



SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, April 11, 2016, 6:00 PM
City Hall Council Chambers, 2525 Circle Drive

PLANNING COMMISSIONERS

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

1. **WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A **Minutes**
Approve Minutes of March 14, 2016
7. **NEW BUSINESS:**
 - A **Owen Redevelopment Plan**
Review: Redevelopment Plan
Applicant: Zachary Owen
Owner(s): Zachary Owen
Location: SW corner of 42nd St & Ave G
 - B **Rezone R-4 to C-3**
Rezone: R-4 Multi Family to C-3 Heavy Commercial
Applicant: Kathy Birch, Van Newkirk Real Estate
Owner(s): T.H. & Spencer Steel
Location: 1401 19th Avenue
 - C **Ordinance Amendment Body Art**
Ordinance Amendment/Additions: Miscellaneous Body Art
Chapter 25- Article 2 - Definitions
and Article 3 - Zoning Districts
 - D **Ordinance Amendment/Shipping containers**
Ordinance Text Amendment Chapter 25, Article 3, Section 25
Zoning & Miscellaneous Regulations - Shipping containers
§25-3-25(16) restricting the use of shipping containers for storage.
8. **ADJOURN**

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

City of Scottsbluff, Nebraska

Monday, April 11, 2016

Regular Meeting

Item Appr. Min.1

Minutes

Approve Minutes of March 14, 2016

Staff Contact: Annie Urdiales

**Planning Commission Minutes
Regular Scheduled Meeting
March 14, 2016
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a joint special meeting with the City Council and Community Redevelopment Authority Board on Monday, March 14, 2016, 6:00 p.m. in the Conference Room of the Fairfield Inn, 902 Winter Creek Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on March 4, 2016. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

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

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such was available with Council Member, Mayor Meininger, for those interested parties.

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

ITEM 4: Business not on agenda: None

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

ITEM 6: The minutes of February 8, 2016 were reviewed and approved. A motion was made to accept the minutes by Huber, and seconded by Gompert. **"YEAS":** Huber, Gompert, Weber, Aguallo, Chadwick, and Estrada. **"NAYS":** None. **ABSTAIN:** Zitterkopf and Wayman. **ABSENT:** Mark Westphal. Motion carried.

ITEM 7A: The Planning Commission opened a public hearing for the final draft review of the City's Comprehensive Development Plan. Annie Folck, City Planner, and Daniel Bennett, Regional Planner with PADD, presented the final draft of the comp plan. The plan is a guidance document/tool used by the Planning Commission to follow when making recommendations to City Council for land use and other zoning requirements.

The City worked with PADD to gather information in order to do a complete update on the Comprehensive Plan which was last updated in 2004. Initial work started in the summer of 2014, with a strategic economic plan, and demographic trend analysis and a utility survey. There are areas in town with existing infrastructure which would be financially beneficial to a developer. Other areas were also identified where expansion of water and sewer infrastructure would work best.

The new comp plan has a different framework than the previous plan. The new plan breaks the City up into neighborhoods and then describes the desired character of the neighborhood. The characteristics that are considered include the following: H.A.M.E.

Hours: What time of day is activity acceptable?

57 **Auto:** How much traffic is desired in this area?
58 **Mass:** What kind of building heights and setbacks fit with this area?
59 **Emissions:** How much light, noise, smells, & other effects of certain land uses are acceptable in this
60 area?
61
62 For example, most residential areas will have activity primarily during the day with low traffic, and little
63 noise and lighting, whereas commercial districts like 27th Street will have more activity in the late evening,
64 much more traffic, and bright lighting from signs for commercial businesses.
65
66 This new framework will help the City to more easily classify land uses and determine which uses are
67 appropriate for each district. The key districts were identified as Southeast, Northeast, North of Highway
68 26, Northwest, Southwest, Downtown, and Community-wide neighborhoods. Each area has different
69 needs and will allow for flexibility in our zoning codes and mixing residential land and commercial uses in
70 some districts. They will match the zoning to the neighborhoods with intensity themes, principles and
71 neighborhood types. H.A.M.E will be a way we can measure development, hours of business, traffic
72 volume, noise, building mass, etc.
73
74 Information gathered from public input included transportation we need public transit alternatives,
75 attractive, clean well-kept properties, and pedestrian friendly neighborhoods with bike routes, safe school
76 routes, and paths for those who are unable to use automobiles for their means of transportation. The
77 information was gathered from surveys, open houses, and focus groups.
78
79 Astrid Munn, representing the Southeast neighborhoods expressed appreciation for the public forums
80 held in both English and Spanish, this area said they sometimes felt a separation from the rest of the City
81 and were glad to be included in the open houses and the updating of the comp plan. They expressed
82 interest in helping with future changes to better the neighborhood. Matt Hutt stated that the bike clubs
83 will be happy to see more bike paths and pedestrian walkways.
84
85 **Conclusion:** A motion was made by Wayman and seconded by Weber to make a positive
86 recommendation to City Council to adopt the Scottsbluff Comprehensive Plan. "YEAS": Weber,
87 Zitterkopf, Wayman, Huber, Aguillo, Chadwick, Gompert, and Estrada. "NAYS": None. ABSTAIN: None.
88 **ABSENT:** Westphal. Motion carried.
89
90 There being no further business, a motion to adjourn was made by Aguillo and seconded by Weber. The
91 meeting was adjourned at 7:25 p.m. "YEAS": Gompert, Wayman, Zitterkopf, Aguillo, Chadwick, Huber,
92 Weber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Westphal. Motion carried.
93
94 _____
95 Becky Estrada, Chairperson
96
97 Attest: _____
98 Annie Urdiales

City of Scottsbluff, Nebraska

Monday, April 11, 2016

Regular Meeting

Item NewBiz1

Owen Redevelopment Plan

Review: Redevelopment Plan

Applicant: Zachary Owen

Owner(s): Zachary Owen

Location: SW corner of 42nd St & Ave G

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Development Services Department
Date: April 11, 2016
Subject: Owen Oral Surgery Redevelopment Plan
Location: Lot 1, Block 10, Five Oaks Subdivision

Background

The Planning Commission approved a final plat for Lots 1 and 2, Block 10, Five Oaks Subdivision for property owner, Zachary Owen. These lots are located in a Blighted and Substandard area and are eligible for tax increment financing. Dr. Owen plans on developing Lot 1, and will have several public improvements to the property which include the completion of Avenue G from 42nd Street south to 40th Street, and improvements to the water and sewer systems. This redevelopment plan includes a request for tax increment financing for eligible costs and improvements to the land, a resolution with the Planning Commission's recommendation is attached for your approval and signature. The resolution states that the plan conforms to the comprehensive development plan and recommends approval to the Community Redevelopment Authority and City Council.

The Redevelopment Plan and Resolution are attached for your review.

RECOMMENDATION

Approve

Make a motion to approve the Redevelopment Plan for Owen Oral Surgery Center, (Lot 1, Block 2, Five Oaks Subd.) subject to the following condition(s):

Deny

Make a motion to disapprove the Redevelopment Plan for Owen Oral Surgery Center, (Lot 1, Block 2, Five Oaks Subd.) for the following reason(s):

Table

Make the motion to TABLE the Redevelopment Plan for Owen Oral Surgery Center, (Lot 1, Block 2, Five Oaks Subd.) for the following reason(s):

CITY OF SCOTTSBLUFF

Owen Oral Surgery Center Redevelopment Plan

***Submitted by Owen Development, L.L.C.
April 1, 2016***

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CITY OF SCOTTSBLUFF
Owen Oral Surgery Center Redevelopment Plan

1. Introduction/Executive Summary

Owen Development, LLC (the “Redeveloper”) submits this Redevelopment Plan (“Plan”) to the City of Scottsbluff City Council (the “City”), the City of Scottsbluff Planning Commission (“Planning Commission”), and the City of Scottsbluff Community Redevelopment Authority (the “CRA”), pursuant to the Nebraska Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*

The City has declared blighted and substandard the area southeast of the intersection of Highway 71 and 42nd Street. Full development of this area will require the joint effort and cooperation of the City and private developers.

Under this Plan, the Redeveloper proposes to acquire and develop Lot 1, Block 10, Five Oaks Subdivision to the City of Scottsbluff. On the Project Site (as defined later in this Plan) an oral surgery office building will be constructed to be used by Owen Oral & Implant Surgery, LLC (the “Project”). Owen Oral & Implant Surgery, LLC, is a Nebraska Professional Limited Liability Company owned by Zachary Owen, DDS who recently relocated his oral and implant surgery practice to Scottsbluff from Loveland, Colorado.

The Project will also consist of several public infrastructure improvements including completion of Avenue G between 42nd Street and 40th Street and water and sewer system improvements. The Project requires a significant investment with the cost being estimated at \$1,742,720.00. Thus, the Redeveloper is requesting tax increment financing for certain eligible costs and expenses related to the Project.

2. Blighted and Substandard Condition of Project Site (NEB. REV. STAT. §§ 18-2103(10) and (11) and 18-2109)

On May 18, 2015, after a recommendation from the Planning Commission and a public hearing, the City passed Resolution 15-05-03 to declare the Project Site and nearby property blighted and substandard in accordance with NEB. REV. STAT. §§ 18-2103(10) and (11) and 18-2109. This declaration was based upon a Blight Study dated May 1, 2015 by Charles K. Bunger. Resolution 15-05-03 and the Blight Study are attached as Attachment 1.

Of particular relevance to this Project, the Blight Study states:

The site conditions retard the development of [the Project Site] which will continue to result in lower property and sales tax for the jurisdictions. New investment will not reasonably occur unless there is significant public assistance through the redevelopment authority. Considering its prominent location, a successful redevelopment effort is critical. Without redevelopment assistance, it is likely that the site will remain in its substandard or undeveloped condition. (Attachment 1; Blight Study at pg. 6).

The City has started to address the concerns raised in the Blight Study by granting tax increment financing for the Elite Health Development. This Plan is an offshoot of the Elite Health Development project and a continuance of the overall redevelopment of the blighted and substandard area—showing the “snowball effect” of public/private development efforts.

Moreover, the Blight Study refers to the inadequacy of the internal street system around the Project Site and specifically to the one-half street (Avenue G) to serve additional development (Attachment 1; Blight Study at pgs. 3-4 and 7).

This Plan will cure the inadequacy of Avenue G, which will be completed between 42nd Street and 40th Street. This momentum could continue the “snowball effect” of development to the south of the Project Site, which could lead to further improvements to and development of 40th Street and other public infrastructure improvements.

