



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
PLANNING COMMISSION AGENDA

Regular Meeting
December 8, 2025
6:00 PM

1. **Roll Call**
2. **Nebraska open Meetings Act** (For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the south wall of the council chambers.)
3. **Notice of changes in the agenda by the City Manager** (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under Item 4 of this agenda.)
4. **Citizens with business not scheduled on the agenda** (As required by state law, no matter may be considered under this item unless council determines that the matter requires emergency action.)
5. **Approval of the Planning Commission Minutes From**
 - A. November 10, 2025
6. **Old Business**
 - A. Planning Commission to remove from the table to conduct Public hearing regarding a Zoning Text Amendment regarding Conditional Use Permits to Chapter 6, Article 6, and Chapter 25 Articles 2, 3, 4, 5, 6, 8, 13, and 20.
7. **Public Hearing**
 - A. Planning Commission to conduct a Public Hearing regarding an Amended Plat of Lot 1 and 2A, Block 2, Clemens-Reinhardt Subdivision, commonly identified as 802 and 826 W. 36th Street.
 - B. Planning Commission to conduct a Public Hearing regarding a Special Use Permit for a Residential Dwelling in the C-3 Heavy Commercial District at Lot 1B, Block 4, East Portal Addition Replat, commonly identified as 2012 E. Portal Place.
 - C. Planning Commission to conduct a Public Hearing regarding a Salon in the R-1A Single-Family Residential District at Lot B, Block C, Subdivision of Lot 6, Second Addition, commonly identified as 215 and 217 E. 15th Street.

D. Planning Commission to Conduct a Public Hearing regarding a Zoning Text Amendment regarding Conditional Use Permits and Formatting Changes to Chapter 6, Article 6, and Chapter 25 Articles 2, 3, 4, 5, 6, 8, 13, and 20.

8. **Staff Reports**

9. **Schedule a Meeting**

A. January 12, 2026

10. **Adjournment**

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
November 10, 2025
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Tuesday, November 10, 2025 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on October 30, 2025. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member

- 1 Chair Becky Estrada called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Angie Aguillo, Kendall Palu, Michael Mawhinney, Mary Bowman, Callan Wayman, Dana Weber, Jim Zitterkopf "Absent" Dave Gompert, Henry Huber "Excused" None. City Officials present were Zachary Glaubius, Development Services Director, Gary Batt, Code Administrator I.
- 2 Estrada informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the October 13, 2025 meeting were reviewed. **Conclusion:** a motion was made by Palu and seconded by Mawhinney to approve the minutes. "Yeas:" Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Michael Mawhinney, Angie Aguillo, Dana Weber, "Nays" None "Abstain" Mary Bowman "Absent" Henry Huber, Dave Gompert. The motion carried.
- 6 Estrada introduced Item 6A, Planning Commission to conduct a public hearing to consider a Rezone of a tract of land in Part of Tax Lot 12, Section 27, Township 22 North, Range 55 West of the 6th PM, commonly identified as 1900 South Beltline Highway West, from A Agricultural to C-2 Neighborhood and Retail Commercial. Estrada opened the public hearing at 6:01 PM. Glaubius stated the area is currently zoned as A Agricultural where restaurants are not permitted. Glaubius stated the owner is asking for the zone to be changed to C-2 Neighbor and Retail Commercial to allow the opening of a restaurant in the building on the site, which formally operated as a restaurant known as the Whistle Stop Café. Glaubius stated the request for the change to C-2 as opposed to C-3 is because of the location next to the Zoo even though there is a C-3 zone catty-corner. Glaubius noted that the Comprehensive plan calls for it to be commercial, which C-2 falls under, keeping the request in line with the Comprehensive Plan. Glaubius stated a replat will be coming to combine the two parcels of the restaurant and parking lot. Glaubius also mentioned that water service will need to be reviewed as there is currently a four (4) inch main leading into a two (2) inch service line. Typically, we require eight (8) inch water mains, therefore when reviewing water service in the future the City will need to take this into consideration. Glaubius stated staff recommends a positive recommendation by the Planning Commission to City Council on the approval of the rezone from A Agricultural to C-2

Neighborhood and Retail Commercial. The owner was given the opportunity to address the Commission, but declined. Estrada closed the public hearing at 6:03 PM.

- 7 **Conclusion:** A motion was made by Weber and seconded by Aguallo to make a positive recommendation on approval for a Rezone of a tract of land in Part of Tax Lot 12, Section 27, Township 22 North, Range 55 West of the 6th PM, commonly identified as 1900 South Beltline Highway West, from A Agricultural to C-2 Neighborhood and Retail Commercial. “Yeas:” Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Michael Mawhinney, Angie Aguallo, Dana Weber, Mary Bowman “Nays” None “Absent” Henry Huber, Dave Gompert. The motion carried.
- 8 Estrada introduced item 7A, Planning Commission to conduct Officer Elections for Chairperson and Vice-Chairperson for the October 2025-September 2026 Term.
- 9 **Conclusion:** A motion was made by Wayman and seconded by Aguallo to re-elect Becky Estrada as Chairperson for the 2025-2026 Term. “Yeas:” Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Michael Mawhinney, Angie Aguallo, Dana Weber, Mary Bowman “Nays” None “Absent” Henry Huber, Dave Gompert. The motion carried.
- 10 **Conclusion:** A motion was made by Palu and seconded by Aguallo to re-elect Callan Wayman as Vice-Chairperson for the 2025-2026 Term. “Yeas:” Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Michael Mawhinney, Angie Aguallo, Dana Weber, Mary Bowman “Nays” None “Absent” Henry Huber, Dave Gompert. The motion carried.
- 11 Planning Commission confirmed the next meeting date of December 8, 2025.
- 12 Item 9: Adjournment
- 13 Adjournment: Motion was made by Palu and seconded by Mawhinney to adjourn the meeting at 6:05 PM. “Yeas:” Becky Estrada, Callan Wayman, Kendall Palu, Jim Zitterkopf, Michael Mawhinney, Angie Aguallo, Dana Weber, Mary Bowman “Nays” None “Absent” Henry Huber, Dave Gompert. The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, December 8, 2025

Regular Meeting

Item 7.A

Planning Commission to conduct a Public Hearing regarding an Amended Plat of Lot 1 and 2A, Block 2, Clemens-Reinhardt Subdivision, commonly identified as 802 and 826 W. 36th Street.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-64SD

Type: Amended Plat (Administrative Process)

Applicant Name Mark Johannes Applicant Address 3253 West Carefree
Circle Colorado
Springs, CO

Applicant Email [REDACTED] Applicant Phone [REDACTED]

Contact Name Contact Address

Contact Email Contact Phone

Subdivision Information

Proposed Name of Subdivision AMENDED PLAT OF LOTS 1 AND 2A,
BLOCK 2, CLEMENS-REINHARDT
SUBDIVISION

General Location/Address 826 W 36TH ST

Legal Description LT 1, BLK 2, CLEMENS-REINHARDT
SUBD

Current Zoning District(s) C-3

Total Area (square feet or acre) 3.33253 acres

Number of Past Replat/Plat Amendments 1

Describe the reason for the subdivision

Adjust the common lot line 12-14 feet east.

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: November 20, 2025 For Hearing of: December 8, 2025



I. GENERAL INFORMATION

- A. Applicant:** Mark Hohanes
3253 W. Carefree Circle
Colorado Springs, CO 80917

- B. Property**
Owner: OTB Scottsbluff, LLC
4340 E. Indian School Road, Suite 21-485
Phoenix, AZ 85018

- C. Proposal:** Amended Plat of Lots 1 and 2A, Block 2, Clemens-Reinhardt Subdivision

- D. Legal Description:** Lots 2A and 4A, Block 2, Clemens-Reinhardt Subdivision

- E. Location:** 802 and 826 W. 36th Street

- F. Existing Zoning & Land Use:** C-3 Heavy Commercial

- G. Future Land Use Designation:** Highway 26 Commercial

- H. Size of Site:** Approximately 3.33 acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Residential and Highway 26 Commercial	R-1A Single Family Residential and C-3 Heavy Commercial	Vacant land
East	Residential and Highway 26 Commercial	R-1A Single Family Residential and C-3 Heavy Commercial	Scottsbluff Drain
South	Residential	R-4 Heavy Density Multi-Family Residential and C-2 Neighborhood and Retail Commercial	Highway 26, Vacant Land, Apartment Complex , Commercial Buildigns
West	Highway 26 Commercial	C-3 Heavy Commercial	Maverik Gas Station

B. Relevant Case History

1. The Final Plat for Lots 1-4, Block 2, Clemens-Reinhardt Subdivision was approved on March 3, 2008.
2. The Preliminary and Final Plat for Lots 2A and 4A, Block 2, Clemens-Reinhardt Subdivision was approved on July 21, 2025.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan shows the property as Highway 26 Commercial.

B. Traffic & Access:

1. Lots 1 and 2A are accessible via W 36th Street.
2. Sidewalks will be constructed along the Lot 2A.
 - i. Sidewalks will be required when a building permit is issued to Lot 1.
3. A cul-de-sac is being constructed at the terminus of W. 36th Street.

C. Utilities

1. A water main is located in the right-of-way of W. 36th Street.
2. A sewer main is located in a utility easement on the south edge of the properties.
3. A private stormwater retention pond is located east of Lot 4A. This pond serves the subdivision.
4. Stormwater from W. 36th Street will drain into the Scottsbluff Drain.

IV. STAFF COMMENTS

- A. The amended plat is for a boundary adjustment between Lots 1 and 2A.
 - a. The entirety of Chili's driveway will be on the Chili's property now.
- B. Due to a utility easement being dedicated on the amended Lot 1, the amended plat is required to be approved by Planning Commission and City Council (§21-1-42)
- C. As this is the second replat of Lot 2A, further replats will require a plat vacation (§21-1-68)

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The replat will bring the entirety of Chili's driveway onto the Chili's property, thus fixing an unusual situation of a shared driveway with no access easement.
2. The uses of both lots remain the same and comply with C-3.
3. There are no minimum lot widths or sizes.

B. Findings of Fact to Not Recommend Approval May Include:

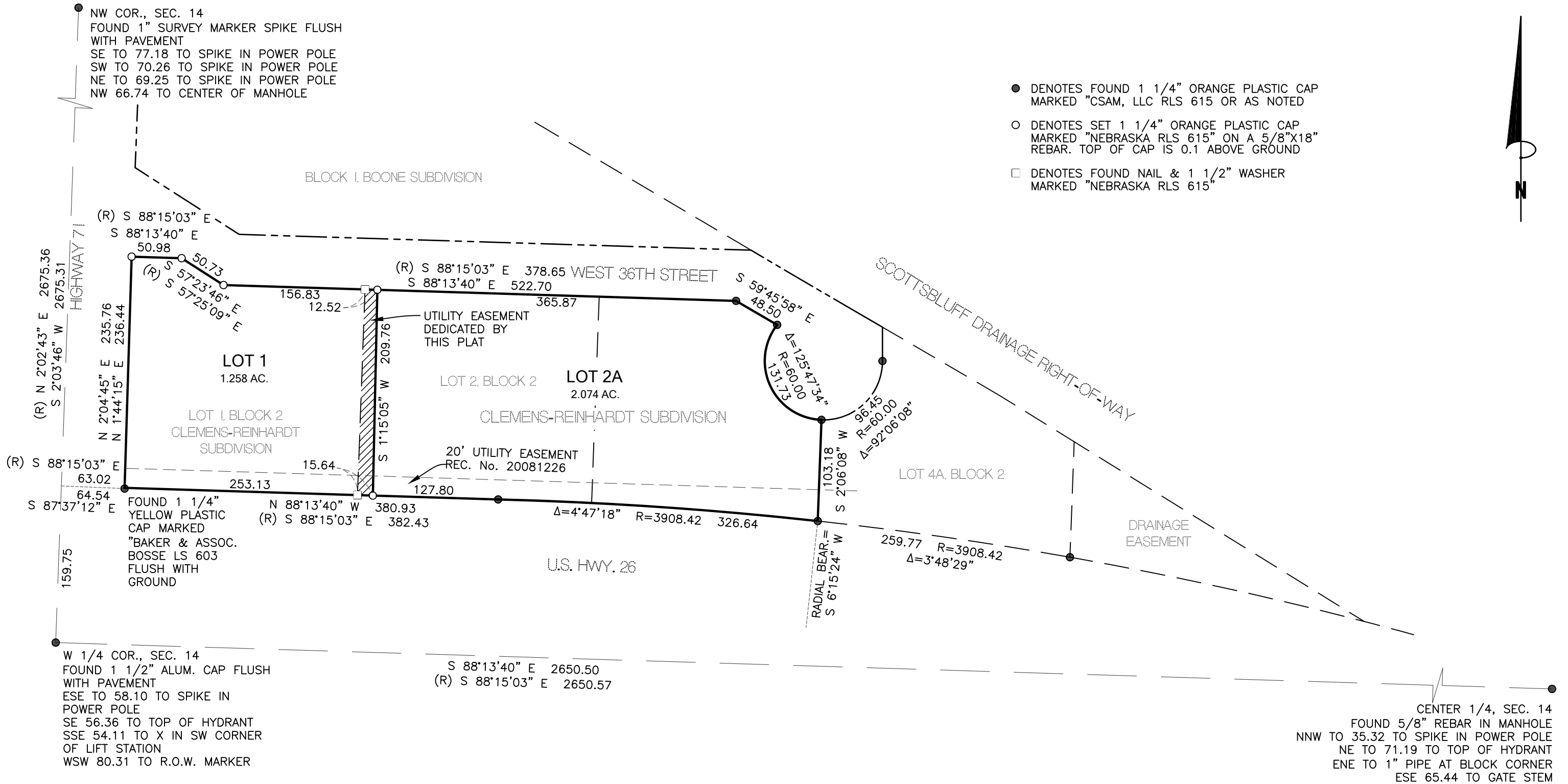
1. None

VI. STAFF RECOMMENDATION

- A. Staff recommends Planning Commission recommend the approval of the Amended Plat of Lots 1 and 2, Block 2, Clemens-Reinhardt Subdivision to City Council.

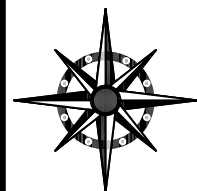
NW COR., SEC. 14
 FOUND 1" SURVEY MARKER SPIKE FLUSH
 WITH PAVEMENT
 SE TO 77.18 TO SPIKE IN POWER POLE
 SW TO 70.26 TO SPIKE IN POWER POLE
 NE TO 69.25 TO SPIKE IN POWER POLE
 NW 66.74 TO CENTER OF MANHOLE

- DENOTES FOUND 1 1/4" ORANGE PLASTIC CAP MARKED "CSAM, LLC RLS 615 OR AS NOTED"
- DENOTES SET 1 1/4" ORANGE PLASTIC CAP MARKED "NEBRASKA RLS 615" ON A 5/8"X18" REBAR. TOP OF CAP IS 0.1 ABOVE GROUND
- DENOTES FOUND NAIL & 1 1/2" WASHER MARKED "NEBRASKA RLS 615"



W 1/4 COR., SEC. 14
 FOUND 1 1/2" ALUM. CAP FLUSH
 WITH PAVEMENT
 ESE TO 58.10 TO SPIKE IN
 POWER POLE
 SE 56.36 TO TOP OF HYDRANT
 SSE 54.11 TO X IN SW CORNER
 OF LIFT STATION
 WSW 80.31 TO R.O.W. MARKER

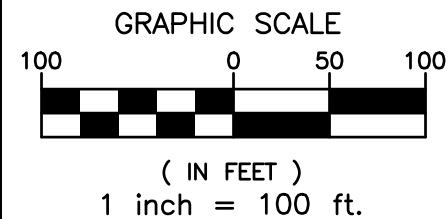
CENTER 1/4, SEC. 14
 FOUND 5/8" REBAR IN MANHOLE
 NNW TO 35.32 TO SPIKE IN POWER POLE
 NE TO 71.19 TO TOP OF HYDRANT
 ENE TO 1" PIPE AT BLOCK CORNER
 ESE 65.44 TO GATE STEM



COMPASS SURVEYING & MAPPING, LLC
 3253 WEST CAREFREE CIRCLE
 COLORADO SPRINGS, CO 80917
 719-354-4120
 WWW.CSAMLLC.COM

FINAL PLAT

Lots 1 and 2A, Block 2, Clemens-Reinhardt Subdivision, a replat of Lot 1, Block 2, Clemens-Reinhardt Subdivision and Lot 2A, a replat of Lot 2 and part of Lot 3, Block 2, Clemens-Reinhardt Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska.



PROJECT NO.	24246
DATE:	OCTOBER 21, 2025
DRAWN BY:	MSJ
CHECKED BY:	MSJ
SHEET NO.	1 OF 2

LEGAL DESCRIPTION:

Lots 1 and 2A, Block 2, Clemens–Reinhardt Subdivision, a replat of Lot 1, Block 2, Clemens–Reinhardt Subdivision and Lot 2A, a replat of Lot 2 and part of Lot 3, Block 2, Clemens–Reinhardt Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska.

Containing a calculated area of 145,165 square feet (3.33253 acres), more or less.

OWNERS STATEMENT:

The undersigned, owner of the real estate described hereon and shown on the accompanying plat, has caused such real estate to be platted as: Lots 1 and 2A, Block 2, Clemens–Reinhardt Subdivision, a replat of Lot 1, Block 2, Clemens–Reinhardt Subdivision and Lot 2A, a replat of Lot 2 and part of Lot 3, Block 2, Clemens–Reinhardt Subdivision.

The rights–of–way and easements shown on this plat are hereby dedicated to the use and benefit of the public.

Lot 1–

CP Land Group L.C., a Utah limited liability company

By: _____ its _____

Lot 2A–

OTB – Scottsbluff, LLC, an Arizona limited liability company

By: J. Clint Jameson, Manager

ACKNOWLEDGEMENT:

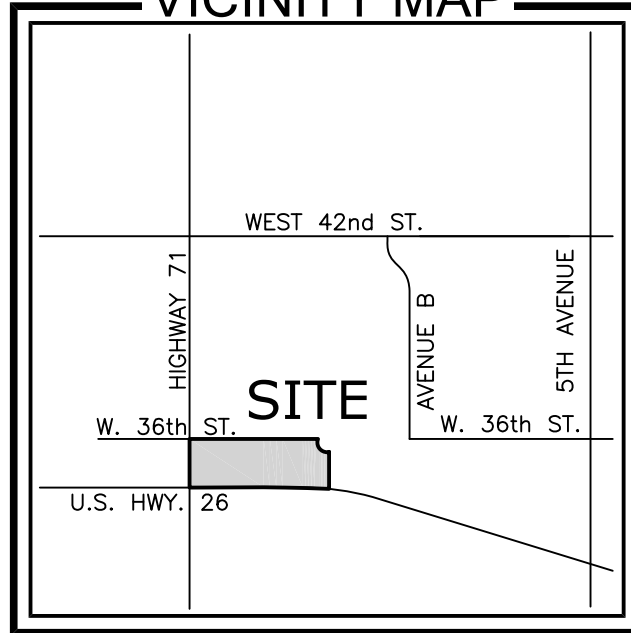
STATE OF _____ } SS
COUNTY OF _____

Before me, a Notary Public, qualified and acting in said County, personally came J. Clint Jameson, Manager of OTB – Scottsbluff, LLC, an Arizona limited liability company, known to me to be the identical person who signed the foregoing "Owners Statement and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and seal this _____ day of _____, 20____.

