h – Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions to determine whether such proposal will reasonably be safe from flooding.

Reworded Section 25-19-29 – Standards for flood fringe overlay zone; manufactured homes part two (2) for clarification regarding elevation requirements, and adding to definitions 25-19-51.1 - Expansion to an existing Manufactured Home Park and Subdivision, 25-19-66.1 - New Manufactured Home Park or Subdivision, and 25-19-77 - Violation.

#### **RECOMMENDATION**

##### **Approve**

Make a motion for positive recommendation for City Council to approve proposed ordinance text changes/additions to 25-19-18 (2)h, 25-19-29, 25-19-51.1, 25-19-66.1, and 25-19-77 all regarding requirements in the Floodway subject to the following condition(s):

##### **Deny**

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text changes/additions to 25-19-18 (2)h, 25-19-29, 25-19-51.1, 25-19-66.1, and 25-19-77 all regarding requirements in the Floodway subject for the following reason(s):

##### **Table**

Make the motion to TABLE the proposed ordinance text changes to 25-19-18 (2)h, 25-19-29, 25-19-51.1, 25-19-66.1, and 25-19-77 all regarding requirements in the Floodway subject for the following reason(s):

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 19 RELATING TO FLOODWAYS, TO AMEND SECTION 25-19-18(2), TO AMEND SECTION 25-19-29(2), AND TO ADD DEFINITIONS TO THE DEFINITIONS SECTION AT 25-19-51.1, 25-19-66.1 AND 25-19-77 TO CLARIFY DEFINITIONS FOR THE FLOODWAYS ARTICLE, TO REPEAL PRIOR SECTIONS AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. Section 25-19-18 of the Municipal Code is amended to provide as follows:

**“25-19-18. Administration.”**

- (1) The Development Services Director is hereby appointed to administer and implement the provisions of this Article.
- (2) Duties of the Development Services Director shall include, but not be limited to:
- a. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this Article have been satisfied.
  - b. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
  - c. Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - e. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
  - f. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood proofed.
  - g. When flood proofing is utilized for a particular structure the Development Services Director shall be presented certification from a registered professional engineer or architect.
  - h. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to be determined whether such proposals will reasonably be safe from flooding.”

Section 2. Section 25-19-29 of the Municipal Code is amended to provide as follows:

**“25-19-29. Standards for flood fringe overlay zone; manufactured homes.”**

(1) All manufactured homes in a special flood hazard area shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
- b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
- c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- d. Any additions to the manufactured home be similarly anchored.

(2) All manufactured homes to be placed or substantially improved within special flood hazard areas on the City's FIRM on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1) of this section if located on sites:

- a. Outside of a manufactured home park or subdivision,

- b. In a new manufactured home park or subdivision,
- c. In an expansion to an existing manufactured home park or subdivision, or
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

(3) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the FIRM that are not subject to the provisions of subsection (2) of this section shall be elevated so that either:

- a. The lowest floor of the manufactured home is at or above one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1) of this section."

Section 3. Section 25-19-51.1 is added to the Municipal Code as follows:

**"Section 25-19-51.1 Expansion to an Existing Manufactured Home Park or Subdivision.**

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)."

Section 4. Section 25-19-66.1 is added to the Municipal Code as follows:

**"Section 25-19-66.1 New Manufactured Home Park or Subdivision.**

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by a community."

Section 5. Section 25-19-77 is added to the Municipal Code as follows:

**"Section 25-19-77 Violation.**

"Violation" means a failure of a structure or other development to be fully compliant with the community's flood plain management regulations."

Section 6. Previously existing Sections 25-19-18, 25-19-29, 25-19-51.1, 25-19-66.1 and 25-19-77, and all other Ordinances and parts of Ordinances in conflict with this Ordinance, are repealed. Provided, 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 7. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
(Seal)

**City of Scottsbluff, Nebraska**  
**Monday, February 9, 2015**  
**Regular Meeting**

**Item NewBiz3**

**Ordinance text changes in C-1 Zoning**

*Ordinance: C-1 Central Business District*

*Applicant: N/A*

*Owner(s): N/A*

*Location: Broadway 14th St north to 20th St.*

Staff Contact: Annie Urdiales

# **SCOTTSBLUFF CITY**

## **PLANNING COMMISSION STAFF REPORT**

**To:** Planning Commission  
**From:** Development Services  
**Date:** February 9, 2015  
**Subject:** Proposed Ordinance Text Changes in the C-1 - Central Business Zoning District regarding Condominiums

**Public Notice: This item was noticed in the paper**

### **Background**

City Staff had a request asking about a condominium final plat to allow separation of a business and residential unit in a building. This has been done in the past in an O & P zoning district. It is an allowable use in several of our zoning districts but was not listed in the C-1 Central Business District on Broadway. The addition of 20.5 will allow for condominiums of three or less units as a permitted use in the C-1. This will allow a person to apply for a condominium final plat allowing for separation in a building and allow for sale of the units separately. The structures will have to meet building, fire, and safety codes. Also, added was 27.5 - Dwelling units, this addition brings all the existing apartments in the C-1 zoning district into compliance with City code.