3. **Statutory Elements (NEB. REV. STAT. §§ 18-2103(13) and 18-2111)**

A. ***Boundaries of the Project Site:*** An aerial map of the “Project Site” is attached as Attachment 2. A plat of the Project Site is attached as Attachment 3. The Project Site entails Lot 1, Block 10, Five Oaks Subdivision (“Lot 1”) and portions of the adjacent public right of way including Avenue G (Tract C shown in the plat attached as Attachment 3).

B. ***Existing Uses and Condition:*** Lot 1 is currently undeveloped, vacant land.

- *East:* Avenue G, which is currently a half street, runs along the east side of Lot 1. A residential area is across Avenue G to the east of Lot 1.
- *South:* Lot 2, Block 10, Five Oaks Subdivision (“Lot 2”) is south of Lot 1. Lot 2 consists approximately 1.6 acres of undeveloped, vacant land which stretches to 40th Street. Lot 2 has been platted and is available for future development. See Attachment 3.
- *West:* The site of the Elite Health Development project adjoins Lot 1 to the west.
- *North:* Forty-second Street runs along the north side of Lot 1.

An aerial map of the Project Site and its surroundings is attached as Attachment 4.

C. ***Land Acquisition:*** The Redeveloper will acquire Lot 1 prior to the development of the Project Site.

D. ***Demolition and Removal of Structures:*** The Project Site is currently undeveloped, vacant land, and thus no demolition or removal of structures is required under the Plan.

E. ***Land Uses, Land Coverage, and Building Intensities:*** The Redeveloper intends to construct an oral surgery office building on the Project Site. This will include a 2,762 square foot building, including a 363 square foot garage; an 8,500 square foot off-street parking lot, to include 18-20 parking spaces; and 18,000 square feet of landscaping (including sidewalks and walkways). (All numbers are estimates.) Please also see the Site Plan attached as Attachment 5 and the Building Floor Plan attached as Attachment 6. The office will be leased by Owen Oral & Implant Surgery, LLC.

F. ***Site Plan:*** See Attachment 5 Site Plan and Attachment 7—“Connection to Existing Sanitary Sewer, 42nd Street and Avenue G.”

G. ***Population Densities:*** The Plan does not contemplate a change in population densities around the Project Site. Redeveloper expects an increase in use of the area by employees and patients of the oral surgery center. However, Owen Oral & Implant Surgery, LLC is a solo practice which is open regular business hours. It will employ approximately 5 to 6 employees. It expects to average about 15 patients per day (4-5 days per week). Thus, the increased volume of traffic is expected to be minimal—certainly much less than a larger

commercial development. This will provide a “buffer” between the residential areas to the east and the larger Elite Health Development to the west.

H. Zoning Changes: The Project Site was recently rezoned from Agricultural to O-P (Office and Professional). No further zoning changes are contemplated by the Plan.

I. Additional Public Facilities and Utilities:

- **Water:**
 - Lot 1 will connect to the City water line that runs along 42nd Street.
 - A fire hydrant will be placed near the southwest corner of the intersection of Avenue G and 42nd Street.
 - PVC pipe for a water line will also be installed along Avenue G between 40th Street and 42nd Street, so that at the time Lot 2 is developed, the City water lines that run along 40th Street and 42nd Street can be connected with minimal disturbance to Avenue G. (See Attachment 10, pg. 2.)
- **Sewer:** Sewer connections for Lot 1 will be made by extending the existing City sewer main from the east side of Avenue G. This will include a new sanitary sewer manhole on the west side of Avenue G. See Attachment 7

J. Street Layouts, Street Levels, and Grades: Avenue G is currently only a half street between 42nd Street and 40th Street. Under the Plan, the remaining half of Avenue G between 42nd Street and 40th Street will be constructed according to Attachment 8—“Typical Street Cross Section—Avenue G.” Curb and gutter improvements will be constructed adjacent to the street. This portion of the Project will be constructed by an improvement district created by the City and funded by assessing Lots 1 and 2.

The above public utilities and street layouts are in accordance with the Contract for Public Improvements (“Improvement Contract”), dated February 1, 2016 between the City and the Zachary and Karyn Owen Family Trust. The Improvement Contract obligates the owners of Lot 1 to make these public improvements only in the event of development of the Lot 1. (The Improvement Contract does not require the construction of Avenue G adjacent to Lot 2 until Lot 2 is developed. However, the Redeveloper feels it will be more efficient to finish Avenue G between 42nd and 40th now, which should make Lot 2 more attractive for future development. Including this in the Project now is possible due to tax increment financing covering other eligible expenses.)

K. Ordinance and Building Code Changes: No building code changes are contemplated by the Plan. An improvement district for the completion of Avenue G and adjoining curb and gutter will be created by ordinance; no other ordinance changes are contemplated.

4. **Conformity to General Plan of the City (NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a)).**

The Planning Commission, City, and CRA are all tasked with determining whether this Plan conforms to the general plan for the development of the City as a whole. NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a).

At a joint meeting of the City, Planning Commission, and CRA on March 14, 2016, the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”) was adopted.

The Project Site falls in the “North of Highway 26 District” on the Future Land Use Map (pg. 23 of the Comprehensive Plan). The Comprehensive Plan (at pgs. 30-31) includes the following principles for the North of Highway 26 District:

- Encourage multi-family residential development adjacent to low-intensity commercial areas (Principle 5.d).
- Coordinate land improvements and expansion of road capacity (Principle 5.e).
- Plan for continuity of street patterns in development (Principle 6.d).
- Encourage new development to be contiguous with existing development with planned linkages between roads and utilities (Principle 6.f).
- Direct higher intensity commercial uses toward Avenue I and at major intersections (Principle 8.f).

This Plan conforms to and furthers the above principles by:

- Creating a low intensity, professional, single practice office building adjacent to the residential areas in the North of Highway 26 District; this provides a buffer between the residential areas and the higher intensity commercial area to the west. Please see Attachment 9 which is a conceptual picture of the office building. As shown, the building will blend more with residential areas than would a typical commercial building.
- Completion of Avenue G from 40th Street to 42nd Street; this could encourage development to the south and the completion of 40th Street from Avenue G to Avenue I.
- Laying a water line under the newly constructed portion of Avenue G; this will allow efficient connectivity of the City water lines running along 40th Street and 42nd Street once Lot 2 is developed and/or 40th Street is extended.

5. Proposed Financing

▪ *Tax Increment Financing.*

The Redeveloper is requesting tax increment financing to pay for statutorily eligible expenses, to the extent such funds are available. The tax increment financing will be generated from the increased property taxes to be paid on Lot 1 after development. The amount of the available proceeds from tax increment financing is estimated at approximately \$255,000.00, (including capitalized interest), calculated as follows:

2016 Assessed Value:		
Land:	\$ 24,647.00	
Building/Improvements	<u>\$ 0.00</u>	
Total		\$ 24,647.00
Estimated Value after Completion		
Land:	\$ 67,500.00	
Building:	<u>\$800,000.00</u>	
Total		<u>\$867,500.00</u>
Increment Value:		\$842,853.00
Multiplied by approximate 2% levy	x 0.02	
Annual TIF Generated (Rounded)		\$ 17,000.00
Multiplied by 15 years (Maximum Duration of TIF)	<u>x 15</u>	
Estimated Tax Increment Financing Available:		<u>\$255,000.00</u>

This estimated amount, reduced to present value, will support a tax increment financing bond of approximately \$204,000.00 based on an interest rate of 3%.

Because the Plan proposes the use of tax increment financing, the City must find: the Plan would not be economically feasible without the use of tax increment financing; the Project would not occur in the blighted and substandard area without the use of tax increment financing; and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed and been found to be in the long term best interest of the community. NEB. REV. STAT. § 18-2116(1)(b).

Zachary Owen, DDS, by and through Owen Oral & Implant Surgery, LLC has three options for locating his dental practice: (1) rent; (2) buy an existing building; or (3) build. Option 3 has many benefits, but is the most expensive. Moreover, acquiring and building on vacant land with no infrastructure would not be economically feasible without the use of the tax-increment financing. Thus, if not for tax increment financing, the more feasible options would have been to

rent, buy, or at the most, build on developed land. However, the blighted/substandard designation of the Project Site and the availability of tax increment financing to pay for a portion of the eligible costs has made the development of the oral surgery center in the blighted/substandard area a viable option and provided an incentive to carry out this Plan and Project as proposed. Many of these eligible costs are for mandatory public improvements under the Improvement Contract including the water and sewer infrastructure improvements. However, without tax increment financing, only the bare minimum infrastructure improvements under the Improvement Contract would be completed at this time, thus leaving out Avenue G south of Lot 1 and placing the water line under Avenue G. The enhanced off-street parking and landscaping as planned are also made possible with tax increment financing.

Below are the portions of the project, and estimated costs, which the Redeveloper proposes to be paid for with increment financing:

<u>Description</u>	<u>Estimated Cost</u>
Site Acquisition	\$ 67,500.00
Site Preparation	\$ 10,000.00
Water Connection/Improv.	\$ 9,050.00
Sewer Connection/Improv.	\$ 16,100.00
Water Line along Ave. G	\$ 16,000.00
Parking Lot/Landscaping/ Sidewalk	\$ 85,000.00
Civil Engineering/Site Design	\$ 8,400.00
<u>Plan Preparation/Legal</u>	<u>\$ 15,000.00</u>
TOTAL	\$227,050.00

▪ ***Private Investment***

Funds from tax increment financing will not be sufficient to cover the entire amount of the eligible expenses set forth above and thus the excess will be paid by the Redeveloper. Moreover, the Redeveloper will make a substantial private investment in the private improvements such as the building and personal property. Please see the cost-benefit analysis in the next section for a breakdown of the source and use of Project funds, as well as the other costs and benefits of the Project.

▪ ***Improvement District***

To amortize a portion of the Redeveloper's private investment, the costs and expenses for the completion of Avenue G and adjoining curb and gutter will be constructed by improvement district created by the City and funded by assessing the owners of Lots 1 and 2. This amount is estimated to be \$146,070.00 (including engineering fees).

*Please note that all of the figures in this Plan are estimates.

6. Cost-Benefit Analysis (NEB. REV. STAT. §§ 18-2113(2); NEB. REV. STAT. § 18-2116(1)(b)).

The CRA and City are required to conduct a cost-benefit analysis for redevelopment plans including the use of tax increment financing. NEB. REV. STAT. §§ 18-2113(2) and 18-2116(1)(b). Below is the Redeveloper's analysis proposed to the CRA and City.

