

City of Scottsbluff, Nebraska

Monday, April 6, 2015

Regular Meeting

Item Pub. Hear.3

Council to conduct a public hearing at 6:05 p.m. to consider an Ordinance amending Chapter 25, Article 6-1.6 dealing with signs, setting forth additional restrictions in signs and repealing and removing a portion of 25-6-6.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: April 6, 2015

AGENDA TITLE: Public Hearing dealing with Signs, amending 25-6-1.6 setting forth restrictions in signs and repealing and removing a portion of 25-6-6.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services Department

PRESENTATION BY: Rick Kuckkahn

SUMMARY EXPLANATION: Staff worked with legal on clearing up some confusion in our sign ordinance. Section 25-6-6 currently has two parts, a small chart/table with permitted uses listed in the different zoning districts, and language regarding different requirements for heights, names, and nature of occupancy. The chart/table was removed as this information is also provided in Section 25-6-1.6, and the language was moved to the end of Section 25-6-1.6. This change makes the sign ordinance easier to use for both City Staff and the general public when they look on the City website for information on the City's sign ordinance.

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

STAFF RECOMMENDATION: Positive recommendation to City Council to approve proposed ordinance changes/revisions to Chapter 25, Sections- 25-6-6 and 25-6-1.6 dealing with our sign ordinance.

EXHIBITS

Resolution Ordinance Contract Minutes x Plan/Map

Other (specify) _____

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH SIGNS, AMENDING §25-6-1.6 SETTING FORTH ADDITIONAL RESTRICTIONS IN SIGNS AND REPEALING AND REMOVING A PORTION OF §25-6-6, 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 6 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

25-6-1.6 Sign tables.

Zoning Districts	Type of Sign	Number of Signs	Size Allowed	Height	Code Reference
R-1, R-1a, R-1b R-4, R-6, AR	Name Plate	1	1 sq. ft		25-6-2(1)
	Name Plate	1	2 sq. ft		25-6-2(2)
	Name Plate	1	4 sq. ft		25-6-2(3)
	Freestanding	1	40 sq. ft	4 feet	25-6-3 & 25-6-10
A	Subdivision ID	2	35 sq. ft	3 feet	25-6-9
	Real Estate	1	4 sq. ft		25-6-12, 25-6-13
	“For Sale” “Sold”				25-6-14 & 25-6-15
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic Church	1	40 sq. ft		25-6-1.8
	Freestanding	2	30 sq. ft		25-6-4
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17, 25-6-24
	Wall	1	4 sq. ft or 5% of wall surface		25-6-6
		Freestanding	1	100 sq. ft	8 feet
O-P	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached	1 per business			25-6-6
	Projecting	**			
	Detached	2+	250 sq. ft		25-6-6 & 25-6-8
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached				25-6-6
C-1, C-2	Projecting	**			
	Detached				
	Directional			5 feet	25-6-6 & 25-6-8
	Political		8 sq. ft	4 feet	25-6-11
	Electronic		100 sq. ft		25-6-17 - 25-6-24
	Attached				25-6-1.4(f)
	Projecting				25-6-6
	Detached			5 feet	25-6-6 & 25-6-8
	Directional			4 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
Temporary					
C-3	Detached	2/year	20 sq. ft		25-6-8.1
	Electronic		100 sq. ft		25-6-1.4(f)
	Attached				25-6-6
	Projecting	**			
	Detached			5 feet	25-6-6
	Directional			5 feet	25-6-11
	Political		8 sq. ft	4 feet	25-6-17 - 25-6-24
	Temporary				
	Detached	2/year	20 sq. ft		25-6-8.1
	Electronic		100 sq. ft		25-6-1.4(f)