My Commission expires _____ Notary Public

VICINITY MAP



SURVEYOR'S CERTIFICATE:

The undersigned Professional Land Surveyor licensed in the State of Nebraska, hereby states and declares that the accompanying plat was surveyed and drawn under his responsible charge and accurately shows the described tract of land, and subdivision thereof, and that the applicable standards of practice have been met to the best of his knowledge and belief.

This statement is neither a warranty nor guarantee, either expressed or implied.

Mark S. Johannes _____ Date _____
Nebraska Professional Land Surveyor No. 615
For and on behalf of Compass Surveying & Mapping, LLC

ACKNOWLEDGEMENT:

STATE OF _____ } SS
COUNTY OF _____

Before me, a Notary Public, qualified and acting in said County, personally came _____ of CP Land Group L.C., a Utah limited liability company, known to me to be the identical person who signed the foregoing "Owners Statement and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and seal this _____ day of _____, 20____.

My Commission expires _____ Notary Public _____

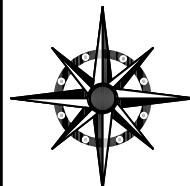
CITY APPROVAL AND ACCEPTANCE:

The foregoing amended plat of Lots 1 and 2A, Block 2, Clemens–Reinhardt Subdivision, a replat of Lot 1, Block 2, Clemens–Reinhardt Subdivision and Lot 2A, a replat of Lot 2 and part of Lot 3, Block 2, Clemens–Reinhardt Subdivision, City of Scottsbluff, Nebraska, Scotts Bluff County, Nebraska was approved by the Mayor and City Council of the City of Scottsbluff, Nebraska

by Resolution passed this _____ day of _____, 20____.

By: Betsy Vidlak, Mayor

Attested: Kimberley Wright, City Clerk

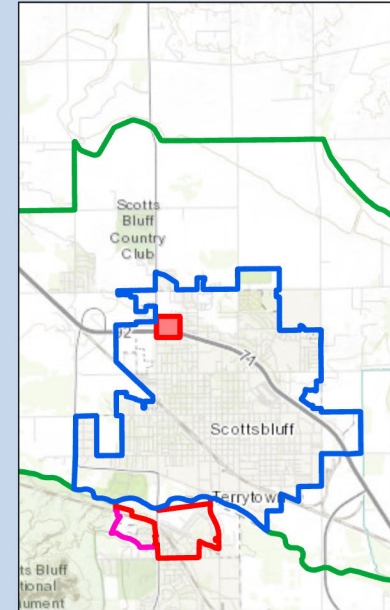
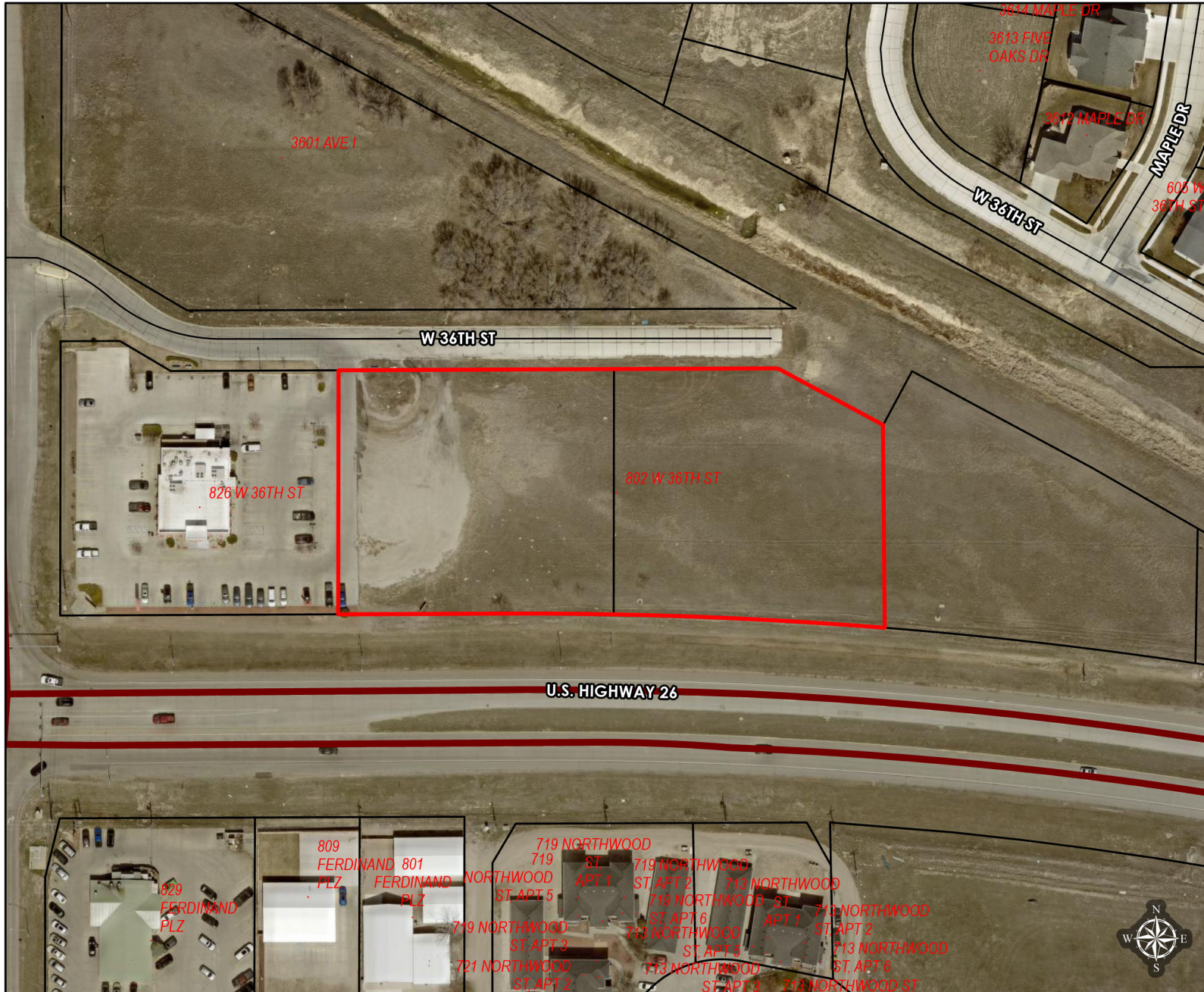


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FINAL PLAT

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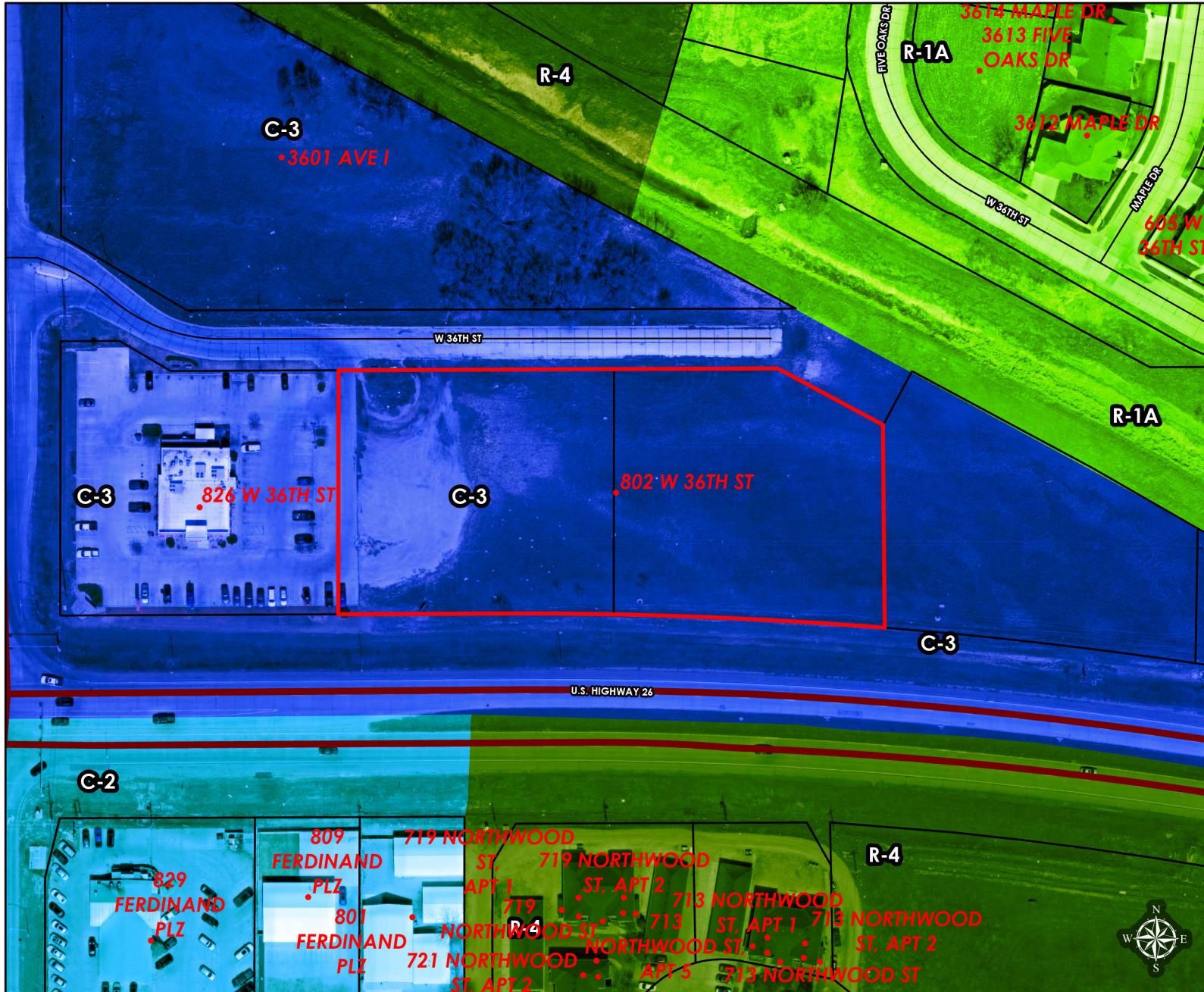
PROJECT NO.	24246
DATE:	OCTOBER 21, 2025
DRAWN BY:	MSJ
CHECKED BY:	MSJ
SHEET NO.	2 OF 2



- Corporate Limits
- Proposed Changes
- Street Centerlines
- CLASS**
- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

Taylor Stephens
City of Scottsbluff GIS
Created on 11/25/2025
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

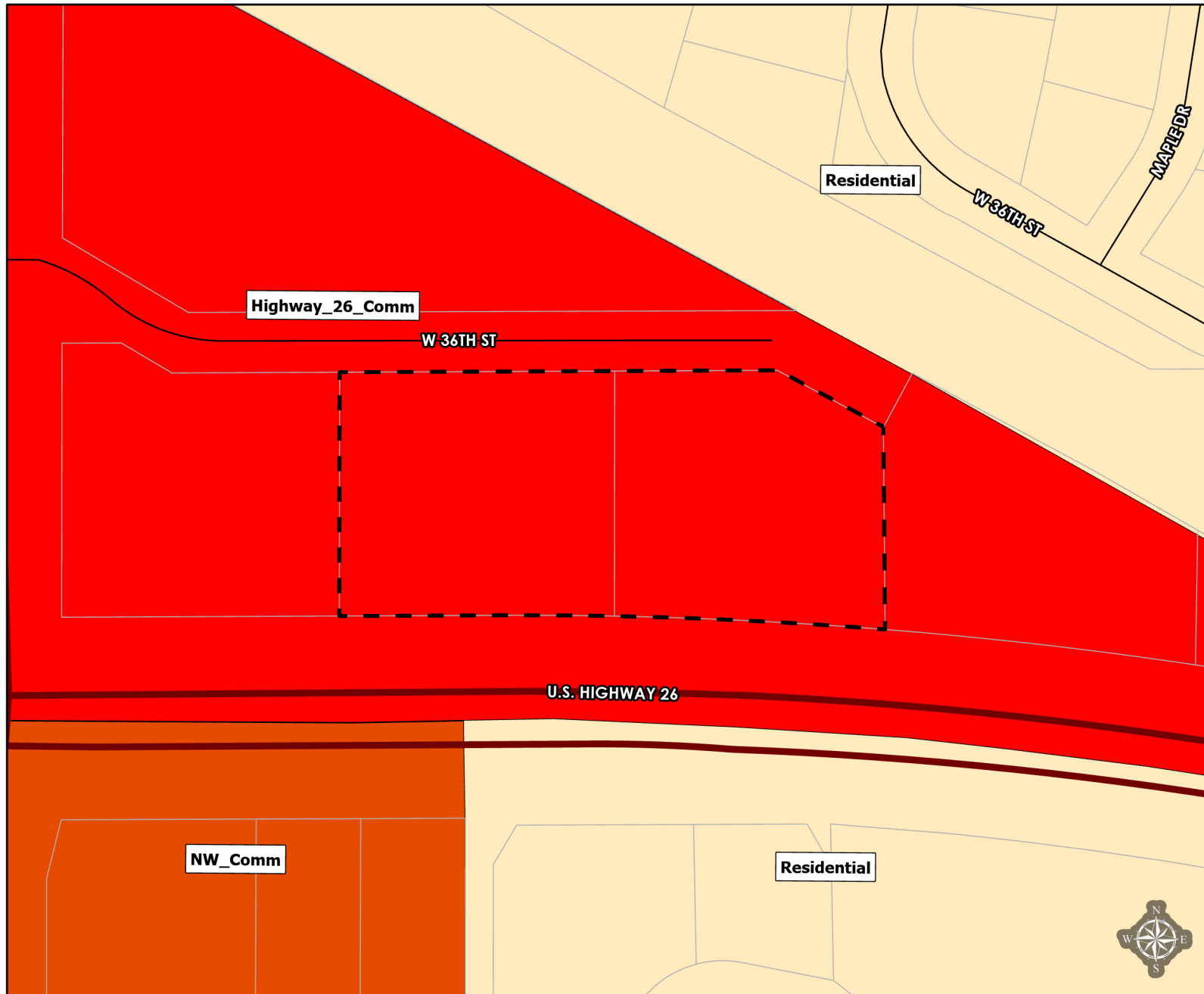


- Property Location(s)
- Street Centerlines
 - Highway
 - Main Road
 - Residential/Rural
- Official City Zoning
 - (A) Agriculture
 - (AR) Agriculture Residential
 - (C-1) Central Business District
 - (C-2) Neighborhood Commercial
 - (C-3) Heavy Commercial
 - (M-1) Light Manufacturing & Industrial
 -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

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 Created on 11/25/2025
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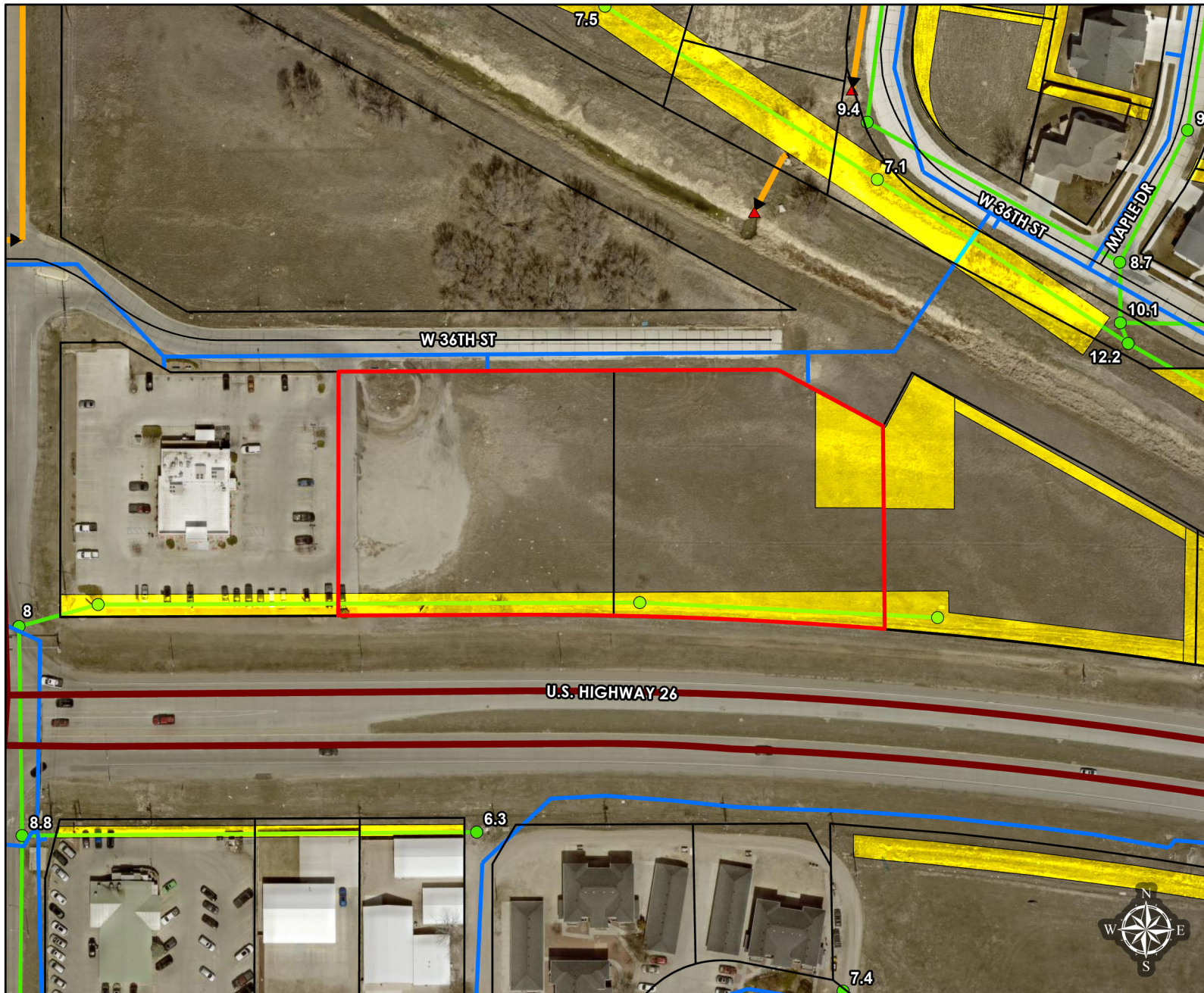
Page 12 of 109



- Proposed Changes
- Parcel Boundaries
- 2016 Comp. Plan Land Use**
- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

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- Highway
- Main Road
- Residential/Rural
- Wastewater MH
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Concerning Parcel(s)
- Water_Lines
- Easements
- Parcels

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 City of Scottsbluff GIS
 Created on 11/25/2025
 Coordinate System: NAD 1983 (2011)
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City of Scottsbluff, Nebraska

Monday, December 8, 2025

Regular Meeting

Item 7.B

Planning Commission to conduct a Public Hearing regarding a Special Use Permit for a Residential Dwelling in the C-3 Heavy Commercial District at Lot 1B, Block 4, East Portal Addition Replat, commonly identified as 2012 E. Portal Place.