A. *Project Sources/Use of Funds:* As shown in the previous section, an estimated \$204,000.00 from tax increment financing is available for this Project. This public investment will leverage approximately \$1,538,720.00 in private sector investment; a private investment of almost \$7.54 for every TIF dollar invested.

Below is a breakdown of estimated costs and expenses of the Project and the use of funds for each:

<u>Description</u>	<u>TIF Funds</u>	<u>Private Funds</u>	<u>Total</u>
Site Acquisition	\$ 67,500.00		\$ 67,500.00
Site Preparation	\$ 10,000.00		\$ 10,000.00
Avenue G Paving/Curb/ Gutter (w/ Engineering)		\$ 146,070.00**	\$ 146,070.00
Water Connection/Improv.	\$ 9,050.00*		\$ 9,050.00
Sewer Connection/Improv.	\$ 16,100.00*		\$ 16,100.00
Water Line along Ave. G	\$ 16,000.00*		\$ 16,000.00
Parking Lot/Landscaping/ Sidewalk	\$ 85,000.00		\$ 85,000.00
Building		\$ 800,000.00	\$ 800,000.00
Architect-Structural Design		\$ 19,800.00	\$ 19,800.00
Architect-Floor Plan		\$ 30,000.00	\$ 30,000.00
Architect-Construction Admin		\$ 2,200.00	\$ 2,200.00
Engineering-Mechanical/ Electrical/Plumbing		\$ 17,600.00	\$ 17,600.00
Civil Engineering/Site Design	\$ 8,400.00		\$ 8,400.00
Plan Preparation/Legal	\$ 15,000.00		\$ 15,000.00
Personal Property		\$ 500,000.00	\$ 500,000.00
Subtotal	\$227,050.00	\$1,515,670.00	\$1,742,720.00
Adj. for shortfall in TIF Funds:	\$ (23,050.00)	\$ 23,050.00	\$ 0.00
Total	\$204,000.00	\$1,538,720.00	\$1,742,720.00

* See Attachment 10—Development Estimates

** Assessed to owners of Lots 1 and 2 through Improvement District; See Attachment 10

- B. Tax Revenues and Tax Shifts.** As shown in the previous section, Lot 1 has a January 1, 2016 value of \$24,647.00. This will result in an annual real property tax of approximately \$500.00. This will be available to the local taxing jurisdictions regardless of the tax increment financing. The local taxing jurisdictions are the City, Scotts Bluff County, Scottsbluff Public Schools, WNCC, ESU 13, and North Platte NRD. It is anticipated that the assessed value will increase by \$842,853.00 as a result of the redevelopment. This development will result in an estimated tax increase of approximately \$17,000.00 annually. This tax increment will not be available to local taxing jurisdictions the tax years of 2017 through 2031, but will be used to reimburse the redeveloper for the eligible development costs (with capitalized interest) necessary for the Project, as set forth above. This Plan includes approximately \$500,000.00 of personal property, which will generate additional personal property taxes for the local taxing jurisdictions.
- C. Public Infrastructure and Community Public Service Needs.** The development of the Project Site will include the completion of Avenue G from 40th Street to 42nd Street and could have the effect of encouraging development to the south and the completion of 40th Street from Avenue G to Avenue I. A water line will be laid under the newly constructed portion of Avenue G, which will allow efficient connectivity of the City water lines running along 40th Street and 42nd Street once the lot south of the Project Site is developed.
- D. Employment Within the Project Area.** Employment on the Project Site was previously zero. Employment is expected to increase to 5-6 employees.
- E. Employment in the City Outside the Project Area.** The most recent labor summary available from the Nebraska Department of Labor for the Scottsbluff area (including Scotts Bluff, Banner, and Sioux Counties) is attached as Attachment 11. This shows a local labor force of 19,908 and unemployment of 666 (3.3%). The summary shows 426 employees (2.1%) in the area of professional scientific and technical services and 3,019 (15.2%) in the area of health care and social assistance. Thus, this Project is suited for the area. No negative impacts on other employers and employees in the area are expected.
- F. Other Impacts.** This development will be the only oral surgery center in the area, which will serve not only customers of Scottsbluff, but the entire region. This will result in an increase in the use of local business and sales taxes.

Attachment 1: *Resolution 15-05-03; Blight Study*

RESOLUTION 15-05-03

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

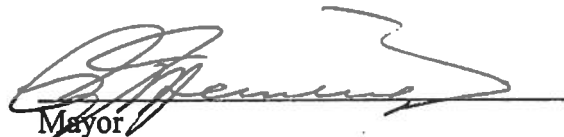
Recitals:

- a. It is necessary, desirable, advisable, and in the best interests of the City of Scottsbluff, Nebraska (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;
- b. The Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects;
- c. Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard;
- d. At its regular City Council meeting on May 18, 2015, the Mayor and City Council of the City held a public hearing (the "Public Hearing") to determine whether the area more fully described on Attachment 1 (the "Redevelopment Area") should be declared blighted and substandard, and in need of redevelopment, as required by the Act;
- e. The City published and mailed notices of the Public Hearing regarding the consideration of declaring property to be blighted and substandard pursuant to Section 18-2115 of the Act;
- f. The Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a blight and substandard determination analysis as per Attachment 2 (the "Blight Study") prepared by Charles K. Bunger, Attorney at Law;
- g. The Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the Mayor and City Council reviewed the recommendations received from the Planning Commission; and
- h. The Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

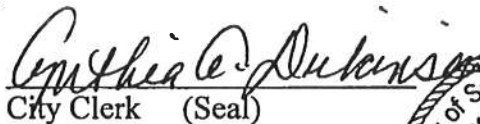
Resolved that:

1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area for meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on Attachment 1.
2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(11) of the Act, as described and set forth in the Blight Study.
3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is found to be a public purpose and declared to be in the public interest.
4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect to the Redevelopment Area.
5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on May 18, 2015.


Mayor

ATTEST:


City Clerk (Seal)





STUDY OF BLIGHT AND SUBSTANDARD CONDITIONS

City of Scottsbluff, Nebraska

May 1, 2015

This report documents the existence of blighted and substandard conditions for an area in Scottsbluff, Nebraska (the “Study Area”) located on the southeast corner of HWY 71 and 42nd Street. This Study Area includes single family residences, commercial buildings, several undeveloped lots and abutting street rights of way. This study is intended to review the Study Area for eligibility (as blighted and substandard) pursuant to Section 18-2103 of Nebraska Revised Statutes, as contained in the Nebraska Community Development Law (the “Act”). The Adler Tracts Subdivision is included in this Study Area, as the condition of both its buildings and infrastructure significantly contribute to the blighted and substandard conditions of the specific area within the City of Scottsbluff (the “City”) that is proposed for the blighted and substandard designation. This discussed in more detail below.

Legal Description

The Study Area is described on Exhibit A1, attached hereto and made a part hereof by this reference. The area within the City to be designated as blighted and substandard is described on Exhibit A2, attached hereto and made a part hereof.

Relevant Nebraska Statutes

The constitutional terms, “Substandard” and “Blighted” are statutorily defined in §18-2103, which are set out below:

(10) **Substandard areas** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

(11) **Blighted area** means an area, which

(a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in

relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and,

(b) in which there is at least one of the following conditions:

- (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;
- (ii) the average age of the residential or commercial units in the area is at least forty years;
- (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;
- (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or
- (v) the area has had either stable or decreasing population based on the last two decennial censuses.

Analysis of Study Area

This section reviews the land use, infrastructure, building and economic conditions found within the Study Area. A field survey was completed on July 26, 2014, and a review of conditions on April 12, 2015. The following section identifies such existing conditions and additional factors which contribute to a determination of a blighted and substandard condition. This analysis is based upon the observations during the field survey, available public records and interviews with the owners' representatives.

The inclusion of the Adler Tracts in this Study Area is appropriate as it impacts the adjacent undeveloped area that is within the City of Scottsbluff and should not be ignored. The development potential of property is determined not only by the condition of the property itself, but the condition of the adjacent land. This inclusion finds additional support in the Act. The Act provides that a redevelopment authority has redevelopment powers within its "Area of Operation" in a blighted and substandard area. The city, not the redevelopment authority, determines the boundaries of the blighted and substandard area, pursuant to Section 18-2109 of

the Act. This determination is not specifically limited to areas totally within the city. Section 18-2123 of the Act provides in relevant part “that the development of land outside the city, but within a radius of three miles thereof,... or is a necessary adjunct to the general community redevelopment program of the city, the acquisition, planning, preparation for the development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the foregoing sections.” Section 18-2153 of the Act further provides in relevant part that the Act “and all grants of power, authority, rights, or discretion to a city or village and to an authority created under the Community Development Law shall be liberally construed, and all incidental powers necessary to carry into effect such sections are hereby expressly granted to and conferred upon a city, village or authority created pursuant to the Community Development Law.” Therefore the inclusion of the area outside but adjacent to the City is both necessary and appropriate for the sound redevelopment planning and program of the City.

Substandard Area Analysis

As previously set forth in Section 18-2103 (10), the factors which define a **substandard area** include a “preponderance of buildings or improvements, whether nonresidential or residential in character, which, by reason of” the following circumstances:

1. *Dilapidation or Deterioration*

This subsection considers the building and improvements within the Study Area. The main infrastructure components may include water, sewer, sidewalks, streets, curb and gutter, and accessibility. Public utilities can directly influence a community’s capacity for growth. If infrastructure improvements are outdated or unavailable, land development must await their installation or updating.

While all the above mentioned criteria were evaluated, only some of those determined to contribute to the blight and substandard conditions for the Study Area need be considered here, as follows:

(a) The Adler Tracts is internally served solely by substandard streets known as West Adler Drive. These streets are passible by vehicles, but without curb and gutter drainage and are completely inadequate for the future development of the site. See photo _____. The undeveloped

Study of Blight and Substandard Conditions

area within the City has no internal street system except two streets which are only one-half the required width of normal and are inadequate to serve additional development.

(b) The buildings in the Adler Tracts are primarily residential. All of the lots externally exhibit conditions of dilapidation and deterioration. These include out buildings and trailers. A majority of the buildings either appear or are assessed by the county as badly worn. See photos _____. The undeveloped area within the City has no structures.

Conclusion:

The results of the field survey of building conditions and a review of public records indicate that a majority of the structures have major deficiencies, are deteriorating and need rehabilitation. Due to this fact, a majority of all structures within the Study Area can be classified pursuant to the Act as being substandard. The existence of this level of substandard structures and improvements constitutes a reasonable presence of substandard conditions in this Study Area which inhibits the sound growth of the area within the City.

