

City of Scottsbluff, Nebraska

Monday, March 2, 2015

Regular Meeting

Item Pub. Hear.3

Council to conduct a public hearing as set for this date at 6:05 p.m. to consider an Ordinance revision relating to principle permitted uses and special permit uses for parking requirements and off street parking in the C-1 zoning district, located on Broadway from 14th St. north to 20th Street.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: March 2, 2015

AGENDA TITLE: Public Hearing regarding proposed ordinance changes/revisions in the C-1 Zoning district (Central Business District), in the City's Municipal Code, Chapter 25, specifically 25-3-13, relating to principle permitted uses and special permit uses, 25-5-2 and 25-7-38 parking requirements and off street in the C-1 zoning district

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services Department

PRESENTATION BY: Rick Kuckkahn

SUMMARY EXPLANATION: These changes include 25-3-13(20.5) adding condominiums as a permitted use by right in the C-1 Zoning District, this will be done with condominium final plats which will allow separation of a business and residential unit in a building and enable the units to be sold separately. Currently this 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 25-3-13 (20.5) also states only three or less units will be permitted in the C-1 district. The structures will have to meet building, fire, and safety codes. The addition of 25-3-13(27.5) - Dwelling units as a permitted use by right, brings all the existing apartments in the C-1 zoning district into compliance with City code. The other changes 25-7-38 related to off street parking requirements allows condominiums the same parking rights as the other residential units in the Central Business District.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission at their regular meeting of February 9, 2015 made positive recommendation to City Council.

STAFF RECOMMENDATION: Positive recommendation to City Council to approve proposed ordinance text changes/revisions to Chapter 25, - 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.

EXHIBITS

Resolution Ordinance X Contract Minutes x Plan/Map

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

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, outdoor
9. Bank automated teller facilities, indoor
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 shop, recapping
71. Tourist information booth
72. Upholstery Shops provided all work is completed inside the building.
73. Utility business offices
74. Warehousing facilities. Warehouse or storage facilities are permitted as the primary use on a lot or property only if a special permit is granted. A lot or property will not be eligible for consideration of the issuance of a special permit unless (1) the proposed facility will be located on a lot immediately adjoining (or directly across an alley from) a property with an allowed C-1 Zone use, (2) the proposed facility is necessary to and will be used as an accessory to the allowed use on the adjoining lot, and (3) both lots are under the same ownership.
75. Wholesale stores and distributors. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.

Special Permit Uses.

1. Drive-thru (fast food) restaurant
2. 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		Setbacks		Interior Side (sq ft.)	Floor Maximum Side Street Area (sq ft.)	Height
					(ft.)	(ft.)	Front	Rear			
Garage	none	none	-		C	A	B		PRTFA	70	
							5				12.5

Minimum Lot Area / Dwelling Unit - no requirement
 PRTFA = Parking Ratio to Floor Area

- A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.
 - B. No minimum interior side yard setback is required except for a lot in a C or M Zone whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5)feet. If a public alley separates such lots, no side yard is required.
 - C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and a C Zone. If all frontage between two (2) streets is in a C Zone no front setback is required.
2. Accessory building/garage; detached
 - A. A detached accessory building must be located at least ten (10) feet from the main building.
 - B. On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard setback of the main structure, and if entrance to the garage is from the side street the garage must be set back from the side street property line a distance of not less than twenty (20) feet.
 3. Accessory building, attached.
 - A. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building.”

Section 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.

Mayor

ATTEST:

City Clerk

(Seal)