Staff Contact:



City of Scottsbluff
Special Use Application
Permit Identifier 2025-20CUP

Type:

Applicant Name Terry Schank Applicant Address 250439 Highland Rd.

Applicant Email [Redacted] Applicant Phone [Redacted]

Contact Name Terry Schank Contact Address 250439 Highland Rd.

Contact Email [Redacted] Contact Phone [Redacted]

Property Information

General Location/Address 2012 E PORTAL PL

Legal Description LT 1B, BLK 4, EAST PORTAL ADD REPLAT

Present Use of Property: Shop with Dwelling

Desired Use of Property: Shop with Updated Dwelling

Required Information

Which section of the Municipal Code authorizes the proposed use?

25-3-15

Why should the special use permit be granted?

Dwelling already exists just wanting an update.

Issued By

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: November 20, 2025

For Hearing of: December 8, 2025



I. GENERAL INFORMATION

- A. Applicant:** Terry Schank
250439 Highland Road
Scottsbluff, Nebraska 69361

- B. Property**
 - Owner:** Terry M Schank and Paula J Schank, Trustees of
the Terry M and Paula J Schank Living Trust
250439 Highland Road
Scottsbluff, Nebraska 6936

- C. Proposal:** Special Use Permit for residential dwelling unit in C-3 Heavy Commercial District

- D. Legal Description:** Lot 1B, Block 4, East Portal Addition Replat

- E. Location:** 2012 East Portal Place.

- F. Existing Zoning & Land Use:** C-3 Heavy Commercial – Shop Building with Apartment

- G. Size of Site:** Approximately 12,000 sq ft

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Highway 26 Commercial	C-3 Heavy Commercial	Vehicle Storage Lot
East	Highway 26 Commercial	C-3 Heavy Commercial	Team Chevrolet
South	Highway 26 Commercial	C-3 Heavy Commercial	Commercial Building
West	Highway 26 Commercial	C-3 Heavy Commercial	Commercial Building

B. Relevant Case History

1. None

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Highway 26 Commercial
 - 1. Appropriate zones for East Overland are C-2, O-P, PBC, and R-4
- B. Traffic & Access:**
 - 1. Access to the property is via E Portal Place.
- C. Utilities**
 - 1. A water main and sewer main are located in the right-of-way of E. Portal Place.
 - 2. Another sewer main is located in a 20' utility easement on the rear of the property.
- D. Zoning**
 - 1. Per 25-3-14 C, residential use is a special permit use in the C-3 Heavy Commercial District.
 - i. Residential use is only permitted within the confines of a building in which a permitted use is conducted.
 - ii. Shop for building contractor and parking facility are permitted uses in the C-3 district.

IV. STAFF COMMENTS

- A.** A special permit is assigned to the property owner and not the land itself.
- B.** Per 25-13-3, the Planning Commission may issue a special permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:
 - a. Provides a service required by the neighborhood or community and is consistent with sound principles of land use;
 - b. Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
 - c. Will not create special hazards or problems for the area in which it is located;
 - d. Is related to and harmonious with the general plan for the area in which it is located, as indicated by this chapter
 - e. Otherwise, is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the special permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter.
- C.** There is an existing apartment in the building. This SUP will bring a nonconforming use into compliance with Municipal Code.
- D.** A certificate of occupancy will need to issued for the business if the the special use permit is approved.
- E.** Off-street parking requirements is 1 stall for the salon and 1 for the dwelling.
 - a. The existing detached garage and driveway provide two parking stalls.

V. FINDINGS OF FACT

- A. Findings of Fact to Recommend Its Approval May Include:**
 - 1. The Comprehensive Plan identifies the area as Highway 26 which includes a mix of commercial and residential uses.

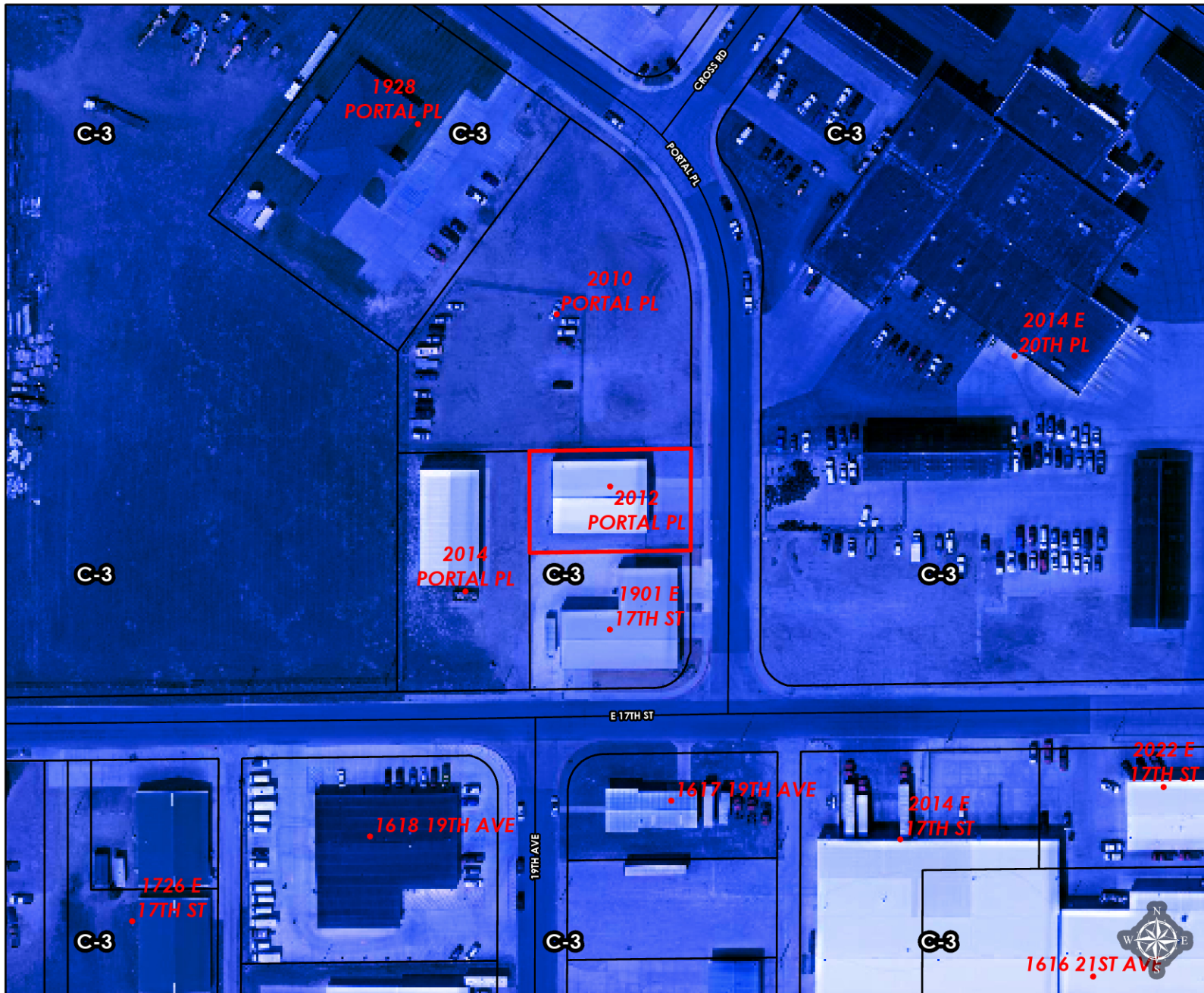
2. Apartments represent services that are required by the community and the use is consistent with the surrounding zonings and uses.
3. The use will not be injurious to neighboring uses.
4. The use will not create special hazards or problems.
5. The Comprehensive Plan Future Land Use Map supports the use.
6. The use is in accordance with the intents and purposes of the Code.

B. Findings of Fact to Not Recommend Approval May Include:

1. None

VI. STAFF RECOMMENDATION

- A. Staff recommends Planning Commission issue the special use permit to Terry Schank for residential uses at Lot 1B, Block 4, East Portal Addition Replat, commonly identified as 2012 E. Portal Place.

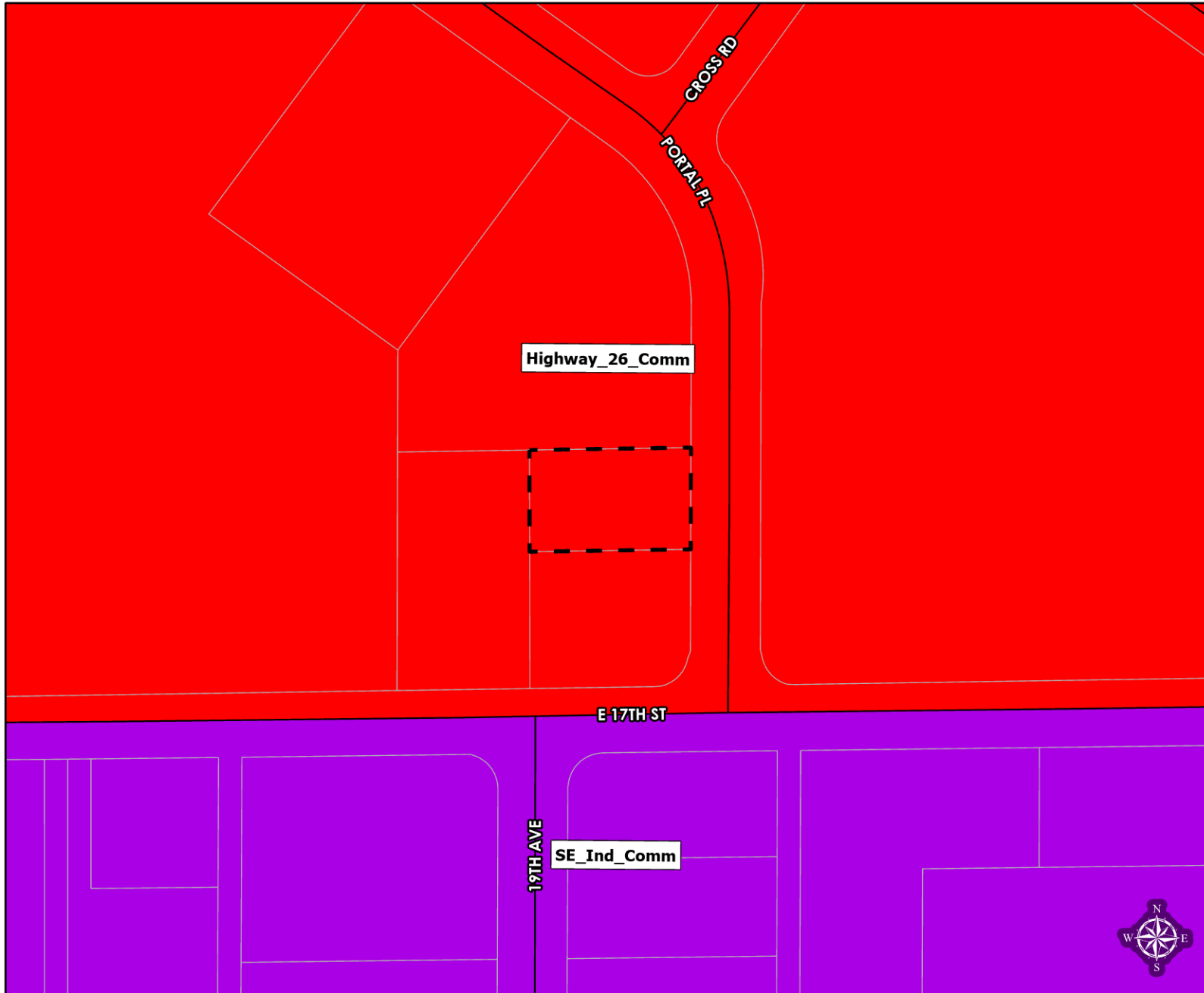


- Property Location(s)
- Street Centerlines
- Highway
- Main Road
- Residential/Rural
- Official City Zoning
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy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

Taylor Stephens
 City of Scottsbluff GIS
 Created on 11/24/2025
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

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Page 20 of 109



- Proposed Changes
- Parcel Boundaries
- 2016 Comp. Plan Land Use**
- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

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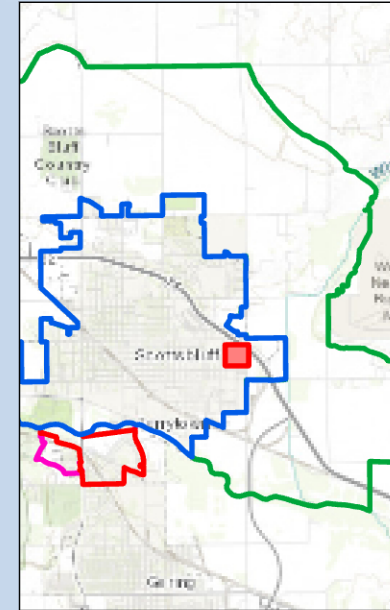
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- Highway
- Main Road
- Residential/Rural
- Wastewater MH
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Concerning Parcel(s)
- Water_Lines
- Active
- TO BE VACATED
- ACTIVE
- COGO
- Parcels

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- Corporate Limits
- Proposed Changes
- Street Centerlines
- CLASS**
- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

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City of Scottsbluff, Nebraska

Monday, December 8, 2025

Regular Meeting

Item 7.C

Planning Commission to conduct a Public Hearing regarding a Salon in the R-1A Single-Family Residential District at Lot B, Block C, Subdivision of Lot 6, Second Addition, commonly identified as 215 and 217 E. 15th Street.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Special Use Application
Permit Identifier 2025-21CUP

Type:

Applicant Name Lindsey Steyer Applicant Address 215 E 15th ST
Scottsbluff, NE

Applicant Email [Redacted] Applicant Phone [Redacted]

Contact Name Contact Address

Contact Email Contact Phone

Property Information

General Location/Address 215 E 15TH ST

Legal Description LT B, BLK C, SUB LT 6 SECOND ADD

Present Use of Property: Residential

Desired Use of Property: Residential/ in home salon

Required Information

Which section of the Municipal Code authorizes the proposed use?

25-3-3

Why should the special use permit be granted?

I am requesting this special permit to move my salon into the vacant unit of my duplex in order to continue to afford cost of operation.

Issued By

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: November 20, 2025

For Hearing of: December 8, 2025



I. GENERAL INFORMATION

- A. Applicant:** Lindsey Steyer
215 E. 15th Street
Scottsbluff, Nebraska 69361

- B. Property**
 - Owner:** Same as Applicant

- C. Proposal:** Special Use Permit for Salon in R-1A Single-Family Residential District

- D. Legal Description:** Lot B, Block C, Subdivision of Lot 6, Second Addition

- E. Location:** 217 E. 15th Street

- F. Existing Zoning & Land Use:** R-1A Single-Family Residential | Two-Family Dwelling

- G. Size of Site:** Approximately 3,644 sq ft

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Residential	R-1A Single-Family Residential	Detached Single-Family Dwelling
East	Residential	R-1A Single-Family Residential	Detached Single-Family Dwelling
South	Residential	R-1A Single-Family Residential	Multi-Family Dwelling
West	Residential	C-1 Central Business District	Commercial Building

B. Relevant Case History

1. The final plat for the property was approved in 2004.

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Residential

1. Appropriate zones for East Overland are R Districts.

B. Traffic & Access:

1. Access to the property is via E 15th Street and the adjoining alley.

C. Utilities

1. A water main is located in the right-of-way of E. 15th Street.
2. A sewer main is located in the alley right-of-way.
3. A stormwater main is located in the right-of-way of E. 15th Street.