2. ***Age or Obsolescence***

A structure, whether it is a building or part of an infrastructure system, may be considered substandard even though it is not currently in such a dilapidated condition as to be unusable in its present circumstances. The age of a structure may indicate that its useful economic life is limited before expensive repairs or replacement become necessary. A structure may also be well suited for a past purpose, but be economically or functionally obsolete to support a modern use. As discussed above there are both permanent and temporary structures located in the Study Area. The infrastructure, while barely adequate to serve the Adler Tracts, is unsuited to any modern commercial or residential development. This inadequacy indicates both functional and economic obsolescence.

Conclusion:

The Act specifies that one of the elements of substandard condition is a predominance of older or obsolete structures. Therefore with a majority of the infrastructure and buildings meeting these criteria, the Study Area can be considered to be substandard by reasons of structure age and obsolescence.

3. Inadequate Provisions for Ventilation, Light, Air, Sanitation or Open Space

During the field survey conducted to determine building conditions, building and grounds conditions were also evaluated with regard to factors that present on-going negative conditions or impacts and thus contribute to the physical decline of any developed urban area. The lack of adequate ventilation, sun light, clean air, proper sanitation facilities and open space can be a contributing factor to the decline of any urban area and the presence of any or all of these in reasonable numbers or intensity is considered, under Act, to contribute to the substandard character of any urban area.

The survey did not reveal any appreciable problems with ventilation of structures or where the size of the building on the lot and / or the small lot size itself did contribute to situations where there is a lack of sunlight and lack of open space.

Conclusion:

The field investigation documented that there are no properties within the Study Area where the lack of adequate provisions for sunlight and open space contribute to the substandard factors of the Study Area.

4. Existence of Conditions which Endanger Life or Property by Fire or other Causes

The field survey indicated that there are conditions which endanger life or property to varying degrees within the Study Area. These include the deteriorating condition of many of the buildings and debris in the lots. This combination of old, and potentially or probable abandoned structures, presents a substantial potential for endangerment of life and property.

Conclusion:

A number of conditions which endanger life or property values (as further discussed in paragraph below) do now exist in this Study Area, and these conditions are sufficient in number and distribution to qualify as a substandard factor.

5. Any Combination of Factors which are conducive to Ill Health, Transmission of Disease, Infant Mortality, Juvenile Delinquency and Crime, and is Detrimental to the Public Health, Safety, Morals or Welfare

The above listed factors indicate substandard conditions that do exist in the Study Area. These conditions also present a real potential for detrimental effects on the safety and health of the citizens residing in or near the Study Area when two or more of the substandard conditions occur in the Area. An evaluation of the various combinations of substandard conditions listed above produced the following findings.

Conclusion:

The combination of these types of substandard factors in the Study Area significantly and negatively affects the population working and residing both in and outside the City. This impact on the population is sufficient to conclude that this combination of negative factors is in and of itself a substandard factor in this Study Area. The site conditions retard the development of the undeveloped portion of the Study Area which will continue to result in lower property and sales tax for the jurisdictions. New investment will not reasonably occur unless there is significant public assistance through the redevelopment authority. Considering its prominent location, a successful redevelopment effort is critical. Without redevelopment assistance, it is likely that the site will remain in its substandard or undeveloped condition.

Blighted Area Analysis

As previously set forth in Section 18-2103 (11), the factors which define a **blighted area** include:

(a) Any combination of the following factors which “substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability”, to wit:

1. Presence of a Substantial Number of Deteriorated or Deteriorating Structures

Study of Blight and Substandard Conditions

As discussed in the previous analysis of the substandard factors, most of the structures in the Study Area are judged to be deteriorating. The deteriorated and inadequate road and drainage improvements described as substandard above also clearly fit within this definition. These continuing conditions and under-use of the property will lead to further deterioration and the consequent emergence of conditions that constitute an economic liability, which both endanger property and are detrimental to the public welfare.

Conclusion:

The presence of these substandard structures is a strong factor contributing to the conditions of blight.

2. Existence of Defective or Inadequate Street Layout

The deteriorated and inadequate road/drives discussed in the prior analysis as substandard do not provide adequate infrastructure for development. West Adler Drive consists as two distinct dead-ended drives separated by a drainage ditch. The drives do not have a publically dedicated turn around or connection that a public street or cul-de-sac is required to have. The undeveloped portion of the Study Area has no internal street system, but is served by two streets which are only one-half the required width, and are therefore substandard to serve additional development.

Conclusion:

The internal street layout is defective and inadequate for further development of the property.

3. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness

The Study Area is platted.

Conclusion:

Redevelopment of the Adler Tracts may require some platting into urban commercial or residential lots, with additional internal rights-of-way.

4. Unsanitary and Unsafe Conditions

Study of Blight and Substandard Conditions

As discussed previously in the analysis of substandard factors, there are several instances within the Study Area where unsanitary and unsafe conditions exist. These include both attractive nuisances such as the open or abandoned structures.

Conclusion:

There are significant unsanitary and unsafe conditions that do, or reasonably will, exist to constitute a condition of blight.

(b) the following conditions (from five objective criteria listed in the statute) are present, to wit:

The average age of the residential or commercial units in the area is at least forty years

The majority of the buildings in the Study Area appear to exceed forty (40) years in age. However a further inquiry of public records would be required to validate this observation.

Decreasing or Stable Population

The Study Area has displayed a stable or decreasing population between the last two decennial censuses. The portion of the Study Area within the City has had no population between the last two decennial censuses.

Income Level

The median income of the census tract is lower than the average median income of Scotts Bluff County and the average of the census tracts within the City.

Conclusion of Blighted and Substandard Analysis

Based on this analysis, the property within the Study Area meets the subjective criteria of both blighted and substandard conditions and displays the presence of at least two, and perhaps three, of the objective criteria required for a finding of blighted condition. The requirement of the Act is that at least one of these needs to be present.

Conformance with the Comprehensive Plan

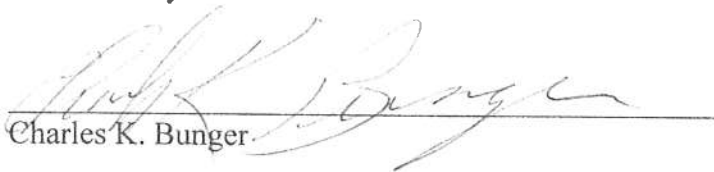
A declaration of blighted and substandard conditions in the Study Area conforms with the City of Scottsbluff Comprehensive Plan because it:

- Is located in an area eligible for such declaration.
- Allows for incentives to keep the employment base and supporting commercial activity in an area currently served by major infrastructure. .
- Is located along an existing major arterial.
- Provides a financing tool for the development of a variety of additional housing units.

Blighted and Substandard Area Declaration

By virtue of the findings of this study, the Study Area (as amended) may retain the blighted and substandard designation, pursuant to the requirements of the Nebraska Community Development Law.

Submitted by:


Charles K. Bunger

Attachment 2: *Aerial Map of Project Site*



Baker & Associates
Inc.
Engineers • Architects • Surveyors
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1300 EAST 18TH STREET
SCOTTSBLUFF, NE 68301
308-432-3123
www.baker-and-a.com

Attachment 3: *Plat of Project Site*

**FINAL PLAT OF
LOTS 1 AND 2, TRACTS B AND C, BLOCK 10, FIVE OAKS SUBDIVISION,
CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA**
SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF
THE 6TH PRINCIPAL MERIDIAN, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions	
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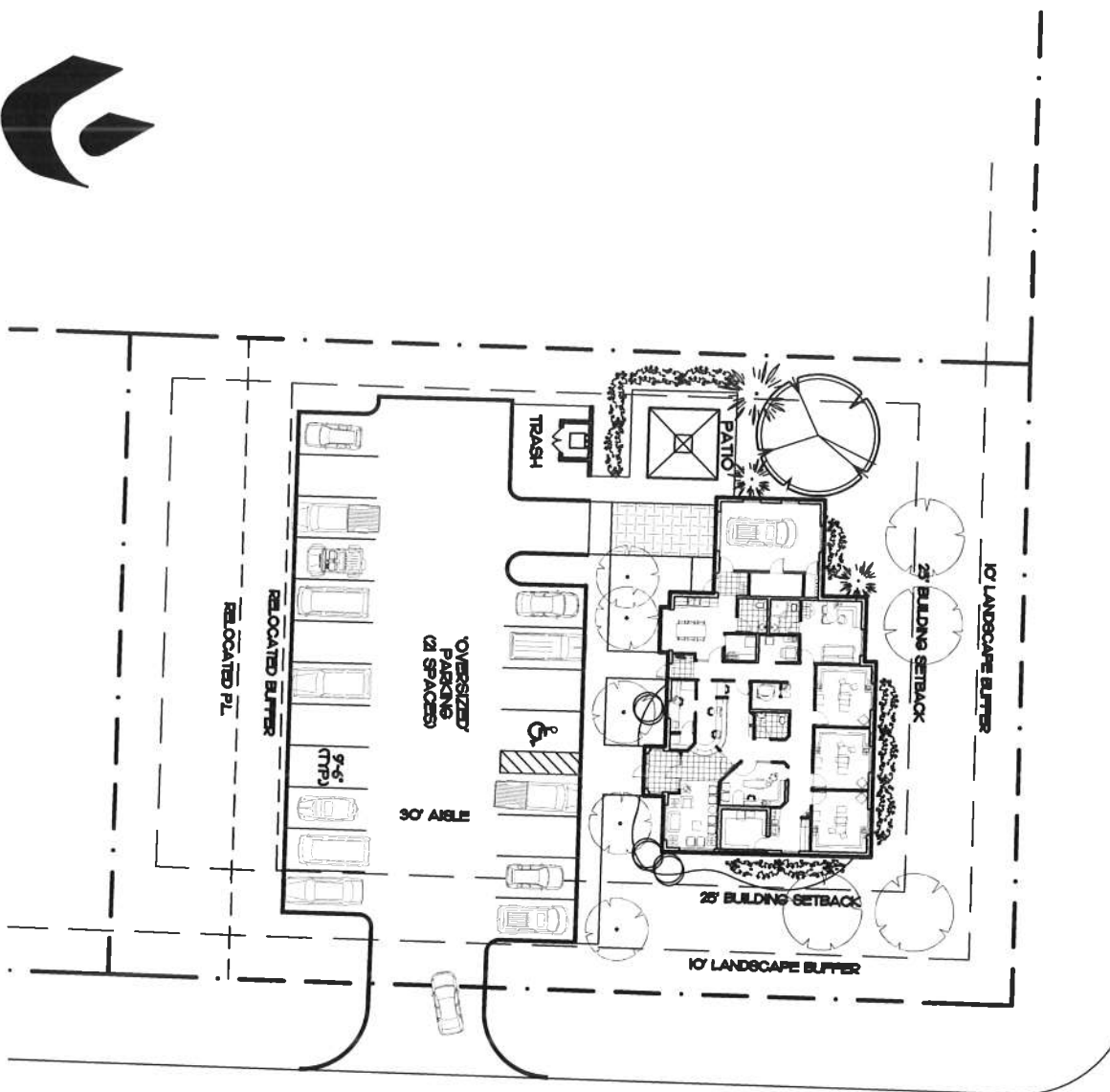
Attachment 4: *Aerial Map of Project Site and Surroundings*