Other changes to bring the rest of the code into compliance with the condominiums were parking and off street parking requirements. This change gives condominiums the same parking rights as the other residential units in the Central Business District.

### **RECOMMENDATION**

#### **Approve**

Make a motion for positive recommendation for City Council to approve proposed ordinance text changes to 25-3-13 allowing condominiums as a permitted use by right, 25-5-3 related to parking requirements for residential use, and 25-7-38 relating to off street parking requirements in the C-1 Central Business District subject to the following condition(s):

#### **Deny**

Make a motion for negative recommendation to City Council to approve proposed ordinance text changes to 25-3-13 allowing condominiums as a permitted use by right, 25-5-3 related to parking requirements for residential use, and 25-7-38 relating to off street parking requirements in the C-1 Central Business District for the following reason(s):

#### **Table**

Make the motion to TABLE the proposed ordinance text changes to 25-3-13 allowing condominiums as a permitted use by right, 25-5-3 related to parking requirements for residential use, and 25-7-38 relating to off street parking requirements in the C-1 Central Business District for the following reason(s):

Request, Page 1

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, RELATING TO  
ZONING, AND REVISING §25-3-13, RELATING TO PRINCIPLE PERMITTED USES  
AND SPECIAL PERMIT USES, §25-5-2 RELATING TO PARKING REQUIREMENTS FOR  
RESIDENTIAL USES, AND §25-7-38 RELATING TO OFF STREET PARKING  
REQUIREMENTS AND EXCEPTING CONDOMINIUM USES IN CENTRAL BUSINESS  
DISTRICT, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN  
EFFECTIVE DATE.**

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

Section 1. Chapter 25, Article 3 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting 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, indoor
9. Bank automated teller facilities, outdoor
10. Bank & savings & loan
11. Barber, beauty shop
12. Book & stationary store
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
68. Temporary medical housing
69. Theater, indoor
70. Tire ship, 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. Equipment rental and sales yard
3. 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.

4. 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.)	Rear (ft.)	Setbacks	Interior Side (ft.)	Maximum Street Area (sq.ft.)	Floor Height (ft.)
Garage	none	none	none	12.5	C	B	-	PRTFA	70	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.
  - C. 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 2. Chapter 25, Article 5 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

#### **“25-5-2. Exceptions.**

If the Planning Commission finds from evidence submitted to it that fewer parking stalls than this Article otherwise requires are needed for a lot or tract of land used for wholesale, warehousing, or manufacturing purposes, the Planning Commission may grant a permit to construct a facility that meets the actual need though less than generally required by this Article. No off-street parking spaces are required for dwelling units or residential uses in a Central Business District (C-1) zone.”

Section 3. Chapter 25, Article 7 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

#### **“25-7-38. Off-street parking.**

Except for a residential condominium located in a Central Business (C-1) District, a condominium development site shall include, as a minimum the following off-street parking facilities:

- (1) two (2) parking spaces for each apartment. One of such spaces shall be a fully enclosed garage, which shall be located adjacent to the apartment being served. The minimum inside dimension of all parking spaces shall be ten (10) feet in width and twenty (20) feet in length,
- (2) no parking space or stall except a garage, and no driveway shall be closer than six (6) feet to any residential building, and
- (3) guest parking: one (1) parking space for each five (5) apartments. Guest parking shall be distributed throughout the condominium development site.

Such parking facilities shall meet, in addition, all of the requirements of sections 25-5-4 to 25-5-16. Parking on streets, drives or alleys shall not be used to satisfy any of the requirements of this section.”

Section 4. Previously existing Sections 25-3-13, 25-5-2, 25-7-38 and all other Ordinances and parts of Ordinances in conflict with this Ordinance, 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 5. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on \_\_\_\_\_, 2015.

ATTEST:

Mayor

City Clerk

(Seal)