D. Zoning

1. Per 25-3-3, a salon is a special permit use in the R-1A Single-Family Residential District.

IV. STAFF COMMENTS

- A.** A special permit is assigned to the property owner and not the land itself.
- B.** Per 25-13-3, the Planning Commission may issue a special permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:
- a. Provides a service required by the neighborhood or community and is consistent with sound principles of land use;
 - b. Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
 - c. Will not create special hazards or problems for the area in which it is located;
 - d. Is related to and harmonious with the general plan for the area in which it is located, as indicated by this chapter
 - e. Otherwise, is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the special permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter.
- C.** The salon would be located in unit 217 while the property owner would continue to reside in 215 E. 15th Street.
- D.**

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

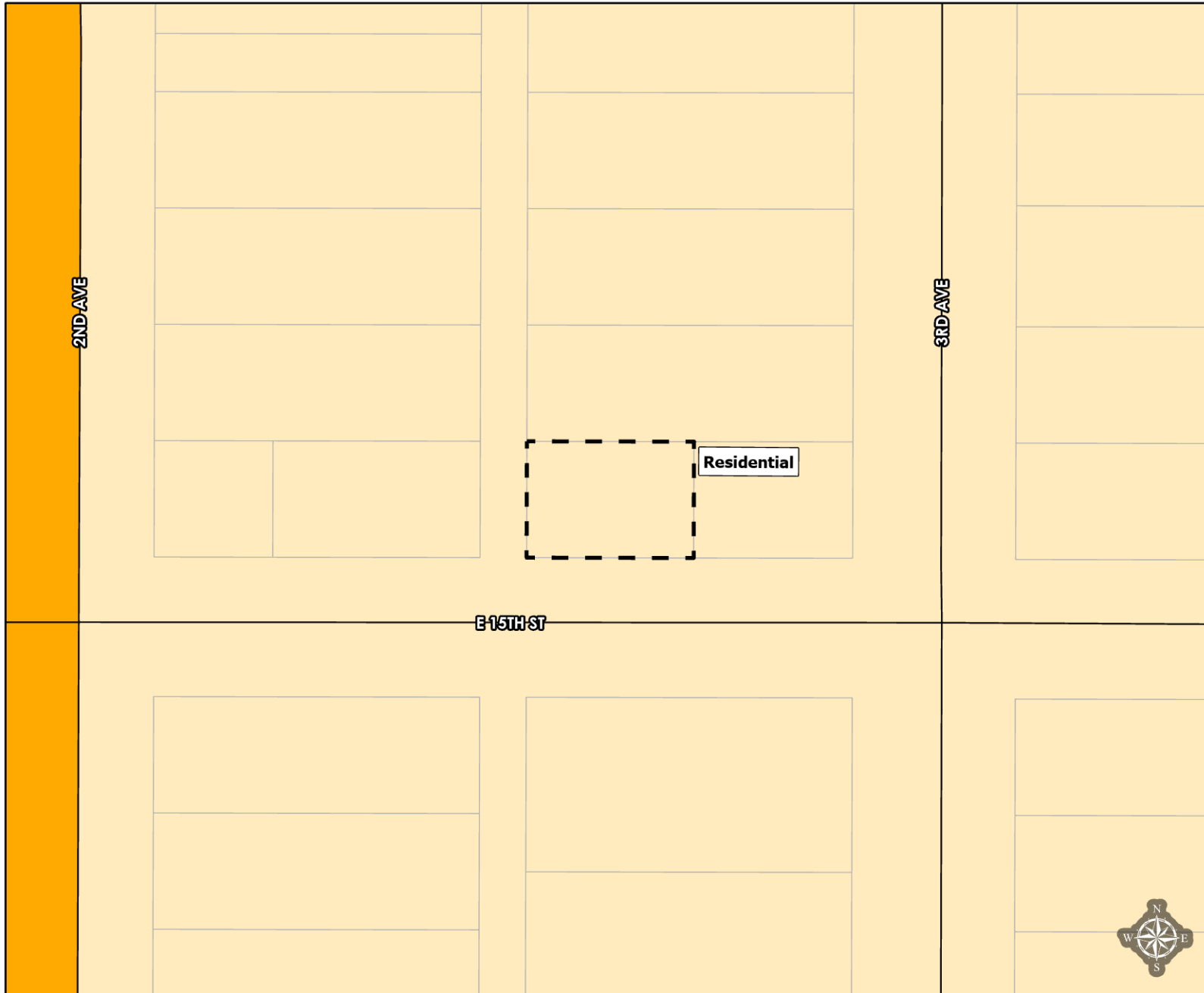
1. The Comprehensive Plan identifies the area as Residential, and the salon is listed as a special use.
2. Salons represent services that are required by the community and the use is consistent with the surrounding zonings and uses.
3. The use will not be injurious to neighboring uses.
4. The use will not create special hazards or problems.
5. The Comprehensive Plan Future Land Use Map supports the use.
6. The use is in accordance with the intents and purposes of the Code.

B. Findings of Fact to Not Recommend Approval May Include:

1. None

VI. STAFF RECCOMENDATION

- A. Staff recommends Planning Commission issue the special use permit to Lindsey Steyer for a salon at Lot B, Block C, Subdivision of Lot 6, Second Addition, commonly identified 217 E. 15th Street



- Proposed Changes
- Parcel Boundaries
- 2016 Comp. Plan Land Use**
- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
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- STD (5 - 10 yrs)



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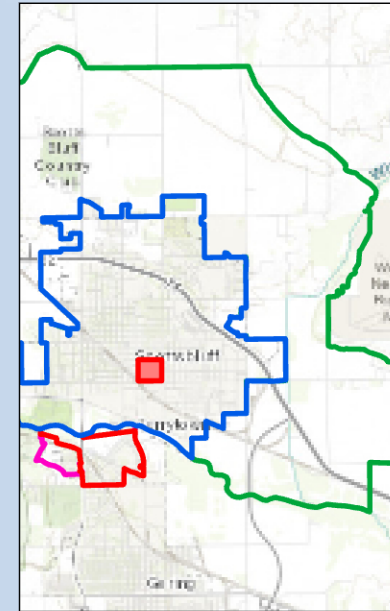
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- Highway
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- Corporate Limits
- Proposed Changes

Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

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City of Scottsbluff, Nebraska

Monday, December 8, 2025

Regular Meeting

Item 7.D

Planning Commission to Conduct a Public Hearing regarding a Zoning Text Amendment regarding Conditional Use Permits and Formatting Changes to Chapter 6, Article 6, and Chapter 25 Articles 2, 3, 4, 5, 6, 8, 13, and 20.

Staff Contact: Zachary Glaubius

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: December 4, 2025

For Hearing of: December 8, 2025



I. GENERAL INFORMATION

- A. At the January 9, 2023 Planning Commission meeting, Development Services staff proposed a list of revisions to Chapter 25.
- B. One of the revisions was renaming Special Use Permits to Conditional Use Permits due to:
 - i. State Statute referring to the permits as conditional use permits
 - ii. Typically, other Nebraska cities, villages, and counties refer to the permits as conditional use permits.
 - iii. Special Use Permit can be easily confused with a Special Permit or Special Event Permit.
- C. Initial revisions to the Municipal Code changing special use and special permits to conditional use permits was presented to Planning Commission on June 9, 2025.

II. STAFF COMMENTS

- A. Staff has performed a supplemental review of the Municipal Code to identify references to special use permits and special permits.
- B. Special use and special permits are referenced in the following Chapters:
 - i. Chapter 6: City Government
 - ii. Chapter 21: Subdivisions
 - iii. Chapter 23: Water
 - iv. Chapter 25: Zoning
- C. From further review, staff recommends some special permits remain as special permits, primarily special permits pertaining to Planned Unit Developments (PUDs).
 - i. This removes the proposed revisions to Chapter 21, Chapter 23, Chapter 25 Articles 7 and 21.
- D. Other changes made with this zoning text amendment include:
 - i. Adding an expiration date to conditional use permits if the use is not commenced within 12 months of issuance.
 - ii. Removing sections of code pertaining to perimeter fences and the necessity of special use permits to construct a perimeter fence.
 - 1. A perimeter fence is a fence that encloses multiple properties owned by a single owner.
 - 2. Staff does not see this as necessary as fences can be considered as temporary structures.
 - iii. Fixing errors in Chapter 25 Article 3
 - 1. Most performance standard tables had columns which were previously misaligned.
 - 2. The listed uses were not consistent in being plural.
 - 3. Some listed uses were duplicated.

III. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation on the revised zoning text amendment to Chapter 6 Article 6 and Chapter 25 Articles 2, 3, 5, 6, 8, 13, and 20 regarding amending the term special use permit and some special permits to conditional use permits as well as amend formatting in Chapter 25 Article 3.

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE TO AMEND FORMATTING, ADD AN EXPIRATION DATE, AND TO CHANGE AND AMEND THE TERMS SPECIAL PERMIT AND SPECIAL USE PERMIT TO CONDITIONAL USE PERMIT, THROUGHOUT CHAPTER 25 AND CHAPTER 6, OF THE MUNICIPAL CODE AND TO AMEND ARTICLES 2, 3, 5, 6, 8, 13, AND 20, CHAPTER 25 OF THE MUNICIPAL CODE, AS WELL AS CHAPTER 6, , TO PROVIDE FOR AN EFFECTIVE DATE AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 6, Article 6, Section 29 of the Scottsbluff Municipal Code is now amended to provide as follows:

“§ 6-6-29. LAND USE PERMITS:

The following fees are hereby imposed for matters pertaining to zoning and land use:

A. Subdivision/Plat Fees

Amended Plat	\$200
Preliminary Plat	\$200
Final Plat	\$200
Plat Vacation	\$200
Agricultural Estate Dwelling Site	\$200

B. Zoning Fees

Zoning Amendment	\$300
Conditional Use Permit	\$300

Special Permit – Parking (Shared Facility or Exception)	\$150
Special Permit - Planned Unit Development	\$300
Mobile Home Park License	\$150 (first 20 spaces) \$5 (each additional space over 20 spaces)

C. Board of Adjustment Fees

Appeal Application	\$150
--------------------	-------

D. Other Fees

Zoning Verification Letter	\$20
Zoning/Land Use Map (11” x 17”)	\$20

Section 2. Chapter 25, Article 2, Section 132 of the Scottsbluff Municipal Code is now amended to provide as follows:

“§ 25-2-132 USE; CONDITIONAL.

USE; CONDITIONAL. A use classified as conditional may be appropriate or desirable in a specified zone, but requires conditional approval as if not carefully located or designed, it may create special problems, such as excessive bulk, height, or abnormal traffic conditions.”

Section 3. Chapter 25, Article 3, Sections 1 through Section 20 and Section 23 of the Scottsbluff Municipal Code are now amended to provide as follows:

“§ 25-3-1 ESTABLISHMENT OF DISTRICTS.

In order to carry out the purpose and intent of this chapter, the city and its land outside the city limits over which the city exercises zoning jurisdiction is hereby divided into the following zoning district classifications:

- (A) R-1 Low Density Residential District;
- (B) R-1a Medium Density Residential District;
- (C) R-1b Rural Estate Residential District;
- (D) R-4 Heavy Density Residential District;
- (E) R-6 Mobile Home Residential District;
- (F) O-P Office and Professional District;
- (G) PBC Planned Business Center District;
- (H) C-1 Central Business District;
- (I) C-2 Retail and Neighborhood Commercial District;
- (J) C-3 Heavy Commercial District;
- (K) M-1 Light Manufacturing and Industrial District;
- (L) M-2 Heavy Manufacturing and Industrial District;
- (M) A Agricultural District;
- (N) AR Agricultural Residential District;

§ 25-3-2 R-1 LOW DENSITY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of the R-1 Low Density Residential District is to:

(1) Provide for low density residential areas where the predominant uses are single- family detached houses; and

(2) Protect these areas from incompatible uses.

(B) *Principal Permitted Uses.*

(1) Religious assemblies;

(2) Colleges;

(3) Community centers;

(4) Family child care homes;

- (5) Home occupations;
- (6) Municipal uses;
- (7) Public utility lines and substations;
- (8) Rooming/boarding houses with no more than two guests;
- (9) Single-family detached dwellings;
- (10) Schools; and
- (11) Water wells.

(C) *Conditional Uses.*

- (1) Cemeteries;
- (2) Cluster housing;
- (3) Condominiums;
- (4) Hospitals;
- (5) Public utility facilities;

(6) 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;

- (7) Townhouses (single-family attached) dwelling units;
- (8) Two-family dwellings;
- (9) Utility plants;
- (10) Water storage; and

(11) Livestock - Horses and other livestock used solely for non-business recreation of occupier are permissible on lots comprising two acres or more, in the quantity of one animal per each whole acre. Shelters for such animals shall be situated not less than 50 feet from the property line and not less than 50 feet from a residence on another lot or tract.

(D) *Performance standards.*

- (1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Maximum</i>	<i>Setbacks</i>	<i>Floor</i>	<i>Height</i>
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	<i>Lot Size (Sq. Ft.)</i>	<i>Lot Width (Sq. Ft.)</i>	<i>Lot Coverage (%)</i>	<i># of Dwelling Units</i>	<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>	<i>Area Minimum (Sq. Ft.)</i>	<i>(Ft.)</i>
Accessory building						3	2	15		18
Single-family dwelling	12,000	100	40	1	25 or A	20	5	15	1,200	35
Other permitted uses		100			25 or A	20	5	15		35
<p>A If buildings have been built on lots which comprise more than 25% 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.</p>										

(2) *Accessory building; detached.*

(a) A detached accessory building must be located:

1. To the rear of the main building;
2. At least ten feet from the main building, or a distance of at least five feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the International One- and Two-Family Dwelling Code § 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 feet from the main building shall not be deemed to be in violation of this requirement;
3. At least three feet from the rear lot line if the lot line is a common lot line abutting a lot, and the entry point from alley shall be no closer than five feet from the property line; and
4. At least two feet from the interior side lot line. 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.

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

(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; and
4. Lot coverage will meet requirements in the zoning district.

§ 25-3-3 R-1a MEDIUM DENSITY RESIDENTIAL DISTRICT

(A) *Intent.* The intent of the R-1a Medium Density Residential District is to:

(1) Provide for medium and low-density residential areas where the predominant uses are single-family detached and single-family semi-attached dwelling units; and

(2) Protect these areas from incompatible uses.

(B) *Principal Permitted Uses.*

(1) Religious assemblies;

(2) Community centers;

(3) Family child care homes;

(4) Home occupations;

(5) Multi-family units;

(6) Municipal uses;

(7) Rooming/boarder houses with no more than two guests;

(8) Schools;

(9) Single-family detached dwellings;

(10) Townhouses (single-family attached dwellings);

(11) Golf courses;

(12) Public utilities and substations;

(13) Two-family dwellings; and

(14) Water wells.

(C) *Conditional Uses.*

(1) Cluster housing;

- (2) Condominiums;
- (3) Mortuaries;
- (4) Hair salons;
- (5) Hospitals;
- (6) Lodges or clubs;
- (7) Child care centers or preschools;
- (8) Daycares;
- (9) Permanent cosmetic facilities;
- (10) Public utility facilities;
- (11) Nursing homes and/or assisted living facilities;
- (12) Rooming or boarding houses for not more than six roomers or boarders;

(13) 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;

- (14) Tourist information booths;
- (15) Utility plants; and
- (16) Water storage.

(D) *Performance standards.*

- (1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Lot Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>				<i>Floor Area Minimum (Sq. Ft.)</i>	<i>Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>		
Accessory building						3	2	12.5 or C		18
Single-family	5,500	55	60	1	20 or A	15 or B	5	12.5 or C	700	35

Two-family	7,000	70	50	2	25 or A	15 or B	5	12.5 or C	600/D U	35
Multi-family	7,000	70	50		25 or A	25	5	12.5 or C	400/D U	35
	(Minimum 2,500 sq. ft. per multi-family dwelling)									
Other permitted uses		70			25	15	5	12.5		35

A Minimum front yard setback to front facing garage shall be 20 feet; and to front of porch shall be seven feet. If buildings have been built on lots which comprise more than 25% 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.

B Minimum rear yard setback to a deck shall be ten feet.

C Minimum side yard setback from a side street for a side-loading garage shall be 20 feet.

(2) *Accessory building; detached.*

(a) A detached accessory building must be located:

1. To the rear of the main building;
2. At least ten feet from the main building, or a distance of at least five feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the International One- and Two-Family Dwelling Code § 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 feet from the main building shall not be deemed to be in violation of this requirement;
3. At least three feet from the rear lot line if the lot line is a common lot line abutting a lot;
4. At least two feet from the interior side lot line. 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; and
5. Minimum rear yard setback to a garage with an alley entrance shall be five 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 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; and
4. Lot coverage will meet requirements in the zoning district.

§ 25-3-4 R-1b RURAL ESTATE RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of an R-1b Rural Estate Residential District is to:

(1) Provide for low density residential areas with larger lot sizes where the predominant uses are single-family detached dwellings; and

(2) Protect these areas from incompatible uses.

(B) *Principal Permitted Uses.*

(1) Religious assemblies;

(2) Community centers;

(3) Crop production and orchards;

(4) Family child care homes;

(5) Home occupations;

(6) Irrigation facilities that are incidental to agricultural use on the premises;

(7) Municipal uses;

(8) Rooming/boarded houses with no more than two guests;

(9) Schools; and

(10) Single-family detached dwellings.

(C) *Conditional Uses.*

(1) Hospitals;

(2) Livestock horses and other livestock used solely for non-business recreation of occupier are permissible in the quantity of one animal per lot or, if a lot comprises one acre or more, one

animal per each whole acre. Shelters for such animals shall be situated not less than 50 feet from the property line and not less than 50 feet from a residence on another lot or tract;

- (3) Child care centers;
- (4) Daycares;
- (5) Public utility facilities;
- (6) Rooming/boarding houses 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 booths;
- (9) Utility plants; and
- (10) Water storage.

(D) *Performance standards.*

- (1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Acres)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Lot Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>				<i>Floor Area Minimum (Sq. Ft.)</i>	<i>Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>		
Accessory building						3	2	15		25
Single-family dwelling	3	200	30	1	50	50	20	15	900	35
Other permitted uses	3	200			50	50	20	15		35

- (2) *Accessory building; detached.*

(a) A detached accessory building must be located:

1. To the rear of the main building;
2. At least ten feet from the main building, or a distance of at least five feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the International One- and Two-Family Dwelling Code § 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 feet from the main building shall not be deemed to be in violation of this requirement;
3. At least three feet from the rear lot line if the lot line is a common lot line abutting a lot;
4. At least two feet from the interior side lot line; provided. 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; and
5. Minimum rear yard setback to a garage with an alley entrance shall be five 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 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; and
4. Lot coverage will meet requirements in the zoning district.

§ 25-3-5 REPEALED.

§ 25-3-6 REPEALED.

§ 25-3-7 R-4 HEAVY DENSITY RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of an R-4 Heavy Density Residential District 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;
- and

(3) Encourage the development of affordable housing for young families, low- and moderate-income families, and the elderly.

(B) *Principal Permitted Uses.*

- (1) Religious assemblies;
- (2) Community centers;
- (3) Educational/charitable institutions;
- (4) Family child care homes;
- (5) Home occupations;
- (6) Multi-family dwelling units;
- (7) Municipal uses;
- (8) Rooming/boarding houses with no more than two guests;
- (9) Schools;
- (10) Townhomes (single-family attached dwellings);
- (11) Single-family detached dwellings; and
- (12) Two-family dwellings.

(C) *Conditional Uses.*

- (1) Cluster housing;
- (2) Condominiums;
- (3) Hospitals;
- (4) Lodges or clubs;
- (5) Child care centers;
- (6) Daycares;
- (7) Public utility facilities;
- (8) Rooming or boarding houses for not more than six roomers or boarders;
- (9) 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;
- (10) Tourist information booths;

(11) Utility plants; and

(12) Water storage.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Lot Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>			<i>Side Street (Ft.)</i>	<i>Floor Area Minimum (Sq. Ft.)</i>	<i>Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>			
Accessory building						3	2	12.5		18
High density multi-family dwelling	7,000	70	A		25 or C	25	5 or B	12.5	A	70
Low density multi-family dwelling	7,000	70	50		25 or C	25	5 or B	12.5	400/DU	35
Single-family dwelling	5,500	55	60	1	20 or C	15	5	12.5	700	35
Two-family dwelling	7,000	70	50	2	20 or C	15	5	12.5	660/DU	35

Other permitted uses	7,000	70			25	15	5	12.5		35
A Minimum floor area per dwelling unit and maximum lot coverage:										
<i>Minimum Floor Area (Sq. Ft.)</i>					<i>Maximum Lot Coverage</i>					
500					70%					
450					65%					
400					60%					
350					55%					
300					45%					
<p>B The minimum side yard setback is five feet for buildings and structures not more than three stories high. For buildings more than three stories high, the required minimum side yard setback is increased one foot for each additional story over three.</p> <p>C If buildings have been built on lots which comprise more than 25% 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.</p>										

(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 feet from the main building, or a distance of at least five feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the International One- and Two-Family Dwelling Code § 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 feet from the main building shall not be deemed to be in violation of this requirement;
3. At least three feet from the rear lot line if the lot line is a common lot line abutting a lot;

4. At least two feet from the interior side lot line. 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; and

5. Minimum rear yard setback to a garage with an alley entrance shall be five feet.

(b) The setback from a side street line must be at least five 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 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.