Project Site-Aerial

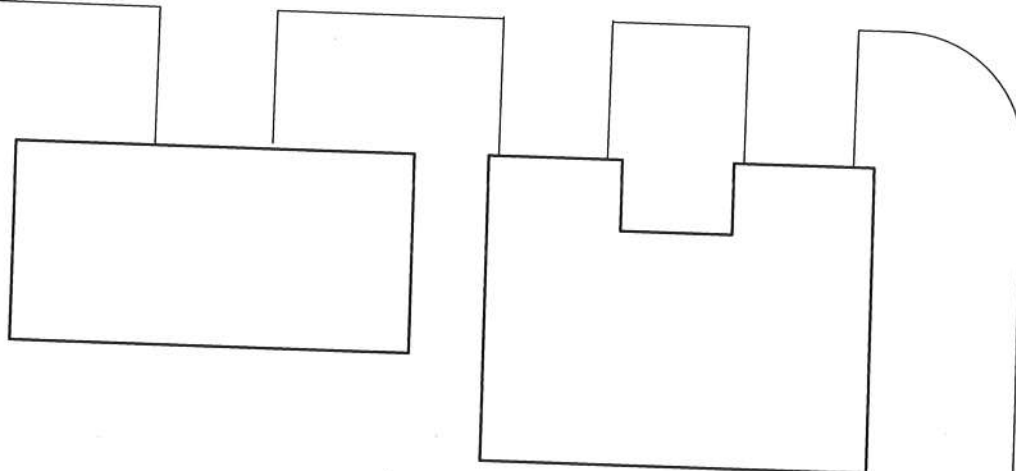


Attachment 5: *Site Plan*

42ND STREET



AVENUE 'G'



**UNTHANK
DESIGN GROUP**
5930 Vandemoort Drive
Lincoln, Nebraska 68516
ph: 402.423.3300 fax: 402.423.3377

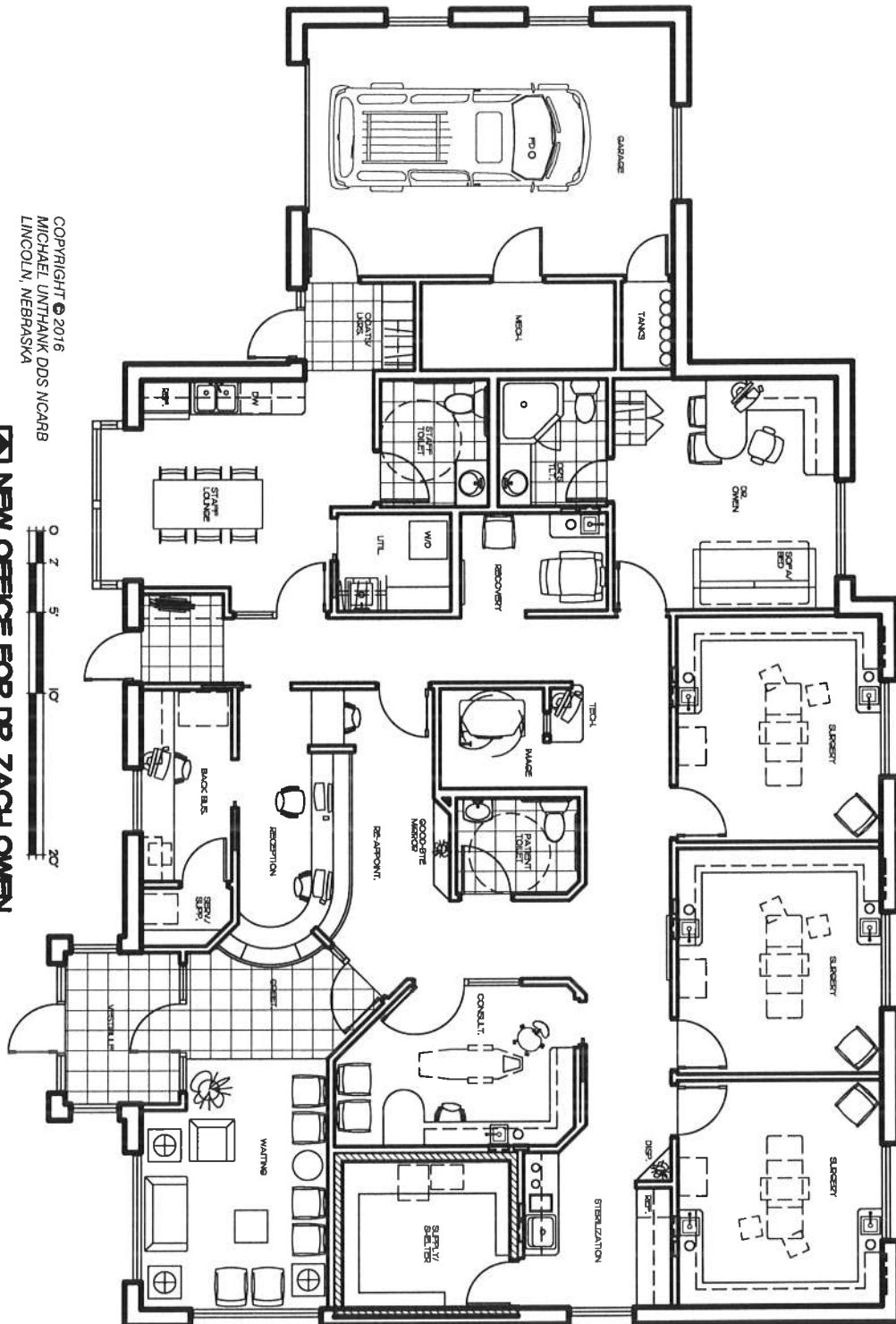
**NEW OFFICE FOR DR. ZACH OWEN
SCOTTSBLUFF, NEBRASKA**
Date: January 21, 2016



SITE PLAN

1" = 40'

Attachment 6: *Building Floor Plan*

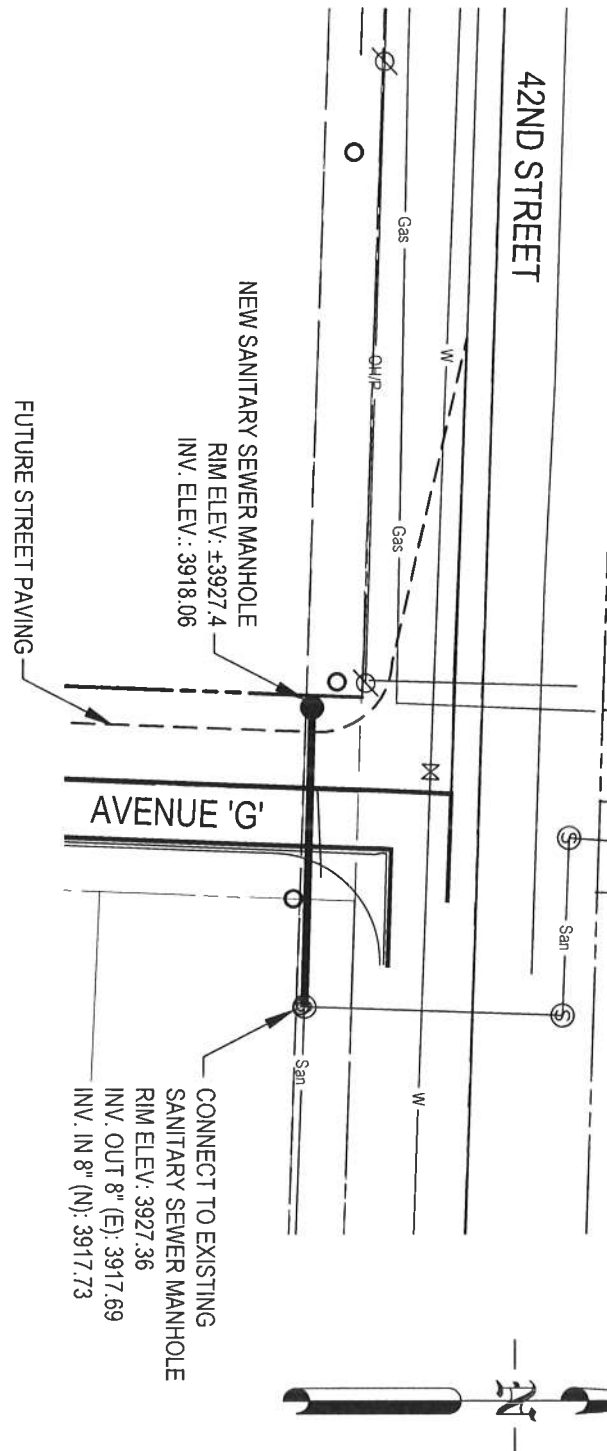


COPYRIGHT © 2016
 MICHAEL, UNTHANK DDS NCARB
 LINCOLN, NEBRASKA

☒ NEW OFFICE FOR DR. ZACH OWEN
 2762 SQ. FT. - NET
 363 SQ. FT. - NET - GARAGE
 REVISION DATE 1-2-16

0 2 5 10 20'