M-1, M-2	Billboards	288 sq. ft	45 feet above road	25-6-16.2
	Attached			25-6-6
	Projecting	**		
	Detached			25-6-6
	Directional		5 feet	25-6-11
	Political	8 sq. ft	4 feet	25-6-17 - 25-6-24
	Temporary			
	Detached	2/year		25-6-8.1
	Electronic	20 sq. ft		25-6-1.4(f)
	Billboards	100 sq. ft		25-6-16.2
		288 sq. ft	45 feet above road	

- (1) **100 sq. feet unless abutting residential zone, then 25 sq. ft
- (2) Digital Billboards will be regulated according to Article 25-6-16.3 and 25-6-16.4 and not as set forth above on this sign table.”
- (3) In such zones no attached or extended sign may, in whole or in part, project above or be higher than the roof line or a parapet. Signs may disclose the name of the building and the nature of the occupancy; provided, in a PBC Zone not more than one (1) sign visible from a public street may be mounted on a building for each business using the building, or a part of it. In a PBC Zone, detached signs not exceeding two hundred fifty (250) square feet in area each and which only identify the planned business center or businesses within the center, or both, may be erected or maintained; provided, if the planned business center abuts a particular street for a distance in excess of five hundred (500) feet, one (1) additional detached sign per each additional two hundred fifty (250) feet, or part thereof, of such distance may be erected or maintained. In any C-3 Zone, any billboard shall be located not less than one hundred fifty (150) feet from a residence building.”

Section 2. Chapter 25, Article 6 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

25-6-6. PBC, C-1, C-2, C-3 Zones.

Zone	Billboards		
	Attached	Extending	Detached
PBC	X	X	X
C-1	X	X	X
C-2	X	X	X
C-3	X	X	X

Section 3. Previously existing Sections 25-6-1.6 and 25-6-6 and all other Ordinances and parts of Ordinances in conflict herewith 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 4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on _____, 2015.

ATTEST:

(Seal)

(Seal)

Mayor

Planning Commission Minutes
Regular Scheduled Meeting
March 9, 2015
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, March 9, 2015, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on February 27, 2015. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

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

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

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

ITEM 4: Business not on agenda: None

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

ITEM 6: The minutes of February 9, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Huber. "YEAS": Zitterkopf, Chadwick, Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal and Weber. Motion carried.

NOTE: Commissioner Dana Weber arrived at 6:05 p.m.

ITEM 7A: The Planning Commission opened a public hearing for proposed ordinance text changes in Chapter 25 dealing with Signs and amending 25-6-1.6 setting forth additional restrictions in signs and repealing and removing a portion of 25-6-6. Staff has been working with legal on clearing up some confusion in our sign ordinance, section 25-6-6 currently has two parts a small chart/table with permitted used in different zoning districts and language regarding different requirements for heights, names, and nature of occupancy. The chart/table was removed as this information is already in section 25-6-1.6 and the language was added to the end of 25-6-1.6. This change makes the sign ordinance easier to use for both City Staff and the general public when they look on the City website for information on the City's sign ordinance. Staff will continue to review our code and bring corrections or additions back to the Planning Commission for review.

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Conclusion: A motion was made by Gompert and seconded by Zitterkopf to approve the proposed changes to the Sign Code 25-6-1.6 “**YEAS**”: Weber, Chadwick, Zitterkopf, Aguillo, Gompert, Huber, Wayman, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Westphal. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a proposed ordinance amendment change of Chapter 21, Article 1 in our Subdivision Code, relating to amending or re-platting a final plat, and limiting the number of times a plat can be amended or re-platted (21-1-68).

Staff had previously discussed changing the number of times a final plat can be re-platted or amended. When a property is final platting it is assumed this will be the last time the property will be changed and access and size will be developed as shown on the final plat, but there are times when the original final plat was approved several years back and current circumstances have changed, a new plan may work better with the surrounding development and a change in the layout may be a better fit with the surrounding lots either in size or access onto the property which would be a better fit, a re-plat or amended plat could be filed with the Planning Commission for review and approval with final approval from City Council. In working with the Register of Deeds we have found it is easier for them, title companies, and others to track a property if it is vacated instead of repeatedly re-platted. The George Baltes subdivision is one of the subdivisions that have had several amendments and re-platting making it difficult to research and tract the individual lots as they are sold and resold. Also, when the surveyor re-plats a lot they have to go back to the very beginning and list this in the title of the plat, this can be quite lengthy when it has been platting and changed several times, and if something is missed has to be done over.