§ 25-3-8 REPEALED.

§ 25-3-9 R-6 MOBILE HOME RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of an R-6 Mobile Home Residential District is to:

- (1) Allow mobile homes outside a mobile home park;
- (2) Allow the mix of single-family detached dwellings;
- (3) Require greater lot sizes than mobile home parks; and
- (4) Allow a mix of uses other than residential uses which are compatible with the district.

(B) *Principal Permitted Uses.*

- (1) Religious assemblies;
- (2) Community centers;
- (3) Family child care homes;
- (4) Home occupations;
- (5) Mobile homes;
- (6) Municipal uses;
- (7) Rooming/boarded houses (not more than two guests);
- (8) Schools; and
- (9) Single-family detached dwellings.

(C) *Conditional Uses.*

- (1) Cluster housing;
- (2) Mobile home parks with the following performance standards and complying with Article 9 of this Chapter;

(3) Child care centers;

(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) Daycares;

(6) Condominiums; and

(7) Townhouses.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Lot Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>			<i>Side Street (Ft.)</i>	<i>Floor Area Minimum (Sq. Ft.)</i>	<i>Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>			
Mobile home	16,640	70	40	1	20	25	12	12.5		35
Single-family	16,640	70	40	1	20	25	12	12.5	700	35
Accessory building						3	2			18
Mobile home parks *	4.5 acres			7 per gross acre	20	15	10 between units	12.5		35

* Mobile homes shall not be closer than 18 feet from any service or any other mobile home park permanent building.

Mobile homes must meet HUD standards.

A If buildings have been built on lots which comprise more than 25% 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.

B Mobile homes shall set back a minimum of 20 feet from the property line of the mobile home park. A front setback of mobile homes shall be a minimum of 15 feet from the curb on interior drives, and the side setback shall be a minimum of ten feet between mobile homes. No mobile home shall be situated closer than 18 feet to any service or other mobile home park permanent building.

C The density of a mobile home park shall not exceed seven dwelling units per gross acre.

(2) *Accessory building; detached.*

(a) A detached accessory building must be located:

1. To the rear of the main building;
2. At least ten feet from the main building, or a distance of at least five feet from the main dwelling building if the interior wall of the accessory building adjacent to the main building complies with the International One- and Two-Family Dwelling Code §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 feet from the main building shall not be deemed to be in violation of this requirement;
3. At least three feet from the rear lot line if the lot line is a common lot line abutting a lot;
4. At least two feet from the interior side lot line. 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; and
5. Minimum rear yard setback to a garage with an alley entrance shall be five 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 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; and
4. Lot coverage will meet requirements in the zoning district.

§ 25-3-10 REPEALED.

§ 25-3-11 O-P OFFICE AND PROFESSIONAL DISTRICT.

(A) *Intent.* The intent of an O-P Office and Professional District is to allow for a mixture of professional office and some residential occupancies with limited other compatible commercial uses.

(B) *Principal Permitted Uses.*

- (1) Accounting, auditing, and bookkeeping services;
- (2) Adult day service facilities;
- (3) Arts and crafts studios;
- (4) Bank automated teller facilities; indoor;
- (5) Banking services;
- (6) Barber/beauty shops;
- (7) Religious assemblies;
- (8) Clinics;
- (9) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (10) Community centers;
- (11) Educational or charitable institutions and educational or scientific research services;
- (12) Florists;
- (13) Gift shops;
- (14) Home occupations;
- (15) Hospitals;
- (16) Insurance services;
- (17) Laboratories; medical, dental, and optical;
- (18) Counselling services;
- (19) Mortuaries;
- (20) Multi-family dwellings;
- (21) Municipal uses;
- (22) Offices and professional services;
- (23) Permanent cosmetic facilities;

- (24) Pharmacies;
- (25) Professional membership organizations;
- (26) Professional schools;
- (27) Respite care service facilities;
- (28) Rooming/boarding houses;
- (29) Schools;
- (30) Single-family dwellings;
- (31) Townhomes (single-family attached dwellings);
- (32) Tourist information booths; and
- (33) Two-family dwellings.

(C) *Conditional Uses.*

- (1) Ambulance services ;
- (2) Animal clinics (indoor only);
- (3) Bank automated teller facilities;
- (4) Book and stationery stores;
- (5) Daycares;
- (6) Restaurants;
- (7) Health Food stores;
- (8) Restaurants (Drive-in);
- (9) 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;
- (10) Temporary medical housing;
- (11) Public utility facilities;
- (12) Lodges or clubs;
- (13) Utility plants;
- (14) Water storage; and

(15) Residential uses within the confines of a building in which a permitted use is conducted.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Lot Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>			<i>Side Street (Ft.)</i>	<i>Floor Area Minimum (Sq. Ft.)</i>	<i>Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>			
Accessory building						3	2	12.5		18
LD multi-family	7,000	70	50		25 or C	15 or D	5 or B	12.5	400/DU	35
Single-family	7,000	70	60	1	25 or C	15 or D	5	12.5	700	35
Two-family	7,000	70	50	2	20 or C	15 or D	5	12.5	660/DU	35
Other permitted uses	7,000	70			25 or C	15 or D	5 or B	12.5		70

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

<i>Minimum Floor Area (Sq. Ft.)</i>	<i>Maximum Lot Coverage</i>
500	70%
450	65%
400	60%
350	55%

300	45%
<p>B The minimum side yard setback is five feet for buildings and structures not more than three stories high. For buildings more than three stories high, the required minimum side yard setback is increased one foot for each additional story over three.</p> <p>C If buildings have been built on lots which comprise more than 25% 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.</p> <p>D If a lot abuts on a public alley, the minimum rear yard setback is five (5) feet.</p>	

(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

§ 25-3-12 PBC PLANNED BUSINESS CENTER DISTRICT

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

(1) Provide an area for a unified commercial center which provides goods and services to a regional trading area;

(2) Provide for joint or grouped parking facilities serving several retail stores; and

(3) Coordinate a vehicular and pedestrian traffic circulation system and carefully design access that is compatible with surrounding uses.

(B) *Principal Permitted Uses.*

(1) Accounting, auditing, and bookkeeping services;

(2) Ambulance services;

(3) Amusement centers;

(4) Animal clinics; indoor only;

(5) Arts and crafts studios;

(6) Automated or coin-operated car washes;

(7) Bakeries or Baked goods stores;

- (8) Bank automated teller facilities; outdoor;
- (9) Bank automated teller facilities; indoor;
- (10) Banking services;
- (11) Barber and beauty shops;
- (12) Book and stationery stores;
- (13) Business college and trade schools;
- (14) Religious assemblies;
- (15) Cleaning and laundry agencies;
- (16) Clinics;
- (17) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (18) Community centers;
- (19) Confectionery stores;
- (20) Convenience stores without dispensing gasoline;
- (21) Convenience stores with dispensing gasoline;
- (22) Dance, music, or voice studios;
- (23) Child care centers;
- (24) Delicatessens;
- (25) Daycares;
- (26) Restaurants (Drive-in);
- (27) Educational and scientific research services;
- (28) Florists;
- (29) Food stores and delicatessens;
- (30) Furniture/appliance stores;
- (31) Gift shops;
- (32) Grocery stores;
- (33) Home improvement stores;

- (34) Hospitals;
- (35) Insurance services;
- (36) Jewelry stores;
- (37) Laboratories; medical, dental, and optical;
- (38) Laundromats; self-service;
- (39) Bars or taverns;
- (40) Counselling services;
- (41) Mortuaries;
- (42) Multi-family dwelling units. Living quarters for watchperson of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone;
- (43) Municipal uses;
- (44) Offices: professional and service;
- (45) Permanent cosmetic facilities;
- (46) Pharmacies;
- (47) Photographic studios;
- (48) Printing services;
- (49) Professional membership organizations;
- (50) Professional schools;
- (51) Reducing/suntanning facilities;
- (52) Restaurants;
- (53) Retail stores and services;
- (54) Service stations; full service;
- (55) Service stations; mixed use;
- (56) Single-family dwelling units;
- (57) Shoe stores;
- (58) Theaters; indoor;
- (59) Tire shops; and recapping; and

(60) Utility business offices.

(C) *Conditional Uses.*

(1) Adult bookstores: no such use shall be located within 300 linear feet of any school, public or private, place of worship, public park, day care center, child nursery, library, or residential district. No such use shall be located within 1,000 linear feet of any existing adult bookstore. No such use may be allowed in combination with the sale or consumption of alcoholic beverages;

(2) Lodges or clubs;

(3) Public utility facilities;

(4) Temporary building or contractor’s storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located;

(5) Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one;

(6) Utility plants; and

(7) Water storage.

(D) *Performance standards.*

(1) *Area and bulk, regulations.*

<i>Use</i>	<i>Minimum District Size</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>	<i>Maximum Coverage</i>	<i>Maximum Dwelling Units</i>	<i>Setbacks</i>				<i>Structure Regulations</i>
						<i>Front</i>	<i>Rear</i>	<i>Interior Side</i>	<i>Side Street</i>	<i>Maximum Height</i>
Permitted Use	8 acres	No minimum	20 feet	No maximum	4(c)	25 feet or 4(h)	4(h)	4(h)	25 feet	4(b)

Accessory Building						Not permitted	4(h)	4(h)	25 feet	4(b)
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(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

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

(4) *Design requirements.*

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

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

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

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

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

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

(g) *Off-street parking.* Adequate off-street parking must be provided in a center to accommodate all motor vehicles of employees, customers, and other persons reasonably

expected to use the center, and for vehicles used in the conduct of businesses in the center. At least one parking space must be provided for each 200 square feet of floor area used for selling or offices. Areas designed primarily for loading and unloading or standing space are not parking spaces within the meaning of this section. Floor area designed for selling or office may not include areas used for storage, utilities or restrooms. Parking spaces and areas must meet the requirements of [Article 5](#) of this chapter.

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

§ 25-3-13 C-1 CENTRAL BUSINESS DISTRICT.

(A) *Intent.* The intent of a C-1 Central Business District 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.

(B) *Principal Permitted Uses.*

- (1) Accounting, auditing, and bookkeeping services;
- (2) Adult day service facilities;
- (3) Ambulance services;
- (4) Amusement centers;
- (5) Animal clinics; indoor only;
- (6) Arts and crafts studios;
- (7) Auto storage and rentals;
- (8) Bakeries or Baked goods stores. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
- (9) Bank automated teller facilities; outdoor;
- (10) Bank automated teller facilities; indoor;
- (11) Banking services;
- (12) Barber and beauty shops;
- (13) Book and stationery stores;
- (14) Brew pubs;
- (15) Bus depots;

- (16) Business colleges and trade schools;
- (17) Automated or coin-operated car washes;
- (18) Religious assemblies;
- (19) Cleaning and laundry agencies;
- (20) Clinics;
- (21) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (22) Community centers;
- (23) Condominiums with three or fewer apartments;
- (24) Confectionery stores;
- (25) Convenience stores without dispensing gasoline;
- (26) Convenience stores with dispensing gasoline;
- (27) Convenience warehouse storage facilities;
- (28) Child care centers;
- (29) Daycares;
- (30) Delicatessens;
- (31) Dwelling; within the confines of a building in which a permitted use is conducted;
- (32) Educational and charitable institutions;
- (33) Educational and scientific research services;
- (34) Florists;
- (35) Food stores and Delicatessens;
- (36) Furniture refinishing. The entire business must be conducted within a building;
- (37) Furniture/appliance stores;
- (38) Gift shops;
- (39) Grocery stores;
- (40) Home improvement stores;
- (41) Hospitals;

- (42) Hotels;
- (43) Insurance services;
- (44) Jewelry stores;
- (45) Laboratories; medical, dental, and optical;
- (46) Laundromats; self-service;
- (47) Lodges or clubs;
- (48) Counselling services;
- (49) Mortuaries;
- (50) Hotels/motels;
- (51) Municipal uses;
- (52) Plant nurseries;
- (53) Offices; professional and service;
- (54) Parking lots, parking garages, or parking facilities;
- (55) Pharmacies;
- (56) Photographic studios;
- (57) Printing services;
- (58) Professional membership organizations;
- (59) Professional schools;
- (60) Railroad stations;
- (61) Reducing/sun tanning facilities;
- (62) Respite care service facilities;
- (63) Restaurants, bars, and taverns;
- (64) Retail stores and services;
- (65) Rooming/boarding houses. Residential use is permitted above the ground floor and within the confines of a business building;
- (66) Schools;
- (67) Service stations; full service;
- (68) Service stations; mixed use;

- (69) Service stations; self-service dispensing of gas only;
- (70) Shoe stores;
- (71) Tattoo/body piercing establishments;
- (72) Temporary medical housing;
- (73) Theaters; indoor;
- (74) Tire shops; and recapping;
- (75) Tourist information booths;
- (76) Upholstery shops, provided till work is completed inside the building;
- (77) Utility business offices;

(78) Wholesale stores and distributors. The maximum gross floor area of a building permitted for this use is 6,410 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.

(C) *Conditional Uses.*

- (1) Restaurants (Drive-in);
- (2) Micro-breweries;
- (3) Equipment rental and sales yards;

(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) Micro distilleries; and

(7) Warehousing facilities. Warehouse or storage facilities are permitted as the primary use on a lot or property only if a conditional use permit is granted. A lot or property will not be eligible for consideration of the issuance of a conditional use permit unless the proposed facility will be located on a lot immediately adjoining (or directly across an alley from) a property with an allowed C-1 District use; the proposed facility is necessary to and will be used as an accessory to the allowed use on the adjoining lot; and both lots are under the same ownership.

(D) *Performance standards.*

- (1) *Area and bulk regulations.*

Use	Minimum Lot Size (Sq. Ft.)	Minimum Lot Width (Sq. Ft.)	Maximum Coverage (%)	Maximum # of Dwelling Units	Setbacks				Area (Sq. Ft.)	Floor Maximum Height (Ft.)
					Front (Ft.)	Rear (Ft.)	Interior Side (Ft.)	Side Street (Ft.)		
Permitted Uses	None	None	*		0 or C	0 or A	0 or B	-		70
Accessory buildings							5	12.5		18

A No minimum rear yard setback is required except for a lot abutting the side of a lot in an R in which case the minimum rear yard setback is 15 feet.

B No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in an R district, in which latter case, the minimum interior side yard setback is five feet.

C The required minimum R District setback applies if the frontage between two streets separates an R District and a C District.

(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

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

§ 25-3-14 C-2 NEIGHBORHOOD AND RETAIL COMMERCIAL DISTRICT.

(A) *Intent.* The intent of a C-2 Neighborhood and Retail Commercial District is to provide a zone consisting of retail stores and service establishments.

(B) *Principal Permitted Uses.*

- (1) Accounting, auditing, and bookkeeping services;
- (2) Adult day service facilities;
- (3) Ambulance services;

- (4) Amusement centers;
- (5) Animal clinics; indoor only;
- (6) Arts and crafts studios;
- (7) Automated or coin-operated car washes;
- (8) Bakeries or Baked goods stores;
- (9) Bank automated teller facilities; outdoor;
- (10) Bank automated teller facilities; indoor;
- (11) Banking services;
- (12) Barber and beauty shops;
- (13) Book and stationery stores;
- (14) Brew pubs;
- (15) Religious assemblies;
- (16) Cleaning and laundry agencies;
- (17) Clinics;
- (18) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (19) Community centers;
- (20) Confectionery stores;
- (21) Convenience stores with dispensing gasoline;
- (22) Convenience stores without dispensing gasoline;
- (23) Convenience warehouse storage facilities;
- (24) Dance, music, or voice studios;
- (25) Daycares;
- (26) Delicatessens;
- (27) Domestic violence shelters;
- (28) Child care centers;
- (29) Educational and charitable institutions;

- (30) Educational and scientific research services;
- (31) Equipment rental and sales yards;
- (32) Florists;
- (33) Food stores and Delicatessens;
- (34) Furniture refinishing (the entire business must be conducted within a building);
- (35) Furniture/appliance stores;
- (36) Gift shops;
- (37) Gyms or fitness centers;
- (38) Grocery stores;
- (39) Home improvement stores;
- (40) Hospitals;
- (41) Hotels/motels;
- (42) Insurance services;
- (43) Jewelry stores;
- (44) Laboratories; medical, dental, and optical;
- (45) Laundromats; self-service;
- (46) Libraries;
- (47) Lodges or clubs;
- (48) Counselling services;
- (49) Municipal uses;
- (50) Restaurants; drive-in;
- (51) Offices; professional and service;
- (52) Pharmacies;
- (53) Photographic studios;
- (54) Printing services;
- (55) Professional membership organizations;
- (56) Professional schools;

- (57) Reducing/sun tanning facilities;
- (58) Respite care service facilities;
- (59) Restaurants;
- (60) Retail stores and services;
- (61) Rooming/boarding houses. Residential use is permitted above the ground floor and within the ground floor if to the back or side of a business building;
- (62) Bars/taverns;
- (63) Service stations; full service;
- (64) Service stations; mixed use;
- (65) Shoe stores;
- (66) Tattoo/body piercing establishments;
- (67) Temporary medical housing;
- (68) Theaters; indoor;
- (69) Tourist information booths;
- (70) Upholstery shops provided all work is completed within the building;
- (71) Utility business offices; and
- (72) Warehousing and wholesaling.

(C) *Conditional Uses.*

- (1) Auto sales and services;
- (2) Billboards. Billboards must be located in permitted areas per Article 6 of this chapter;
- (3) Micro-breweries;
- (4) Emergency shelters;
- (5) Micro distilleries;
- (6) 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;
- (7) Single-family dwellings. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building;
- (8) 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;

(9) 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;

(10) Two-family dwellings. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building; and

(11) Any hotels or apartments higher than the maximum 45 feet will require a conditional use permit approved by the Planning Commission.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>				<i>Area (Sq. Ft.)</i>	<i>Floor Maximum Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior or Side (Ft.)</i>	<i>Side Street (Ft.)</i>		
Hotels/motels							B	12.5		45
Other permitted uses					A	C	B	12.5		35
Accessory buildings								12.5		18

A No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or O-P District, in which case the minimum rear yard setback is 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 O-P District, in which latter case, the minimum interior side yard setback is five feet. If a public alley separates such lots, no side yard is required.

C The required minimum R District setback applies if the frontage between two streets (one block) separates an R District and either a C District.

(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

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

§ 25-3-15 C-3 HEAVY COMMERCIAL DISTRICT.

(A) *Intent.* The intent of a C-3 Heavy Commercial District is a zone designed primarily for warehousing, distribution centers, and minimum light manufacturing and processing.