Attachment 7: *Connection to Existing Sanitary Sewer 42nd Street and
Avenue G*



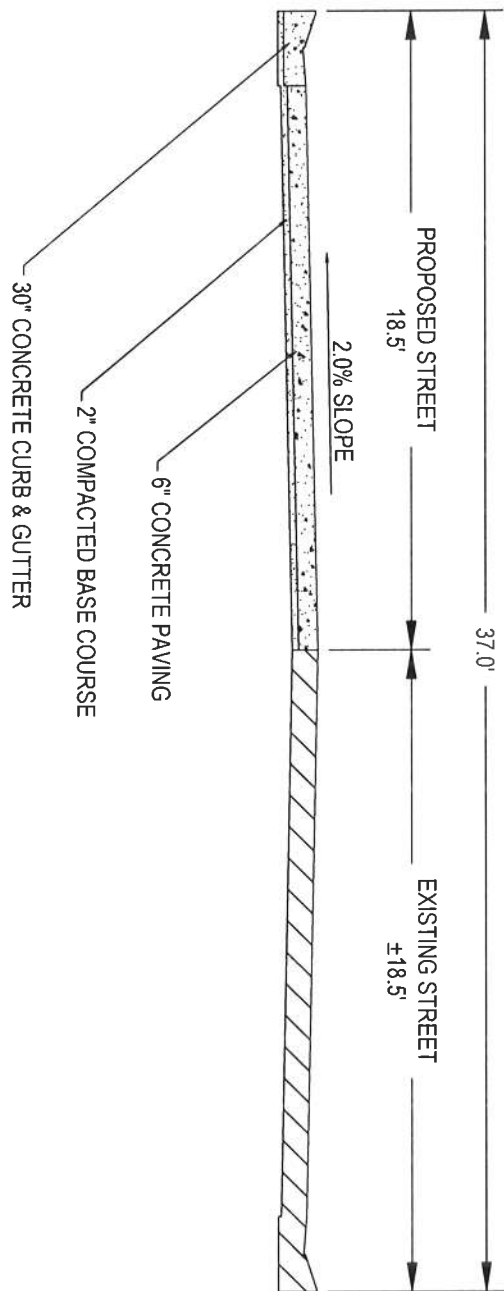
CONNECTION TO EXISTING SANITARY SEWER
42ND STREET AND AVENUE 'G'

SCALE: 1" = 50'



Baker
& Associates
INC.
ENGINEERS • ARCHITECTS • SURVEYORS

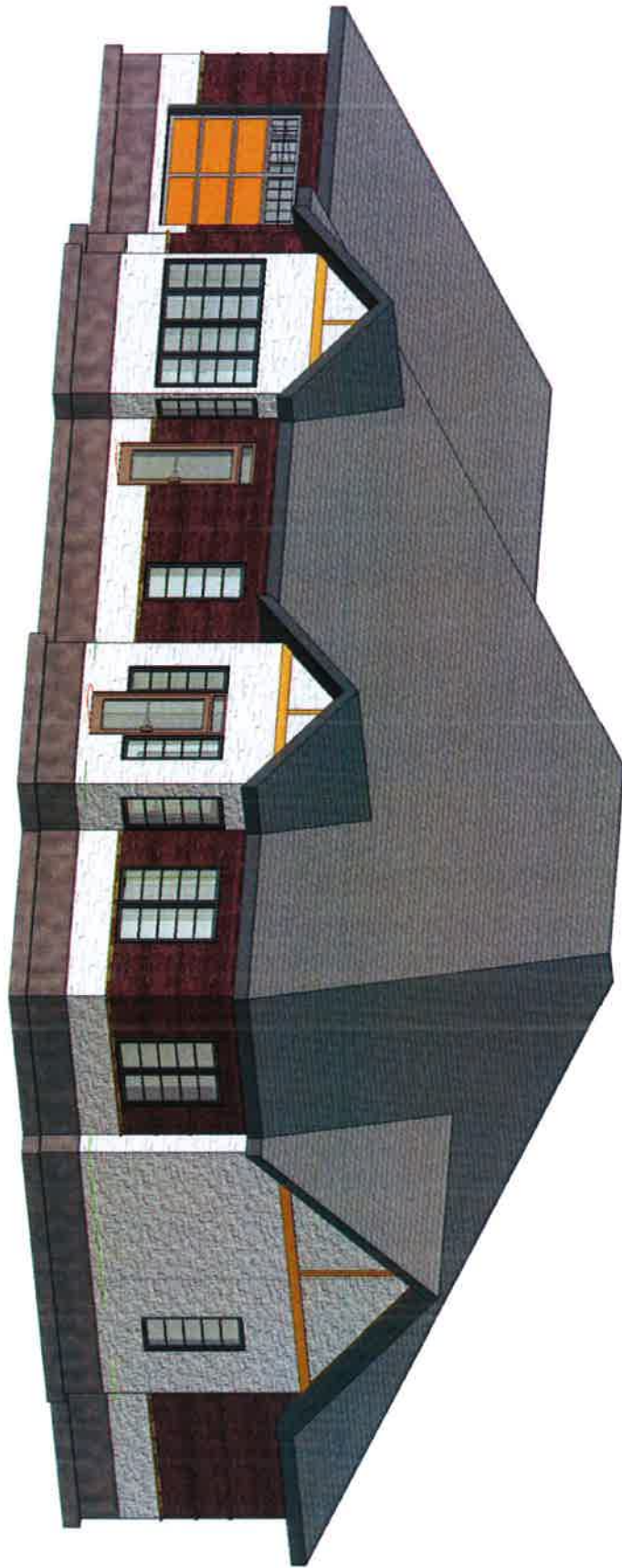
Attachment 8: *Typical Street Cross Section—Avenue G*



TYPICAL STREET CROSS SECTION - AVENUE 'G'

NOT TO SCALE

Attachment 9: *Conceptual Picture of Office Building*



Attachment 10: *Development Estimates*



Engineers*Architects*Surveyors
120 E. 16th St., Suite A
Scottsbluff, NE 69361

Project: FIVE OAKS
Owner: Zach Owen
Contract No:
Date: 2/10/2016

				Engineers Probable Costs	
Item #	Description/ Units	Unit	Total Quantity		
Schedule A - Street Paving					
A-1	Mobilization	LS	1.0	\$ 5,000.00	\$ 5,000.00
A-2	Pavement - 6" PCC	SY	1265.0	\$ 60.00	\$ 75,900.00
A-3	Curb & Gutter - 30" PCC	LF	725.0	\$ 28.00	\$ 20,300.00
A-4	Grading & Subgrade Preparation	SY	1470.0	\$ 5.00	\$ 7,350.00
A-5	Cross Pans - 6" PCC	SY	20.0	\$ 60.00	\$ 1,200.00
A-6	Base Course - 2"	SY	1470.0	\$ 6.00	\$ 8,820.00
A-7	Curb Returns - 6" PCC	EA	3.0	\$ 3,000.00	\$ 9,000.00
Total - Schedule A					\$ 127,570.00
Schedule B - Water Service					
B-1	Connect to Existing Water Line	EA	1.0	\$ 1,000.00	\$ 1,000.00
B-2	1" Water Service, Polyethylene	LF	100.0	\$ 20.00	\$ 2,000.00
B-3	1" Curb Stop	EA	1.0	\$ 750.00	\$ 750.00
B-4	Fire Hydrant Assembly - 6"	EA	1.0	\$ 4,500.00	\$ 4,500.00
B-5	1" Water Service Connection	EA	1.0	\$ 800.00	\$ 800.00
Total - Schedule B					\$ 9,050.00
Schedule C - Sanitary Sewer					
C-1	Mobilization	LS	1.0	\$ 2,000.00	\$ 2,000.00
C-2	Sanitary Sewer - 8" PVC	LF	80.0	\$ 50.00	\$ 4,000.00
C-3	Sanitary Sewer - 4" PVC	LF	40.0	\$ 40.00	\$ 1,600.00
C-4	Manhole - 4' Diameter	EA	1.0	\$ 5,000.00	\$ 5,000.00
C-5	Concrete R&R, 6" PCC	LF	25.0	\$ 80.00	\$ 2,000.00
C-6	Connect to Existing Sanitary Sewer	EA	1.0	\$ 1,500.00	\$ 1,500.00
Total - Schedule C					\$ 16,100.00

Assumptions: Street paving the full length of street.
Sanitary sewer connection to existing manhole east of G and 42nd
Water tap connection to line in 42nd Street
No costs figured for site work including sidewalk, grading, etc.

April 1, 2016

John L. Selzer
Simmons Olsen Law Firm, P.C.
1502 2nd Avenue
Scottsbluff, NE 69361

RE: Owen Property Water Line

Mr. Selzer,

Per our meeting and discussion, as part of the Owen property development the intent is to install a 6" PVC waterline within the ROW of avenue G with the understanding that this pipe will be capped and buried for future connection to the City system if and when the adjacent land to the south is developed. This would allow for future connection of the line without the need to remove concrete or site work that will be part of this current development.

At that time, the pipe would be exposed on each end, flushed, chlorinated, and pressure tested before being connected to the City system. We would also install connections for fire hydrants water services or other appurtenances necessary for functional use and acceptance by the City of Scottsbluff.

The total estimated costs for this installation are approximately \$20.00 per lineal foot for approximately 800 feet or a total of \$16,000.

Please contact our office with any questions.

Sincerely,

Baker & Associates, Inc.



Jack Baker, P.E.

Attachment 11: *Department of Labor Statistics*

Scottsbluff MC (Scotts Bluff, Banner and Sioux Counties)

2016	FEB-16 (Preliminary)	JAN-16 (Revised)	Month Change	FEB-15	Year Ago Change
Labor Force Total	19,908	19,733	175	NA	NA
Employment	19,242	19,051	191	NA	NA
Unemployment	666	682	-16	NA	NA
Unemployment Rate	3.3	3.5	-0.2	NA	NA
Nonfarm Employment	18,032	17,907	125	NA	NA
Agriculture Forestry Fishing and Hunting	*****	*****	*****	NA	NA
Mining Quarrying and Oil and Gas Extraction	*****	*****	*****	NA	NA
Utilities	35	35	0	NA	NA
Construction	907	882	25	NA	NA
Manufacturing	1,056	1,075	-19	NA	NA
Wholesale Trade	901	902	-1	NA	NA
Retail Trade	2,347	2,337	10	NA	NA
Transportation and Warehousing	1,089	1,087	2	NA	NA
Information	296	295	1	NA	NA
Finance and Insurance	699	708	-9	NA	NA
Real Estate and Rental and Leasing	90	90	0	NA	NA
Professional Scientific and Technical Services	426	419	7	NA	NA
Management of Companies and Enterprises	71	71	0	NA	NA
Administrative and Support and Waste Management and Remediation Services	1,109	1,084	25	NA	NA
Educational Services	338	338	0	NA	NA
Health Care and Social Assistance	3,019	3,018	1	NA	NA
Arts Entertainment and Recreation	189	178	11	NA	NA
Accommodation and Food Services	1,463	1,467	-4	NA	NA
Other Services (except Public Administration)	589	589	0	NA	NA
Federal Government	174	175	-1	NA	NA
State Government	614	609	5	NA	NA
Local Government	2,616	2,544	72	NA	NA

Note: Due to benchmarking, revised data for February 2015 is not available at this time. All benchmarked data will be published on April 15.