Annie Folck, City Planner, did some research with other cities, The City of Kearney does not allow for any replat and the City of Chadron only allows two. In talking with Jean Bauer at the Register of Deeds on how this could be improved, changing our code to allow a minimum of two re-plats/amendments, seems to be a good fit for the City and if more than two requests for change are made an ordinance to vacate will be required to accompany a new final plat for the requested changes, the ordinance and plat can be done simultaneously.

Carl Gilbert, a surveyor for Baker & Associates addressed the Planning Commission; he wants to make sure that the request to vacate will be allowed for smaller partial vacations of final plats. Working on preliminary and final plats can be a challenge when many changes have been made the vacation plat or ordinance allows for a clean process. This can help developers to pre-plan better and have less re-plats in the future development. The Planning Commission asked if the cost of a re-plat would be prohibitive to the developer this would depend on the type of development. A survey can cost anywhere from \$500 to \$5,000 depending on the factors.

The City can check with legal to make sure partial vacates are allowed, the City wants to work with the developers, surveyors, and the register of deeds and will work on making the process easier.

Conclusion: A motion was made by Weber and seconded by Chadwick to make a positive recommendation to City Council to approve the proposed ordinance amendment changes of Chapter 21, Article 1 Amending Sections 21-1-68 of the City’s Subdivision Code relating to the number of times a plat may be re-platted, limiting the number to two. “**YEAS**”: Weber, Chadwick, Zitterkopf, Aguillo, Gompert, Huber, and Estrada. “**NAYS**”: Wayman. **ABSTAIN**: None. **ABSENT**: Westphal. Motion carried.

99 **ITEM 7C.** The Planning Commission reviewed a proposed ordinance text change in the City’s Chapter
100 20 Obstruction Code. More and more we are receiving requests for Block parties, usually during
101 Holidays or other special events. Annie Folck has been working with Police Chief, Kevin Spencer on
102 setting guidelines for Block parties. The permit will be checked and approved by the Police Department
103 the permit will require that the need to notify all the neighbors, use proper barricades (provided by
104 Transportation Dept.), no alcohol on the public street, sales of any items will be prohibited, no open
105 fires, and emergency access will be available at all times. Time limits of 10:00 p.m. during week days
106 and 12:00 midnight on holidays and weekends.

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108 The Planning Commission had concerns about emergency access, want to make sure they are not using
109 vehicles as barricades and the area is kept clear in case of an emergency. Also, asked if there was any
110 language on clean up. A \$250 fine will be imposed if the applicant does not clean up after the party and
111 the City have to come in and clean up.

112
113 **ITEM 8. Unfinished Business:** Updated the Planning Commission on the comprehensive development
114 plan. Taking Request for bids for extension of utilities, where to put in future water and sewer lines, the
115 Army Core of Engineers is also working on a study for the City’s floodplain these two items will help
116 plan where physical limitations are and we will be able to plan for future development of the City.
117 PADD is also working on some of the demographics’ of the City everything we hope will be ready in
118 October and these will all be incorporated into our comprehensive development plan.

119
120 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The
121 meeting was adjourned at 6.40 p.m. “**YEAS**”: Gompert, Wayman, Weber, Chadwick, Zitterkopf,
122 Aguallo, Huber, and Estrada. “**NAYS**”: None. **ABSTAIN**: None. **ABSENT**: Westphal. Motion
123 carried.

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126 _____
127 Becky Estrada, Chairperson
128
129 Attest: _____
130 Annie Urdiales