(B) *Principal Permitted Uses.*

(1) Accounting, auditing, and bookkeeping services;

(2) Adult day service facilities;

(3) Ambulance services;

(4) Amusement centers;

(5) Animal clinics; indoor only;

(6) Animal clinics; indoor/outdoor;

(7) Arts and crafts studios;

(8) Auction houses;

(9) Auto sales and services;

(10) Auto storage and rentals. All processing, packaging, or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging, or fabricating not permitted;

(11) Automated or coin-operated car washes;

(12) Bakeries or Baked goods stores;

(13) Bank automated teller facilities; outdoor;

(14) Bank automated teller facilities; indoor;

(15) Banking services;

(16) Barber and beauty shops;

- (17) Beverage bottling plants;
- (18) Billboards. Billboards must be located in permitted areas per Article 6 of this chapter;
- (19) Boat building (small);
- (20) Book and stationery stores;
- (21) Breweries;
- (22) Brew pubs;
- (23) Bus depots;
- (24) Business colleges and trade schools;
- (25) Cabinet shops. The entire business must be conducted within a building;
- (26) Campgrounds;
- (27) Religious assemblies;
- (28) Cleaning plants; commercial. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
- (29) Cleaning and laundry agencies;
- (30) Clinics;
- (31) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (32) Community centers;
- (33) Confectionery stores;
- (34) Construction storage yards. Yard must be enclosed in Class 3 fence;
- (35) Convenience warehouse storage facilities;
- (36) Convenience stores without dispensing gasoline;
- (37) Convenience stores with dispensing gasoline;
- (38) Dairy product processing;
- (39) Dance, music, or voice studios;
- (40) Daycares;
- (41) Delicatessens;

- (42) Distilleries;
- (43) Child care centers;
- (44) Restaurants (Drive-in);
- (45) Educational and scientific research services;
- (46) Equipment rental and sales yards;
- (47) Florists;
- (48) Food stores and Delicatessens;
- (49) Furniture refinishing. The entire business must be conducted within a building;
- (50) Furniture/appliance stores;
- (51) Gift shops;
- (52) Gyms or fitness centers;
- (53) Grocery stores;
- (54) Home improvement stores;
- (55) Hospitals;
- (56) Insurance services;
- (57) Jewelry stores;
- (58) Laboratories; medical, dental, and optical;
- (59) Laundry; commercial plants. The maximum gross floor area of a building permitted for this use is 6,400 square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building;
- (60) Laundromats; self-service;
- (61) Lodges or clubs;
- (62) Lumber yards;
- (63) Machine shops;
- (64) Counselling services;
- (65) Metal finishing. Retail and wholesale metal finishing permitted, providing the metal finishing equipment shall be used, and all parts to be or which have been processed, together with all materials and supplies, shall be stored, wholly within a building; and in addition, if metal plating is done, not more than three persons may function in the metal plating line, the metal plating line shall not use a floor area in excess of 1,500 square feet, and only a self-contained

processing system shall be used. A metal plating line constitutes a metal plating process commencing with racking of a part to be plated and ending with un-racking of such part;

- (66) Micro-breweries;
- (67) Micro distilleries;
- (68) Monument works; stone;
- (69) Mortuaries;
- (70) Hotels/motels;
- (71) Municipal uses;
- (72) Bars/taverns;
- (73) Plant nurseries;
- (74) Offices; professional and service;
- (75) Parking lots, parking garages, or parking facilities;
- (76) Pharmacies;
- (77) Photographic studios;
- (78) Printing services;
- (79) Professional membership organizations;
- (80) Professional schools;
- (81) Public garages;
- (82) Railroad stations;
- (83) Recreational vehicle sales lots;
- (84) Recreational vehicle storage lots; outdoor;
- (85) Reducing/sun tanning facilities;
- (86) Respite care service facilities;
- (87) Restaurants;
- (88) Retail stores and services;
- (89) Sandblasting. All commercial sandblasting of moveable objects to be conducted wholly inside a building;
- (90) Service stations; full service;

- (91) Service stations; mixed use;
- (92) Service stations; self-service dispensing of gas only;
- (93) Shoe stores;
- (94) Shops for building contractors. The entire business must be conducted within a building;
- (95) Sign shops;
- (96) Tack shops;
- (97) Tattoo/body piercing establishments;
- (98) Temporary medical housing;
- (99) Terminal yards; trucking;
- (100) Theaters; indoor;
- (101) Theaters; drive-in;
- (102) Tire shops; and recapping (the entire business must be conducted within a building);
- (103) Tourist information booths;
- (104) Tractor/trailer parking lots;
- (105) Trailer parks;
- (106) Travel trailers;
- (107) Mobile home, and manufactured housing sales lots;
- (108) Truck and tractor repair;
- (109) Upholstery shops. All work is completed inside the building;
- (110) Utility business offices; and
- (111) Warehousing/wholesaling facilities.

(C) *Conditional Uses.*

- (1) Emergency shelters;
- (2) Implement dealers;
- (3) Mobile home sales;
- (4) Petroleum storage;
- (5) Processing, packaging, or fabricating;

(6) Public scales;

(7) Recycling centers;

(8) Residential use is permitted only within the confines of a building in which a permitted use is conducted;

(9) Rooming/boarding houses;

(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;

(11) 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;

(12) Temporary storage of grain, for not to exceed 60 consecutive days (and a permit for which may be renewed for not to exceed 60 consecutive days), outside a building or structure subject the following additional conditions, to be set forth in the permit.

(a) The grain shall be placed on a concrete floor or some other type of waterproof material that, as determined by the Development Services Director, is equal to a concrete floor.

(b) No part of the grain shall be placed, or caused or permitted to be closer to any property line than any building setback line that has been platted or is required in the zone to which the tract of kind is subject.

(c) The permit shall be subject to revocation by the Commission, if the Commission, subsequent to granting the permit, shall determine that the grain, or conditions incidental thereto, or the manner in which the grain is being handled constitutes a public nuisance; and, upon such a determination, the holder of the permit shall promptly comply with any order of the Commission concerning removal or other disposition of the grain.

(d) Provided, no permit for such a use shall be issued and delivered until the permittee shall have executed and delivered to the Development Services Director a written agreement which, as determined by the Director, indemnifies and holds harmless the city, its officers and employees and members of the Planning Commission, against any and all claims of liability for injuries or damages to persons or property caused, in whole or in part, by the presence of the grain; by conditions occurring, in whole or in part, because of presence of the grain or the manner in which the grain is delivered, piled, moved, removed, or otherwise handled; and by any acts of commission or omission on the part of any persons, whether or not the permittee or third persons for whose acts or omissions liability otherwise might or might not be imputable to the permittee. The terms "warehousing" and "wholesaling" shall not be construed to apply to the storage of grain outside a building or structure.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (Sq. Ft.)	Minimum Lot Width (Sq. Ft.)	Maximum Coverage (%)	Maximum # of Dwelling Units	Setbacks				Area (Sq. Ft.)	Floor Maximum Height (Ft.)
					Front (Ft.)	Rear (Ft.)	Interior Side (Ft.)	Side Street (Ft.)		
Permitted uses					C	A	B			35
Accessory building								12.5		35

A No minimum rear yard setback is required except lot a lot abutting the side of a lot in either an R or O-P District, in which case the minimum rear yard setback is 15 feet.

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 O-P District, in which latter case the minimum interior side yard setback is five feet.

C The required minimum R District setback applies if the frontage between two streets (one block) separates an R District and a C District.

(2) *Accessory building/garage; detached.*

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

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

§ 25-3-16 M-1 LIGHT MANUFACTURING AND INDUSTRIAL DISTRICT.

(A) *Intent.* The intent of on M-1 Light Manufacturing and Industrial District is a zone permitting most fabricating activities except heavy manufacturing and processing of raw materials.

(B) *Principal Permitted Uses.*

- (1) Accounting, auditing, and bookkeeping services;
- (2) Ambulance services;

- (3) Amusement centers;
- (4) Animal clinics; indoor only;
- (5) Animal clinics; indoor/outdoor;
- (6) Arts and crafts studios;
- (7) Auction houses;
- (8) Auto sales and services;
- (9) Auto storage and rental;
- (10) Automated or coin-operated car washes;
- (11) Bakeries or baked goods stores;
- (12) Bank automated teller facilities; outdoor;
- (13) Bank automated teller facilities; indoor;
- (14) Banking services;
- (15) Barber and beauty shops;
- (16) Beverage bottling plants;
- (17) Billboards. Billboards must be located in permitted areas per Article 6 of this chapter;
- (18) Boat building (small);
- (19) Book and stationery stores;
- (20) Breweries;
- (21) Brew pubs;
- (22) Bus depots;
- (23) Business colleges and trade schools;
- (24) Cabinet shops;
- (25) Religious assemblies;
- (26) Cleaning plants; commercial;
- (27) Cleaning and laundry agencies;
- (28) Clinics;

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

- (30) Community centers;
- (31) Concrete batch plants;
- (32) Construction storage yards;
- (33) Confectionery stores;
- (34) Convenience stores without dispensing gasoline;
- (35) Convenience stores with dispensing gasoline;
- (36) Convenience warehouse storage facilities;
- (37) Dairy product processing;
- (38) Dance, music, or voice studios;
- (39) Delicatessens;
- (40) Distilleries;
- (41) Restaurants (Drive-in);
- (42) Educational and scientific research services;
- (43) Equipment rental and sales yards;
- (44) Feed mills;
- (45) Florists;
- (46) Food processing plants; non-meat;
- (47) Food stores and delicatessens;
- (48) Fuel yards;
- (49) Furniture refinishing;
- (50) Furniture/appliance stores;
- (51) Gift shops;
- (52) Gyms or fitness centers;
- (53) Grocery stores;
- (54) Home improvement stores;

- (55) Hospitals;
- (56) Hotel/motels;
- (57) Ice manufacturer/cold storage plants;
- (58) Insurance services;
- (59) Jewelry stores;
- (60) Laboratories; medical, dental, and optical;
- (61) Laundry; commercial plants;
- (62) Laundromats; self-service
- (63) Lodges or clubs;
- (64) Lumber yards;
- (65) Machine shops;
- (66) Counselling services;
- (67) Metal finishing;
- (68) Micro-breweries;
- (69) Micro distilleries;
- (70) Monument works; stone;
- (71) Mortuaries;
- (72) Municipal uses;
- (73) Plant nurseries;
- (74) Offices; professional and service;
- (75) Parking lots, parking garages, or parking facilities;
- (76) Pharmacies;
- (77) Photographic studios;
- (78) Planning mills;
- (79) Printing services;
- (80) Processing, packaging, or fabricating. All processing, packaging, or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging, or lubricating not permitted;

- (81) Professional membership organizations;
- (82) Professional schools;
- (83) Public garages;
- (84) Public scales;
- (85) Railroad stations;
- (86) Recreational vehicle sales lots;
- (87) Recreational vehicle storage lots; outdoor;
- (88) Recycling centers;
- (89) Reducing/suntanning facilities;
- (90) Restaurants, bars, and taverns;
- (91) Retail stores and services;
- (92) Sandblasting;
- (93) Service stations; full service;
- (94) Service stations; mixed use;
- (95) Service stations; self-service dispensing of gas only;
- (96) Shoe stores;
- (97) Shops for building contractors;
- (98) Sign shops;
- (99) Dwelling for watchperson of commercial or industrial use properties;
- (100) Tattoo/body piercing establishments;
- (101) Temporary medical housing;
- (102) Terminal yards; trucking;
- (103) Theaters; indoor;
- (104) Theaters; drive-in;
- (105) Tire shops; and recapping;
- (106) Tourist information booths;
- (107) Tractor/trailer parking lots;

- (108) Mobile home, and manufactured housing sales lots;
- (109) Truck and tractor repair;
- (110) Utility business offices;
- (111) Warehousing/wholesaling facilities; and
- (112) Wholesale stores and distributors.

(C) *Conditional Uses.*

- (1) Fertilizer mixing and storage plants;
- (2) Junkyards;
- (3) Petroleum storage;
- (4) Scrap metal processing facilities;
- (5) Solid waste transfer stations;

(6) 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;

(7) 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, with all use requirements for the zone; and

(8) Temporary storage of grain, for not to exceed 60 consecutive days (and a permit for which may be renewed for not to exceed 60 consecutive days), outside a building or structure subject the following additional conditions, to be set forth in the permit.

(a) The grain shall be placed on a concrete floor or some other type of waterproof material that, as determined by the Development Services Director, is equal to a concrete floor.

(b) No part of the grain shall be placed, or caused or permitted to be closer to any property line than any building setback line that has been platted or is required in the zone to which the tract of land is subject.

(c) The permit shall be subject to revocation by the Commission, if the Commission, subsequent to granting the permit, shall determine that the grain, or conditions incidental thereto, or the manner in which the grain is being handled constitutes a public nuisance; and, upon such a determination, the holder of the permit shall promptly comply with any order of the Commission concerning removal or other disposition of the grain.

(d) Provided, no permit for such a use shall be issued and delivered until the permittee shall have executed and delivered to the Development Services Director a written agreement which, as determined by the Director, indemnifies and holds harmless the city, its officers, and

employees and members of the Planning Commission, against any and all claims of liability for injuries or damages to persons or property caused, in whole or in part, by the presence of the grain; by conditions occurring, in whole or in part, because of presence of the grain or the manner in which the grain is delivered, piled, moved, removed, or otherwise handled; and by any acts of commission or omission on the part of any persons, whether or not the permittee or third persons for whose acts or omissions liability otherwise might or might not be imputable to the permittee. The terms “warehousing” and “wholesaling” shall not be construed to apply to the storage of grain outside a building or structure.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>				<i>Area (Sq. Ft.)</i>	<i>Floor Maximum Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>		
Permitted uses					20 or C	A	B	12.5		70
Accessory building						A	B	12.5		35

A No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or O-P District, in which case the minimum rear yard setback is 15 feet.

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 O-P District, in which latter case, the minimum interior side yard setback is five feet.

C The required minimum R District setback applies if the frontage between two streets (one block) separates an R District or O-P District and an M District.

(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

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

§ 25-3-17 RESERVED.

§ 25-3-18 M-2 HEAVY MANUFACTURING AND INDUSTRIAL DISTRICT.

(A) *Intent.* The intent of an M-2 Heavy Manufacturing and Industrial District is a zone permitting the manufacture and processing of goods from raw materials.

(B) *Principal Permitted Uses.*

- (1) Accounting, auditing, and bookkeeping services;
- (2) Ambulance services;
- (3) Amusement centers;
- (4) Animal clinics; indoor only;
- (5) Animal clinics; indoor/outdoor;
- (6) Arts and crafts studios;
- (7) Auction houses;
- (8) Auto sales and services;
- (9) Auto storage and rental;
- (10) Automated or coin-operated car washes;
- (11) Bakeries or Baked goods stores;
- (12) Bank automated teller facilities; outdoor;
- (13) Bank automated teller facilities; indoor;
- (14) Banking services;
- (15) Barber and beauty shops;
- (16) Beverage bottling plants;
- (17) Billboards. Billboards must be located in permitted areas per Article 6 of this chapter;
- (18) Boat building (small);
- (19) Book and stationery stores;
- (20) Breweries;

- (21) Brew pubs;
- (22) Bus depots;
- (23) Business colleges and trade Schools;
- (24) Cabinet shops;
- (25) Religious assemblies;
- (26) Cleaning plants; commercial;
- (27) Cleaning and laundry agencies;
- (28) Clinics;
- (29) Communication facilities including communication tower, such tower not to exceed 150 feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower;
- (30) Community centers;
- (31) Concrete batch plants;
- (32) Confectionery stores;
- (33) Construction storage yards;
- (34) Convenience stores without dispensing gasoline;
- (35) Convenience stores with dispensing gasoline;
- (36) Convenience warehouse storage facilities;
- (37) Dairy product processing;
- (38) Dance, music, or voice studios;
- (39) Delicatessens;
- (40) Distilleries;
- (41) Restaurants (Drive-in);
- (42) Educational and scientific research services;
- (43) Equipment rental and sales yards;
- (44) Feed mills;
- (45) Florists;
- (46) Food processing plants. non-meat;

- (47) Food stores and delicatessens;
- (48) Fuel yards;
- (49) Furniture refinishing;
- (50) Furniture/appliance stores;
- (51) Gift shops;
- (52) Gyms or fitness centers;
- (53) Grocery stores;
- (54) Home improvement stores;
- (55) Hospitals;
- (56) Hotels/motels;
- (57) Ice manufacturers/ cold storage plants;
- (58) Insurance services;
- (59) Jewelry stores;
- (60) Laboratories; medical, dental, and optical;
- (61) Laundry; commercial plants;
- (62) Laundromats; self-service;
- (63) Libraries;
- (64) Lumber yards;
- (65) Machine shops;
- (66) Counselling services;
- (67) Meat packing;
- (68) Metal finishing;
- (69) Micro-breweries;
- (70) Micro distilleries;
- (71) Monument works; stone;
- (72) Mortuaries;
- (73) Municipal uses;

- (74) Plant nurseries;
- (75) Offices; professional and service;
- (76) Parking lots, parking garages, or parking facilities;
- (77) Petroleum storage;
- (78) Pharmacies;
- (79) Photographic studios;
- (80) Planning mills;
- (81) Printing services;
- (82) Processing, packaging, or fabricating;
- (83) Professional membership organizations;
- (84) Professional schools;
- (85) Public garages;
- (86) Public scales;
- (87) Railroad stations;
- (88) Railroad yard or shops;
- (89) Recreational vehicle sales lots;
- (90) Recreational vehicle storage lots; outside;
- (91) Recycling centers;
- (92) Reducing/suntanning facilities;
- (93) Restaurants;
- (94) Retail stores and services;
- (95) Sandblasting;
- (96) Bars/taverns;
- (97) Service stations; full service;
- (98) Service stations; mixed use;
- (99) Service stations; self-service dispensing of gas only;
- (100) Shoe stores;

- (101) Shops for building contractors;
- (102) Sign shops;
- (103) Dwellings. for watchperson of commercial or industrial use property;
- (104) Tattoo/body piercing establishments;
- (105) Temporary medical housing;
- (106) Terminal yards; trucking;
- (107) Theaters; indoor;
- (108) Theaters; drive-in;
- (109) Tire shops; and recapping;
- (110) Tourist information booths;
- (111) Tractor/trailer parking lots;
- (112) Mobile home, and manufactured housing sales lots;
- (113) Truck and tractor repair;
- (114) Utility business offices;
- (115) Warehousing/wholesaling facilities; and
- (116) Wholesale stores and distributors.