***** Data is not available due to disclosure suppression.

RESOLUTION 16-__

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SCOTTSDLUFF, NEBRASKA:**

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *Owen Oral Surgery Center Redevelopment Plan*, prepared by Owen Development, L.L.C. (the “Redevelopment Plan”) has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”).

Resolved:

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Scottsbluff Community Redevelopment Authority and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

3. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on April __, 2016.

**PLANNING COMMISSION OF THE CITY
OF SCOTTSDLUFF, NEBRASKA**

ATTEST:

By: _____
Chair

By: _____
Recording Secretary

City of Scottsbluff, Nebraska

Monday, April 11, 2016

Regular Meeting

Item NewBiz2

Rezone R-4 to C-3

Rezone: R-4 Multi Family to C-3 Heavy Commercial

Applicant: Kathy Birch, Van Newkirk Real Estate

Owner(s): T.H. & Spencer Steel

Location: 1401 19th Avenue

Staff Contact: Annie Urdiales

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To:	Planning Commission	Zoning:	R-1A currently
From:	Development Services Department	Property Size:	4.17 acres ±
Date:	April 11, 2016	# Lots/Units:	2
Subject:	Rezone parcel from R-4 (Multi Family Residential) to C-3 (Heavy Commercial)		
Location:	1401 19 th Avenue (Tracts 12 & 13, Wildy & Lana Commercial Tracts)		

Procedure

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

Public Notice: This item was noticed in the paper and a notice was posted on the property

Background

The applicant(s), Kathy Birch from Van Newkirk Real Estate, is representing property owners, T.H. & Spencer. They have requested a rezone of their property described as Tracts 12 and 13, Wildy and Lana Commercial Tracts which is addressed as 1401 19th Avenue from R-4 Multi-family Residential to C-3 Heavy Commercial.

This property has been used as a mobile home park for several years (Wagon Wheel Mobile Home Park) and is situated south of East 15th Street between 19th and 21st Avenue. Properties to the north, south and west are zoned C-3 Heavy Commercial and east of 21st Avenue the area is zoned M-1 Light Manufacturing. These parcels were zoned C-3 in the past and rezoned a few years ago to R-4 as the owner at the time was planning to remove the mobile homes and put in Multifamily rental units. He later sold the property and it has been used as a mobile home park since with different owners, the Steele's are from Colorado and would like to rezone the property back to commercial use which is a better fit for the neighborhood.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to rezone Tracts 12 and 13, Wildy & Lana Commercial Tracts from R-4 Multifamily Residential to C-3 Heavy Commercial with the following conditions:

Deny

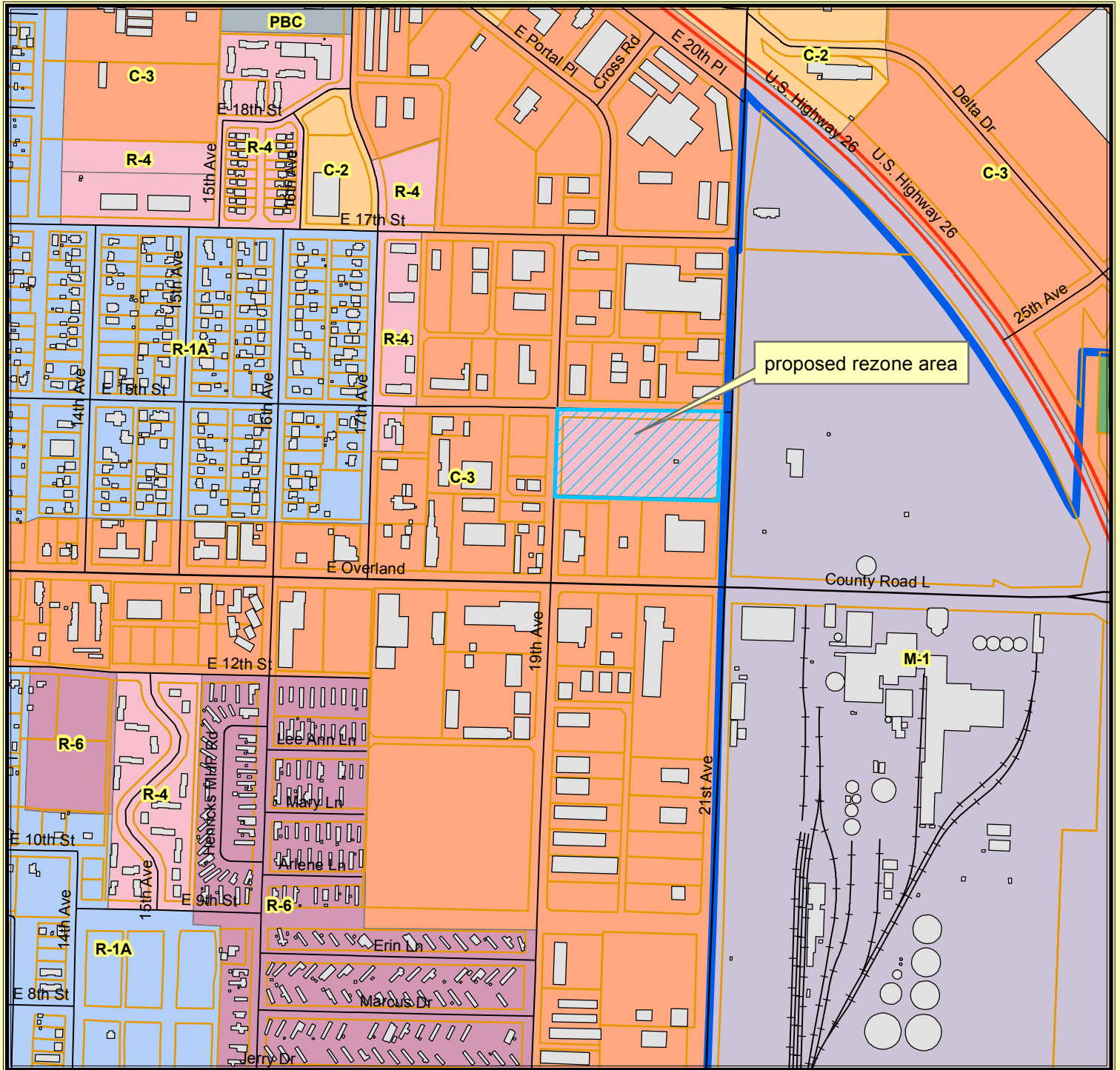
Make a NEGATIVE RECOMMENDATION to the City Council to rezone Tracts 12 and 13, Wildy & Lana Commercial Tracts from R-4 Multifamily Residential to C-3 Heavy Commercial for the following reason(s):

Table

Make the motion to TABLE the rezone request for Tracts 12 and 13, Wildy & Lana Commercial Tracts from R-4 Multifamily Residential to C-3 Heavy Commercial for the following reason(s):

1401 19th Avenue Rezone

R-4 Multi Family to C-3 Heavy Commercial



4/11/16



Map by A. Urdiales: City of Scottsbluff
Coordinate System:
NAD 1983 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, property boundaries, or placement or location of any map features thereon.

City of Scottsbluff, Nebraska

Monday, April 11, 2016

Regular Meeting

Item NewBiz3

Ordinance Amendment Body Art

Ordinance Amendment/Additions: Miscellaneous Body Art

Chapter 25- Article 2 - Definitions

and Article 3 - Zoning Districts

Staff Contact: Ordinance Amendment



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: April 11, 2016
Subject: Proposed Ordinance text change in Chapter 25, Article 2, - Addition to definitions and Article 3 Zoning District provisions amending various zoning jurisdictions in which Tattoo/Body Piercing, Body Art Establishments will be allowed.

Development Services Staff has had inquiries about which zoning districts allowed Tattoo Shops, currently they are only allowed in a C-3 Heavy Commercial zoning district. After some research in other cities and the zoning districts in which they are allowed staff decided to add other commercial zoning districts along with our manufacturing districts. Definitions were also added for tattoos, body piercing, branding, and permanent color technology.

The zoning districts which will allow for these shops will be C-3 Heavy Commercial, C-2 Neighborhood & Retail Commercial, C-1 Central Business District, M-2 Heavy Manufacturing and M-1 Light Manufacturing. The businesses will be required to follow all State Statutes and Licensing for their shops.

The new definitions are listed in Chapter 25, Article 2 and described below:

25-2-13.1. Body piercing.

Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human ear lobe.

25-2-13.2. Branding.

Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.

25-2-90.1. Permanent Color Technology.

Permanent color technology means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for cosmetic purposes.

25-2-125.1. Tattooing.

Tattooing means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for decorative or figurative purposes.

25-2-125.2. Tattoo/body piercing establishment.

Any establishment where tattooing, branding and/or body piercing is engaged in and where the business of tattooing, branding, and/or body piercing is conducted, or any part thereof. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the State Medical Board shall not be performed in a tattoo/body piercing establishment. All tattoo/body piercing establishments must obtain appropriate licensure through the Nebraska Department of Health and Human Services for body art facilities.

The complete ordinance is attached for your review.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amendment changes adding to Chapter 25, Article 2 & 3, adding definitions for body piercing, branding, permanent color technology permanent cosmetic facility, tattooing, and tattoo/body piercing establishment and allowing for Tattoo/body piercing establishments and Permanent cosmetic facility as permitted use by right in all commercial and manufacturing zoning districts subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amendment changes adding to Chapter 25, Article 2 & 3, adding definitions for body piercing, branding, permanent color technology permanent cosmetic facility, tattooing, and tattoo/body piercing establishment and allowing for Tattoo/body piercing establishments and Permanent cosmetic facility as permitted use by right in all commercial and manufacturing zoning districts for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text changes adding to Chapter 25, Article 2 & 3, adding definitions for body piercing, branding, permanent color technology permanent cosmetic facility, tattooing, and tattoo/body piercing establishment and allowing for Tattoo/body piercing establishments and Permanent cosmetic facility as permitted use by right in all commercial and manufacturing zoning districts for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, AMENDING CHAPTER 25, ARTICLE 2, INCLUDING DEFINITIONS RELATING TO TATTOO ESTABLISHMENTS, BODY PIERCING, BRANDING AND PERMANENT COLOR TECHNOLOGY ALSO AMENDING CHAPTER 25, ARTICLE 3, AMENDING VARIOUS ZONING DISTRICTS IN WHICH A TATTOO/BODY PIERCING ESTABLISHMENT OR PERMANENT COSMETIC FACILITIES WILL BE ALLOWED AS A PERMITTED USE, REPEALING ALL PRIOR ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 25, Article 2 of the Scottsbluff Municipal Code is amended by repealing the existing language and addition additional definitions with he following language:

“25-2-1. Words; usage.