(C) *Conditional Uses.*

- (1) Asphalt batch plants;
- (2) Fertilizer mixing and storage plants;
- (3) Junkyards;
- (4) Kennels; dog;
- (5) Livestock auction or holding pens;
- (6) Rendering plants;
- (7) Scrap metal processing facilities;
- (9) Solid waste transfer stations;
- (10) Tanning, curing, and storage of skins or hides;
- (11) 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;

(12) 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, with all use requirements for the zone;

(13) Temporary storage of grain, for not to exceed 60 consecutive days (and a permit for which may be renewed for not to exceed 60 consecutive days), outside a building or structure subject the following additional conditions, to be set forth in the permit.

(a) The grain shall be placed on a concrete floor or some other type of waterproof material that, as determined by the Development Services Director, is equal to a concrete floor.

(b) No part of the grain shall be placed, or caused or permitted to be closer to any property line than any building setback line that has been platted or is required in the zone to which the tract of land is subject.

(c) The permit shall be subject to revocation by the Commission, if the Commission, subsequent to granting the permit, shall determine that the grain, or conditions incidental thereto, or the manner in which the grain is being handled constitutes a public nuisance; and, upon such a determination, the holder of the permit shall promptly comply with any order of the Commission concerning removal or other disposition of the grain.

(d) Provided, no permit for such a use shall be issued and delivered until the permittee shall have executed and delivered to the Development Services Director a written agreement which, as determined by the Director, indemnifies and holds harmless the city, its officers and employees and members of the Planning Commission, against any and all claims of liability for injuries or damages to persons or property caused, in whole or in part, by the presence of the grain; by conditions occurring, in whole or in part, because of presence of the grain or the manner in which the grain is delivered, piled, moved, removed, or otherwise handled; and by any acts of commission or omission on the part of any persons, whether or not the permittee or third persons for whose acts or omissions liability otherwise might or might not be imputable to the permittee. The terms “warehousing” and “wholesaling” shall not be construed to apply to the storage of grain outside a building or structure.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>			<i>Side Street (Ft.)</i>	<i>Area (Sq. Ft.)</i>	<i>Floor Maximum Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>			

Permitted uses					20	A	B	12.5		75
Accessory buildings						A	B	12.5		75
<p>A No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or O-P District, in which case the minimum rear yard setback is 15 feet.</p> <p>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 O-P District, in which latter case, the minimum interior side yard setback is five feet.</p>										

(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

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

§ 25-3-19 A AGRICULTURAL DISTRICT.

(A) *Intent.* The intent of an A Agricultural District is a zone in which land is permitted to be used for raising of crops and pasturing cattle and related activities.

(B) *Principal Permitted Uses.*

- (1) Agriculture uses; general;
- (2) Home occupations;
- (3) Irrigation facilities;
- (4) Kennels; dog;
- (5) Municipal uses;
- (6) Public utility facilities;
- (7) Single-family dwellings;
- (8) Stables;
- (9) Tourist information booths; and

- (10) Wineries and vineyards;
- (11) Golf courses;
- (12) Agricultural attractions; and
- (13) Agricultural estate dwelling sites.

(14) The intent of this division (B) is not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS) but such intent is to allow the “subdivision” or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes, upon the following more specific requirements.

(a) The AEDS must consist of one or more of the following:

- 1. An existing farmstead site (an existing vacant home and accessory unit of buildings) on farm-ranch land;
- 2. A parcel which would allow a conveyance of property to be used for dwelling purposes; and
- 3. A parcel of marginal usage land (“marginal usage” defined as “land with little, or relatively little, agricultural productivity capability”).

(b) Each AEDS with frontage on an existing dedicated public road, shall have a minimum width of 150 feet (as a “front lot” width). In the event such AEDS is of an interior-section type, it shall have a dedicated access road, at least 25 feet in width, to a dedicated public road. Access road(s) serving AEDS shall be separated by a distance of no less than 1,000 feet from another access road, along a dedicated public road. Exception: less than 1,000 feet shall be approved by the State Department of Roads or city Development Services Department, whichever is applicable.

(c) Each AEDS shall be a minimum of two acres and a maximum of 20.

(d) For each AEDS, the owner shall reserve the balance of the 80 acres of vacant or agricultural land (such 80 acres may, however, have dwelling permitted by division (B)(11) above). This reservation shall be required (reserved) for as long as the reserved land is zoned A Agricultural District. The City Planning Commission and the City Council may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained. Each 80-acre tract (or less) shall serve the reservation requirements of only one AEDS.

(e) Each AEDS shall be shaped and located so as to allow accurate plotting on the official zoning map of the city (such as, abutting on lines identifiable as a segment of section, such as a section line or a one-fourth section line, or upon other readily identifiable features). Additionally, each AEDS shall be subject to the provisions for preliminary plat procedure and requirements from Chapter 21 of this Municipal Code.

(f) In reviewing an application for an AEDS, the Planning Commission and the City Council shall take into consideration the effect of such an AEDS upon utilities, roads, drainage,

terrain, usage, zoning, future subdividing, and the like. If approved, the AEDS parcel, along with the reserved tract, shall be noted by the Development Services Department, for future reference.

(g) To obtain an AEDS, an application for the same shall be presented by the owner(s) to the city Development Services Department. The application shall be reviewed by the Planning Commission, at a regular meeting of the same, and if approved, referred to the City Council for its approval. If approved by the City Council, there shall then be prepared a “certificate” identifying the AEDS, which certificate shall be filed in the real estate records of the county.

(h) In the event that after approval an AEDS is no longer actually used for a purpose in existence upon such approval (because of which purpose, such approval was given), then the approval granted by the City Council shall automatically be revoked.

(I) Each agricultural estate dwelling site shall be a minimum of two acres for each dwelling, (maximum of two dwellings per site), excluding any and all easements and rights-of-way with a maximum upwards of 20 acres.

(j) Before any final action can be taken, the applicant shall submit a receipt from the County Treasurer’s office showing that all current property taxes have been paid.

(C) *Conditional Uses.*

(1) Accessory single-family dwellings for persons customarily employed or engaged in farming and ranching;

(2) Cemeteries;

(3) Religious assemblies;

(4) Community centers;

(5) Educational and charitable institutions;

(6) Florists;

(7) Fruit and vegetable stands;

(8) Hospitals;

(9) Lodges or clubs;

(10) Plant nurseries;

(11) 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;

(12) Temporary storage of grain, for not to exceed 60 consecutive days (and a permit for which may be renewed for not to exceed 60 consecutive days), outside a building or structure subject the following additional conditions, to be set forth in the permit.

(a) The grain shall be placed on a concrete floor or some other type of waterproof material that, as determined by the Development Services Director, is equal to a concrete floor.

(b) No part of the grain shall be placed, or caused or permitted to be closer to any property line than any building setback line that has been platted or is required in the zone to which the tract of land is subject.

(c) The permit shall be subject to revocation by the Commission, if the Commission, subsequent to granting the permit, shall determine that the grain, or conditions incidental thereto, or the manner in which the grain is being handled constitutes a public nuisance; and, upon such a determination, the holder of the permit shall promptly comply with any order of the Commission concerning removal or other disposition of the grain.

(d) Provided, no permit for such a use shall be issued and delivered until the permittee shall have executed and delivered to the Development Services Director a written agreement which, as determined by the Director, indemnifies and holds harmless the city, its officers, and employees and members of the Planning Commission, against any and all claims of liability for injuries or damages to persons or property caused, in whole or in part, by the presence of the grain; by conditions occurring, in whole or in part, because of presence of the grain or the manner in which the grain is delivered, piled, moved, removed, or otherwise handled; and by any acts of commission or omission on the part of any persons, whether or not the permittee or third persons for whose acts or omissions liability otherwise might or might not be imputable to the permittee. The terms “warehousing” and “wholesaling” shall not be construed to apply to the storage of grain outside a building or structure.

(13) Wind energy conversion systems.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>				<i>Area (Sq. Ft.)</i>	<i>Floor Maximum Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>		
Accessory building						50	50	20		35
Single-family dwelling	20 acres	20		1	50	50	50	20		35

Other permitted uses					50	50	50	20		70
Minimum lot area/dwelling unit = 20 acres										

(2) *Accessory building/garage; detached.*

(a) A detached accessory building must be located at least ten feet from the main building.

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

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

§ 25-3-20 AR AGRICULTURAL RESIDENTIAL DISTRICT.

(A) *Intent.* The intent of a (AR) Agricultural District is to provide a transition from agricultural and ranching to low density residential development. In this zone are permitted large residential estates with accompanying agricultural land uses that do not conflict with residential uses.

(B) *Principal Permitted Uses.*

- (1) Agricultural uses; general;
- (2) Florists;
- (3) Home occupations;
- (4) Irrigation facilities;
- (5) Municipal uses;
- (6) Single-family dwellings;
- (7) Stables; and
- (8) Tourist information booths.

(C) *Conditional Uses.*

- (1) Cabinet shops;
- (2) Religious assemblies;

- (3) Community centers;
- (4) Educational and charitable institutions;
- (5) Fruit and vegetable stands;
- (6) Hospitals;
- (7) Kennels; dog;
- (8) Lodges or clubs;
- (9) Plant nurseries; and

(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.

(D) *Performance standards.*

(1) *Area and bulk regulations.*

<i>Use</i>	<i>Minimum Lot Size (Sq. Ft.)</i>	<i>Minimum Lot Width (Sq. Ft.)</i>	<i>Maximum Coverage (%)</i>	<i>Maximum # of Dwelling Units</i>	<i>Setbacks</i>			<i>Side Street (Ft.)</i>	<i>Area (Sq. Ft.)</i>	<i>Floor Maximum Height (Ft.)</i>
					<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Interior Side (Ft.)</i>			
Accessory building						50	20	15		35
Single-family dwelling	5 acres			1	50	50	20	15		35
Other permitted uses	5 acres				50	50	20	15		70

(2) *Accessory building/garage; detached.*

- (a) A detached accessory building must be located at least ten feet from the main building.
- (b) On an existing reversed corner lot, a detached accessory building or garage may project into the side yard nearest the rear lot line if it does not extend beyond the front yard

setback of the main structure, and if entrance to the garage is from the side street, the garage must be set back from the side street property line a distance of not less than 20 feet.

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

(E) *Special regulations for AR Zoning District.* The following rules are applicable in AR Zoning District.

(1) No pens or buildings primarily used for the housing of any livestock, swine, or fowl may be located closer than 50 feet from the lot line.

(2) No more than 3% of the lot size may be used for pens, corrals, or buildings for the housing of livestock, swine, or fowl.

(3) All fowl or swine shall be confined within pens, corrals, or buildings.

(4) No horses may be kept on a lot smaller than one-fourth acre. The number of horses on the lot may not exceed one per one-fourth acre. Colts are considered as horses within the meaning of this rule.

(5) No sheep shall be kept on a lot smaller than one-fourth acre. The maximum number of sheep allowed on the lot is three sheep per acre. Lambs are considered sheep within the meaning of this rule.

(6) No cattle may be kept on a lot smaller than one acre. The number of cattle may not exceed three per acre. Calves and steers are considered cattle within the meaning of this rule.

(7) No swine may be kept on a lot smaller than four acres. The number of swine may not exceed one per acre. Immature swine are considered swine within the meaning of this rule.

§ 25-3-23 GENERAL REQUIREMENTS.

(A) *Accessory buildings.* Accessory buildings, regardless of the direction they face, may not project beyond the rear of the main building. Accessory structures under 200 square feet shall be anchored to a four-inch concrete slab, pier footings, or secured by some other means approved by the Development Services Director or his/her designee.

(B) *Building projections; lateral.* Eaves may extend into the front yard and rear yard setback area not to exceed a distance of two feet, but may not extend into a side yard setback area. Porches, covered porches, decks, platforms, or terraces not over three feet above the average level of the adjoining ground may extend eight feet into the required front yard. This exception shall not exceed any more than eight feet into any front yard setback established in the zoning district. Covered porches, decks, platforms, or terraces shall not be enclosed with any solid material, such as screening, siding, plywood, or other solid material normally used for outside wall covering. Any railing shall comply with the requirements of the adopted Building

Code and shall be at least 50 % open to the passage of air and light. Open or enclosed fire escapes, fireproof outside stairways, or balconies may not project more than five feet into a yard, nor more than three and one-half feet into a court.

(C) *Buildings and structures; projections; vertical.* In measuring height of buildings or structures for compliance with this chapter, the following parts of buildings or structures are not included, except where expressly otherwise provided; parapet walls not more than four feet high; chimneys, cooling towers, elevators, bulkheads, fire towers, grain elevators, penthouses stacks, stage towers or scenery lofts, sugar towers, ornamental tanks, radio or television towers, ornamental towers, monuments, cupolas, domes and spires, and necessary mechanical appurtenances; provided, such projections shall not be so placed as to obstruct light or ventilation.

(D) *Covered patio or porch.* A covered patio, porch, or similar accessory structure must comply with all yard area and space requirements applicable to an attached or detached accessory building, whichever is applicable. A front covered patio or porch shall not be enclosed. If a front covered patio or porch is enclosed, it shall no longer fall under this division (D) and shall be considered part of the building.

(E) *Carport.* A carport may be attached to the main residence. If the carport is open on two sides, it may be built to the interior property line. The interior lot line side of the carport shall not be enclosed. Stormwater runoff from the carport roof shall not drain onto adjoining property. There shall be an opening of a width of not less than 36 inches and of a height not less than that of a standard door to allow transportation between the front and back yards.

(F) *Common area.* Where a building adjoins an area held in common with other property owners in the immediate vicinity, the roof overhang of the building may encroach into the commonly held area provided that the minimum spacing between buildings as mandated by the applicable Fire Prevention Code is maintained.

(G) *Corner lot; obstructions.* No building or structure, or a part thereof, may be built on a corner lot in any R District, or residentially used lot or tract of land, within a triangular area bounded by the lot lines abutting two intersecting streets and a line connecting a point lying on each lot line 20 feet from the point of intersection of the lot lines. Shrubs within this area may not exceed three feet in height and trees therein must be trimmed to a height above the curb or established street grade of at least eight feet.

(H) *Corner lot; side street.* A building on a corner lot shall be set back from the side street not less than one-half of the distance required by this chapter for a front building setback. In Districts C-1, C-2, and C-3, no building or structure, or any part thereof, shall be constructed within a triangular area at the street corner of a lot or tract which has, as its sides, sides herein designated and described. Side A shall consist of a side that borders the lane of traffic approaching the intersection, and that is 15 feet in length. Side B shall consist of a side that borders the lane of traffic leaving the intersection and that is five feet in length. Side C shall be

the hypotenuse.

(I) *Decorative structures.* A special permit may be issued to erect in a front setback area a decorative structure, exclusive of signs, which does not have a height in excess of three feet above the ground.

(J) *Feedlots.* New feedlots and the expansion of existing feedlots are not permitted within the city's zoning jurisdiction.

(K) *Hotels and motels; lot area.* Lot area requirements for dwelling units apply to hotels and motels which provide kitchen facilities in any room, suite, or apartment.

(L) *Lot dimensions; reduction.* After the effective date of this chapter, no lot area, size, or other dimension may be reduced below the minimum lot area, size, or other dimension required by this chapter. If the area, size or other dimension is below such minimum requirements when this chapter becomes effective, it may not be reduced further.

(M) *Particular streets; setbacks.* All buildings and structures, except fences and signs, shall be set back from the following streets not less than the following distances:

(1) From east side of 1st Avenue between East 15th Street and East Overland: ten feet;

(2) From east side of 1st Avenue between East 19th and East 20th Streets: ten feet;

(3) From both sides of Broadway Avenue between the south city limits and West Overland Drive: 20 feet;

(4) From both sides of West 27th Street between Broadway Avenue and the west city limits: 20 feet; and

(5) From both sides of East Overland Drive between Railway Street and the east city limits: 20 feet. If setbacks required by other provisions of this chapter are greater than those specified in this section, the setback requirements of such other provisions shall govern.

(N) *Railroad intersection.* No building or other structure may be placed on a triangular tract of land which on one side abuts a public street that is intersected by a railroad track, on a second side abuts the railroad right-of-way, and the third boundary line which, extended, intersects the centerline of the nearest rail and the nearest right-of-way line of the street at points respectively, which are less than 50 feet distant from the point of intersection of such centerline of the nearest rail and such right-of-way line of the street extended.

(O) *Rear yard; depth; area.* In computing depth or area of a rear yard for a lot whose rear yard opens into an alley, one-half of the width of the alley is considered to be part of the yard.

(P) *Semi-detached dwellings; bungalow court; setbacks.* For purposes of the application of front, side, and rear yard setbacks, a semi-detached (two-family) dwelling or a bungalow court is considered to be one building occupying one lot.

(Q) *Setbacks; front.* Front yard setback requirements apply to that part of the yard abutting a front street whether the building on the lot fronts on the front or a side street. A building on a corner lot shall be set back from the side street not less than one-half the distance required by the chapter for a front building setback. In Districts C-1, C-2, and C-3, no building or structure, or any part thereof, shall be constructed within a triangular area at the street corner of a lot or tract which has, as its sides, sides herein designated and described. Side A shall consist of a side that borders the lane of traffic approaching the intersection and that is 15 feet in length. Side B shall consist of a side that borders the lane of traffic leaving the intersection and that is five feet in length. Side C shall be the hypotenuse. Accessory buildings, regardless of the direction they face, may not project beyond nor into any yard required by the chapter, nor may they be located in such yard.

(R) *Setbacks; plat.* If setbacks greater than required by this chapter are shown in a recorded plat of an addition or subdivision which has been approved by the City Council, compliance shall be had with the setbacks shown in the plat.

(S) *Setbacks; quarter section lines.* If a track abuts upon or is adjacent to a quarter section line on which no public street, alley, highway, road, or way has been established, the front and rear setback requirements for buildings and structures which are established elsewhere in this chapter shall apply to that part of the tract which so abuts or is so adjacent as if the quarter section line were the centerline of a platted street which is 100 feet in width, and as if the tract or, as the case may be, part of the tract fronted on such street.

(T) *Subdivided lot; noncompliance; special permit.* Anything in this article to the contrary notwithstanding, if the City Council shall have approved the subdivision of a lot (whether by approval of a final replat or approval of a subdivision without a plat) into two or more tracts on each of which there has existed since prior to June 10, 1974 one or more residence buildings, and after the subdivision one or more of such tracts or buildings shall not comply, because of such subdivision, with one or more other requirements of this article, the Planning Commission, upon an application made pursuant to Article 16 of this chapter and compliance with all other requirements of such article, may issue a special permit waiving such noncompliance with this article, subject to such conditions, if any, as the permit may prescribe.

(U) *Swimming pool; location.* A swimming pool or similar accessory structure may not be located in either a front or side yard setback area.

(V) *Use of land and public utility.* The use of land (exclusive of public streets and alleys) and buildings in any location for public utility (whether publicly or privately-owned) purposes

which the Commission finds reasonably necessary for the public convenience and welfare. The permits authorized in divisions (C) and (D) above may not be granted for more than one year, but may be renewed for periods not exceeding one year each for written application made at least 30 days before the one period expires.

(W) *Uses; illegal; existing.* No use of any lot, tract of land, building, or structure which was illegal at the time this chapter was enacted is made legal by the enactment of this chapter unless the use conforms fully to the requirements of this chapter.

(X) *Uses requiring a conditional use permit.* The following uses which, in absence of a conditional use permit granted by the Planning Commission, are not permitted in any zone or, as the case may be, if certain zones are permitted if the Planning Commission grants a conditional use permit for the use:

- (1) Accessory living quarters for persons employed in agricultural work on the land;
- (2) Animal hospital or dog kennel;
- (3) Slaughtering of animals or poultry;
- (4) Outdoor amusement enterprises;
- (5) Cemetery;
- (6) A family child care home which is already permitted in a zone when providing care for more than 12 hours per day. Provided that any individual child may only be present for 12 hours or less per day but the family child care home may operate any time of the day or night after a conditional use permit is approved;
- (7) Drive-in theater;
- (8) Golf course or driving range;
- (9) Hospital, sanitarium, or chemical dependency rehabilitation facility;
- (10) Livestock feeding or sale yard;
- (11) Nuisance-producing agricultural use;
- (12) Nursing home;
- (13) Private club or social center;
- (14) Sand or gravel pit or plant, borrow pit, stripping of top soil, or recycling concrete rubble and the retail sale of the resulting product;
- (15) Private or parochial school or similar institution;
- (16) Oil or gas well; and

(17) Facility providing temporary care for runaway or homeless minors. The term “runaway or homeless minors” includes, but is not limited to, minors of that description who are placed in the facility by order of a court or by another public agency.”

Section 4. Chapter 25, Article 4, Section 6 of the Scottsbluff Municipal Code is repealed.

§ 25-4-6 (REPEAL)

Section 5. Chapter 25, Article 6, Section 9 and 16 of the Scottsbluff Municipal Code are now amended to provide as follows:

“§ 25-6-9 RESIDENCE SUBDIVISION IDENTIFICATION; PERMIT.

Anything in § 25-6-8 of this article to the contrary notwithstanding, the Planning Commission may grant a conditional use permit for the erection and maintenance of one or two subdivision identification signs at each collector or arterial street entrance to a subdivision in a residence zone. The area of such a sign or, if there be two signs, the aggregate area of the two signs at a particular entrance shall not exceed 35 square feet; provided, further, no such sign(s) exceeding 36 inches in height may be erected within a triangular area bounded on two sides by the intersecting right-of-way lines of the two abutting streets and on the third side by a line connecting a point on each such boundary line which is 20 feet from the point of such intersection. The sign(s) shall identify the subdivision by name or symbol only, and may have indirect illumination. The sign shall be maintained in good condition by the owner at all times.

§ 25-6-16 SIGNS; WHERE REQUIRED BY LAW.

Signs that are required by law may be erected without securing a permit.”

Section 6. Chapter 25, Article 8, Section 5 of the Scottsbluff Municipal Code is now amended to provide as follows:

“§ 25-8-5 BUILDING; REQUIREMENTS.

A home occupation may be carried on only within a building, except as otherwise provided in this section. No building may be remodeled, added to, or otherwise altered in such a manner as to diminish or otherwise alter the residence character of the structure. Access to that part of a dwelling used for a home occupation may be had only through an entrance used also as an entrance to the part of the building occupied as a dwelling. The Planning Commission may issue a conditional use permit authorizing photographic sessions to be conducted by a commercial photographer outdoors on residential premises occupied by the photographer; the permit may

include authorization for such work to be done, also, by photographer business associates or employees of the photographer.”

Section 7. Chapter 25, Article 13, Sections 1 through 11 of the Scottsbluff Municipal Code are now amended to provide as follows:

“ARTICLE 13: CONDITIONAL USE PERMITS

- 25-13-1 Conditional use permit; nature
- 25-13-2 Conditional use permit; standards; procedures; adoption
- 25-13-3 Conditional use permits; issued; when; conditions
- 25-13-4 Application; fee
- 25-13-5 Application; hearing; notice
- 25-13-6 Findings
- 25-13-7 Planning Commission; decision; time
- 25-13-8 Conditional use permit; pending variance
- 25-13-9 Building permit; certificate of occupancy
- 25-13-10 Conditional use permit; termination, expansion, repair, expiration, revocation
- 25-13-11 Temporary Uses
- 25-13-12 Repealed
- 25-13-13 Repealed
- 25-13-14 Repealed
- 25-13-15 Repealed
- 25-13-16 Repealed
- 25-13-17 Repealed
- 25-13-18 Repealed

§ 25-13-1 CONDITIONAL USE PERMIT; NATURE.

A Conditional use permit is a permit for a use which, because of its potential impacts, may be permitted only after reviewed by the Planning Commission and granting of conditional use approval.

§ 25-13-2 CONDITIONAL USE PERMIT; STANDARDS; PROCEDURES; ADOPTION.

The Planning Commission, before hearing or acting upon any application for a conditional use permit under any provision of this chapter, shall, by resolution, adopt standards and procedures to be applied and followed by the Commission for the purpose of equitably and judiciously granting such conditional use permits, which standards and procedures shall be subject to approval by the City Council, all as provided by state law. Such resolution(s), when adopted, shall govern all proceedings before and by the Planning Commission concerning conditional use permits. The adoption by the Planning Commission of a resolution in the following form:

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SCOTTSBLUFF, NEBRASKA, that the Planning Commission hereby adopts “as the standards and procedures to be applied and followed by it for the purpose of equitably and judiciously granting conditional use permits under Chapter 25 of the municipal code as now existing or hereafter amended” all of the standards and procedures prescribed in such chapter, as now existing or hereafter amended, concerning the issuance of conditional use permits, shall constitute adoption by the Commission of the standards and procedures required by the statute; and the standards and procedures thus adopted by the Commission shall be deemed to have been approved by the City Council.

§ 25-13-3 CONDITIONAL USE PERMITS; ISSUED; WHEN; CONDITIONS.

The Planning Commission may issue a conditional use permit for the use of a lot, tract of land, building, or structure in circumstances and a manner authorized by other articles of this chapter if the Commission finds the proposed use:

- (A) Provides a service required by the neighborhood and community;
- (B) Complies with all applicable provisions of this chapter, including setback regulations, lot size regulations, and parking minimums;
- (C) Will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures;
- (D) Will not create special hazards or problems for the area in which it is located;
- (E) Is in conformity with the Comprehensive Plan; and
- (F) Otherwise, is in accordance with the intents and purposes of this chapter. The Commission may make the use which is authorized in the conditional use permit subject to reasonable conditions which in the discretion of the Planning Commission are necessary to carry out the intents and purposes of this chapter.

§ 25-13-4 APPLICATION; FEE.

(A) An application for a conditional use permit shall be signed by the owner of the lot, tract of land, building, or structure in respect of which the permit is sought and, if the use is proposed by a person other than the owner, by such other person, and shall be filed with the Development Services Director.

(B) The application shall be addressed to the Development Services Director and shall contain:

- (1) An address and legal description of the lot or tract of land and the building or structure thereon, if there is any, for which the conditional use permit is requested;
- (2) The name(s) of the owner(s);
- (3) A description of the nature and operating characteristics of the proposed use;
- (4) A statement of the section of this chapter which is asserted to authorize the use for which the conditional use permit is requested; and
- (5) A statement explaining how the proposed use is consistent with the Comprehensive Plan;
- (6) A plat or site plan showing the dimensions and location of such land, and of any structures, installations, equipment, or change of surface contemplated, including all public ways, with access thereto;
- (7) A statement explaining how the proposed use is consistent with the intent of the zoning district in which the use is located; and

§ 25-13-5 APPLICATION; HEARING; NOTICE.

An application for a conditional use permit shall be filed with the Development Services Director. The application shall be accompanied by a filing fee as provided in Chapter 6, Article 6 of this code of ordinances. Such application shall be submitted to the Development Services Director not less than one month (30 days) prior to the meeting of the Planning Commission at which the conditional use permit application is first to be presented. The Development Services Director or designee shall give notice of the time, place, and purpose of the hearing in the same manner as notice is required to be given by Neb. RS 19-904 and 19-905. Any person entitled to notice may waive notice of a hearing in writing. Such waiver must accompany the application. (Ord. 3639, passed - -2000)

§ 25-13-6 FINDINGS.

No conditional use permit shall be issued unless the Planning Commission shall find in writing that there exists as a basis for the permit the facts that under this chapter authorize issuance of the permit.

§ 25-13-7 PLANNING COMMISSION; DECISION; TIME.

If the Planning Commission fails to act on an application after three regular meetings of the Commission, the Commission shall be deemed to have issued the conditional use permit effective on the date of the second regular meeting without conditions; provided, if the applicant requests or consents in writing to a continuance of the hearing beyond such date, the preceding provisions of this section shall not apply.

§ 25-13-8 CONDITIONAL USE PERMIT; PENDING VARIANCE.

No conditional use permit may be issued while an application for a variance is pending on hearing or determination by the Board of Adjustment or on appeal from its decision.

§ 25-13-9 BUILDING PERMIT; CERTIFICATE OF OCCUPANCY.

Neither a building permit nor a certificate of occupancy for a use requiring a conditional use permit may be issued before a conditional use permit is issued by the Planning Commission. If the Commission issues a conditional use permit for a use which requires a building permit or a certificate of occupancy, or both, neither a building permit nor, as the case may be, certificate of occupancy may be issued until a ten-day appeal period has expired.

§ 25-13-10 CONDITIONAL USE PERMIT; TERMINATION, EXPANSION, REPAIR, EXPIRATION, REVOCATION.

(A) Termination: A conditional use permit may not be transferred and, if a change of ownership of the lot or tract of land for which the conditional use permit was issued occurs, the conditional permit shall thereupon terminate.

(B) Expansion: Any expansion or enlargement of the conditional use as approved and shown on the site plan submitted during the application process shall be treated as a new use and require a new application following the provisions of this article.

(C) Repair: Ordinary repairs and maintenance may be performed upon structures associated with a conditional use permit so long as such repairs and maintenance do not expand or enlarge the use.

(D) Expiration. If the conditional use has not commenced within 12 months from the date of approval or is discontinued for a period of 12 consecutive months it shall expire.

(E) Revocation. If any of the conditions required by this Code, or those placed on the conditional use permit in order to make it meet this Code, are violated, the property owner shall be notified in writing and allowed a maximum of 30 days from the date of receipt of the letter to bring the use back in to conformance. Such letter shall be sent by certified mail, return receipt requested, or hand served to the property owner, or if an entity, to the property owner's registered agent, and state the condition(s) being violated. Should the property owner fail to bring the use back into conformance, the Planning Commission shall place the item on the next regular meeting agenda and determine whether or not the use still meets the conditions of this Code and, if not, revoke the conditional use permit. Upon revocation, the nonconforming use of the property shall cease immediately. Any continued nonconforming use shall be prosecuted in the same manner as all other zoning code violations.

§ 25-13-11 TEMPORARY USES

A conditional use permit for a temporary use listed in Chapter 25 Article 3 may not be granted for more than one year, but may be renewed for periods not exceeding one year each for written application made at least 30 days before the one period expires.

§ 25-13-12 REPEALED

§ 25-13-13 REPEALED

§ 25-13-14 REPEALED

§ 25-13-15 REPEALED

§ 25-13-16 REPEALED

§ 25-13-17 REPEALED

§ 25-13-18 REPEALED

Section 8. Chapter 25, Article 20, Sections 1 through 14 of the Scottsbluff Municipal Code are now amended to provide as follows:

“ARTICLE 20: WIND ENERGY CONVERSION SYSTEMS

Section

- 25-20-1 Definitions; applicability
- 25-20-2 Wind energy conversion system; WECS
- 25-20-3 WECS; site
- 25-20-4 WECS; swept area
- 25-20-5 WECS; total height
- 25-20-6 Findings; City Council
- 25-20-7 Article; purpose
- 25-20-8 Heights
- 25-20-9 Setback
- 25-20-10 Conditional use permit
- 25-20-11 Conditional use permit; application
- 25-20-12 Conditional use permit; Article 13 requirements
- 25-20-13 Conditional use permits; findings; Planning Commission; additional
- 25-20-14 Abandonment

§ 25-20-1 DEFINITIONS; APPLICABILITY.

Whenever used in the article, the terms defined in the following sections shall bear the meaning given them in those sections.

§ 25-20-2 WIND ENERGY CONVERSION SYSTEM; WECS.

WIND ENERGY CONVERSION SYSTEM. A machine that converts kinetic energy in wind into a different, usable form of energy, including a machine commonly known as a wind turbine or windmill. Unless the context clearly indicates otherwise, the term refers to all components of such a system, including, but not limited to, the tower and transmission equipment. For convenience, the term usually is abbreviated “WECS.”

§ 25-20-3 WECS; SITE.

SITE. The lot or tract of land upon which a WECS is placed. It includes such a lot or tract of land whether privately- or publicly-owned, and regardless of whether the WECS is owned by, in possession or control of, or operated by the same person who owns or is in possession of the lot or tract of land.

§ 25-20-4 WECS; SWEPT AREA.

SWEPT AREA. The largest area of the WECS which extracts energy from the wind stream.

§ 25-20-5 WECS; TOTAL HEIGHT.

TOTAL HEIGHT. The aggregate height of the tower and the furthest vertical extension of any other component of the WECS.

§ 25-20-6 FINDINGS; CITY COUNCIL.

It is found and declared that:

(A) Wind energy is an abundant, renewable, and nonpolluting energy resource, and its conversion to electricity will reduce dependence on nonrenewable energy sources and decrease air and water pollution which may result from use of conventional energy;

(B) Wind turbines which convert wind energy to electricity are currently available on a commercial basis from many manufacturers; and

(C) The generation of electricity by properly sited wind turbines can be cost effective, and in many instances, existing power distribution systems can be used to transmit electricity from wind generating stations to utilities or other users.

§ 25-20-7 ARTICLE; PURPOSE.

The purpose of this article is to regulate the occupancy and use of lands by wind energy conversion systems for protection of the public health, safety, and general welfare, including, but

not limited to, that of owners and occupants of adjacent lands in a manner that will facilitate the effective and efficient use of such systems.

§ 25-20-8 HEIGHTS.

The total height of a WECS shall not exceed 80 feet except in the A District, or the maximum height permitted by regulations of the state or the federal government, whichever is lesser. The minimum distance of any blade above the ground shall be 15 feet; provided, if there shall exist within a 250-foot radius of the center point of the tower any building, structure (not including electrical transmission or distribution lines, antennas, slender, or open lattice towers or open fences), or tree in excess of 35 feet in height, the minimum distance of any blade above the ground shall be the greater of:

(A) The sum of 30 feet and the height, in feet, of the tallest of such building(s), structure(s), or tree(s); or

(B) Such distance above the ground as the manufacturer shall recommend to assure sufficient air flow for adequate operation of the WECS.

§ 25-20-9 SETBACK.

The tower support base of the WECS shall be located a distance from the boundary lines of the lot or tract of land, and from all above ground utility lines, that is not less than one and one-fourth times the total height of the WECS.

§ 25-20-10 CONDITIONAL USE PERMIT.

The Planning Commission may issue a conditional use permit authorizing the erection, maintenance, and operation of WECS in any zone, and modifying as to such system, as provided in this article, zoning regulations pertaining to height, setback, and other provisions of this chapter which otherwise would apply to the system, if the Commission determines that the requirements of this article have been met.

§ 25-20-11 CONDITIONAL USE PERMIT; APPLICATION.

(A) An application for a conditional use permit to erect, maintain, and operate a WECS shall comply with the requirements for an application for a conditional use permit as described elsewhere in the municipal code and, in addition, shall include the following information:

(1) Address and telephone number of the owner of the lot or tract of land and, if the WECS is to be erected, maintained, or operated by some other person, the name, address, and telephone number of such other person; and

(2) A plot plan and development plan drawn in sufficient scale and detail to clearly describe:

(a) The property lines and physical dimensions of the proposed site, including all public streets and alleys abutting the site;

(b) The location and total height of the WECS;

(c) The location, dimensions, and types of all major existing structures and uses of the site;

(d) The location of all above ground utility lines and other WECSs on the site or within a radius from the center of the tower which is equal to one and one-half times the total height of the proposed WECS;

(e) The location and size of all buildings, structures, and trees exceeding 35 feet in height within a 500-foot radius of the proposed WECS (for purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers, and open fences are not considered structures);

(f) Where applicable, the location of all transmission facilities proposed for installation;

(g) Where applicable, the location of all road and other service structures proposed as part of the installation; and

(h) The zoning districts within which are situated the lot or tract of land and adjacent lots and tracts of land.

(B) There also shall be submitted with the application a copy of a proposed policy of liability insurance in an amount satisfactory to the Development Services Director.

(C) If the WECS is to be erected, maintained, or operated by a person other than the owner of the lot or tract of land, the application shall be signed, also, by such other person.

§ 25-20-12 CONDITIONAL USE PERMIT; ARTICLE 13 REQUIREMENTS.

All of the other requirements and provisions of Article 13 of this chapter concerning proceedings on applications for a conditional use permit, the terms of such a permit, the issuance of building permits and certificates of occupancy, and the transfer of conditional use permits shall apply to a conditional use permit issued under this article.

§ 25-20-13 CONDITIONAL USE PERMIT; FINDINGS; PLANNING COMMISSION; ADDITIONAL.

The Planning Commission may approve a conditional use permit for a WECS if it finds, in addition to the findings required for the issuance of a conditional use permit, that the proposed use will not be detrimental to the public health, safety, and general welfare.

§ 25-20-14 ABANDONMENT.

A WECS shall be deemed abandoned if not in continuous use, except during maintenance and repair or during the temporary absence of the operator. If the Development Services Director shall determine that a WECS has been abandoned within the meaning of this section, he or she shall cause to be delivered or mailed to the owner of the lot or tract of land and, if the WECS was in the possession of or operated by some other person, to such other person, a written notice of such determination and that the WECS, including the tower, shall be removed within 30 days after delivery or mailing of the notice. If the notice is mailed, it shall be addressed to the person being notified at the latter's last known residence address."

Section 12. Chapter 25, Article 21, Section 5 of the Scottsbluff Municipal Code is now amended to provide as follows:

Section 13. The prior Code Sections at Chapter 6-6-29, 25-2-132, on all Sections of Chapter 3, Article 3, Section 25-4-6, Section 25-6-9, Section 25-6-16, Section 25-8-5, All Sections in Chapter 25, Article 13, and All Sections in Chapter 25, Article 20, and all other Ordinance and parts of Ordinances in conflict with the Ordinance are repealed. 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 14: This Ordinance shall become effective upon its passage and approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2025.

Attest:

Betsy Vidlak, Mayor

Kimberly Wright, City Clerk (Seal)

Approved as to form:

Kent Hadenfeldt, City Attorney