The following words are used in this Chapter in the following manner:

- (1) “shall” and “must” mean that a person, organization, board, or association has a mandatory duty to act in the manner stated; such words are not used to declare a legal result,
- (2) “shall not,” “may not” and “must not” mean that a person, organization, board, or association has a mandatory duty to refrain from acting in the manner stated, and
- (3) “may” means that a person, organization, board, or association may, but is not required, to act in the manner stated.

25-2-2. Accessory building.

A building detached from the main building which is located on the lot or tract of land and whose use is subordinate to, and appropriate and customarily incidental to the use of the main building.

25-2-3. Adult book store.

The term “adult book store” means any establishment in which the preponderance of the material offered for sale, rent, or display is characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as those terms are defined in this Chapter.

25-2-4. Alley.

A public way, usually situated at the rear of a lot, which serves as a secondary means of access to the abutting lot.

25-2-5. All weather surfacing.

A surface consisting of four (4) inches of stabilized base overlaid with at least two (2) inches of gravel, concrete, or asphaltic surfacing.

25-2-6. Apartment.

For purposes of a condominium property development, an enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

25-2-7. Arterial street.

A through street designed to carry the accumulated traffic of other streets feeding into it through the City.

25-2-8. Automobile service station.

A business place, located on premises that abut on a street or highway, which supplies motorists with gasoline, oil, tires and automobile accessories and services at retail direct to the motorist, including the making of minor repairs but excluding making such major repairs as:

- (1) spray painting,
- (2) axle, body, clutch, differential, fender, frame, spring and transmission repairs,
- (3) major engine overhaul requiring removal of the cylinder head or crankcase pan,
- (4) radiator repair requiring its removal, or
- (5) complete recapping or retreading of tires. The terms “filling station” and “service station” are included in this definition.

25-2-9. Automobile wrecking yard.

An area outside a building:

- (1) where motor vehicles are disassembled, dismantled, wrecked or junked,
- (2) where motor vehicles not in operating condition are stored, or
- (3) where used parts for motor vehicles are stored.

25-2-10. Basement.

That part of a building, wholly or partly below grade level, in which the greater part of the distance between its floor and ceiling is below grade level. A basement is not counted as a story in computing the number of stories a building has.

25-2-11. Billboard.

A billboard is an advertising sign which directs the attention of the public to a business/activity conducted, or product sold or offered for sale at a location not on the same premises where such sign is located.

25-2-12. Block.

An area enclosed by streets. When used as a term of measurement, it means:

- (1) the distance measured along the centerline of a street between two intersecting streets, or
- (2) if a dead-end street, the distance measured between the nearest intersecting street and the lot line abutting the dead end.

25-2-13. Boarding, rooming, or lodging house.

A building other than a hotel where either lodging or meals or both, for five (5) or more persons are provided for compensation.

25-2-13.1. Body piercing.

Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human ear lobe.

25-2-13.2. Branding.

Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.

25-2-14. Building.

Any structure which has a roof supported by columns or walls, whether above or below ground level.

25-2-15. Building coverage.

The percentage of the area of a lot or other tract of land which is covered by the maximum horizontal cross-section of a building or buildings located on it. Structures, including shelters for nuclear fallout, of which no part is above the grade of the lot, are not included in building coverage.

25-2-16. Building line.

A line parallel, or nearly parallel, to either the street line or the lot line not abutting the street and at a specified distance from the street or lot line which marks the minimum distance from either

line that a building may be erected. For buildings erected prior to June 10, 1974, the building line means the exterior wall or omitted wall line closest to the street or other lot line.

25-2-17. Building, height of.

The distance measured vertically at the front of the building from the mean grade to the highest peak of the roof.

25-2-18. Camper.

(See “travel trailer.”)

25-2-19. Carport.

A structure or a part of a structure, other than a garage, used to shelter motor vehicles.

25-2-20. Child care center or preschool.

The term “child care center or preschool” means a place where care is provided:

- a. To four or more children under the age of 13 at any one time from families other than the provider's own;
- b. For on the average of less than 12 hours per day;
- c. For compensation, either indirect or direct;
- d. On a regular basis;
- e. By a person other than their parents/guardians;
- f. In full compliance with all of the applicable laws and regulations of the State of Nebraska pertaining to day care, whether such laws and regulations exist at the time of the passage of this ordinance or are hereafter adopted.

25-2-21. Clinic.

A place where care, diagnosis, and treatment of sick, infirm, or injured persons or those needing medical or surgical attention is provided, but where board, room, or overnight lodging is not provided.

25-2-22. Club or lodge, private.

A building and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit nor to render a service customarily carried on as a business.

25-2-23. Cluster housing development.

A housing development comprising a group of tracts of real estate the areas of which are not required to comply individually within minimum lot area requirements, and which, for the purpose of compliance with minimum area requirements, may include the areas of common areas. Residential structures in such a development may have common walls, but the term does not include multi-story apartment type developments.

25-2-24. Common areas.

An entire planned unit development except all spaces therein granted or reserved to separate ownership.

25-2-25. Condominium.

An estate in real property consisting of an undivided interest in common in a portion of a lot, block or other tract of real estate, whether used for residential, business, commercial or industrial purposes, together with a separate interest in a building on such tract. A condominium may include, in addition, a separate interest in other portions of such real property.

25-2-26. Condominium development.

An entire lot, block or tract of land, and all structures thereon, which are or are to be, owned under a condominium regime.

25-2-27. Condominium Property Act.

The Condominium Property Act of the State of Nebraska or the Nebraska Condominium Act as set forth in the Nebraska statutes, as now existing or hereafter amended.

25-2-27.1. Convenience Warehouse Storage Facility.

A series of storage spaces contained in one building or in a series of buildings which are designed and used for the purpose of renting or leasing individual storage spaces to persons in order that any person renting or leasing one or more of such individual storage spaces shall have access for the purpose of storing property therein.

25-2-28. Corral.

An enclosure designed for the confinement of livestock, within which livestock in excess of one hundred fifty (150) head at a particular time are confined.

25-2-29. Court.

An open unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on one (1) or more sides by such building or buildings.

25-2-30. Day Care.

The provision of care:

- a. To children under 13 years of age to 4 or more children at any one time from families other than the provider's own;
- b. For on the average of less than 12 hours per day;
- c. For compensation, either direct or indirect;
- d. On a regular basis;
- e. By a person other than their parents/guardians;
- f. In a single family detached dwelling unit;
- g. In full compliance with all of the applicable laws and regulations of the State of Nebraska pertaining to day care whether such laws and regulations exist at the time of the passage of this ordinance or are hereafter adopted.

25-2-31. Decorative landscape feature.

Any structure or object, composed of any material, natural or artificial, erected, planted or positioned to enhance the visual or aesthetic value of the landscape of a tract of land.

25-2-32. Domestic violence shelter.

Any structure which is used primarily to provide temporary lodging and sanctuary for adult and child victims of domestic violence. No structure shall be considered a domestic violence shelter unless the following conditions are met:

- a. The shelter must be staffed by at least one person during the hours of operation in which the structure is occupied by a victim or victims.
- b. No more than five (5) adult victims may occupy the premises during a twenty-four (24) hour period.
- c. Occupancy by a victim of domestic violence shall not exceed seven (7) consecutive days.

25-2-33. Dormitory.

A building or part of a building containing a room or rooms each designed or intended to be rented for occupancy by more than two (2) persons.

25-2-34. Duplex.

A dwelling consisting of two (2) family units split horizontally.

25-2-35. Dwelling.

A building, or part thereof, designed for residential occupancy.

25-2-36. Dwelling unit.

A room, or group of rooms with kitchen facilities intended to be occupied as separate living quarters by a family, a group of persons living together, or a person living alone.

25-2-37. Dwelling, one (1) family or single family.

A building designed exclusively for occupancy by only one (1) family.

25-2-38. Dwelling, two (2) family.

A building designed exclusively for occupancy under one roof by two (2) families living independently of each other.

25-2-39. Dwelling, multiple family.

A building, or a part thereof, designed for occupancy under one roof by four (4) or more families living independently of each other.

25-2-40. Family.

- (1) a group of natural persons consisting of a man, his wife, any children born to either him or his wife, legally adopted by either him or his wife, or placed with either him or his wife as foster children, or any combination of these persons,
- (2) a group of natural persons as defined in (1) plus not more than six (6) other persons, at least three (3) of which must be related to some one of the persons described in (1) by blood, marriage, or legal adoption, or
- (3) a group of not more than three (3) natural persons living together who are not related.

25-2-41. Family child care home.

The term "family child care home" means a place where care is provided:

- a. To four or more, but not exceeding twelve, children under age 13 at any one time from families other than that of the provider;
- b. For on the average of less than 12 hours per day;
- c. For compensation, either direct or indirect;
- d. On a regular basis;
- e. By a person other than their parents or guardians;
- f. In the home of the person providing the care;
- g. In full compliance with all the applicable laws and regulations of the State of Nebraska pertaining to child care, whether such laws and regulations exist at the time of the passage of this ordinance or are hereafter adopted.

25-2-42. Feedlot.

An enclosure designed for the confinement of livestock or other commercially slaughterable animals or fowl, within which are confined at any particular time (not necessarily, repeatedly) animals or fowl, to which feed not grown within the enclosure is regularly provided, when a permit is required by NDEQ.

25-2-43. Fence.

Any tangible barrier or obstruction composed of any material, natural or artificial, placed for the purpose, or having the effect, or preventing passage or view across the barrier or obstruction. The term includes hedges and walls.

25-2-44. Fence, Perimeter.

A fence which encloses, or substantially encloses, two or more contiguous or adjacent lots, blocks or tracts of land.

25-2-45. Fence, Privacy.

Any fence erected or positioned to block a view of enclosed property.

25-2-46. Fertilizer storage and mixing plant.

A facility where (1) fertilizer or raw materials used in the mixing or manufacturing of fertilizer are stored and (2) the component parts are mixed to make liquid and dry fertilizers or various combinations or blends of fertilizer. The term "fertilizer storage and mixing plant" shall not include the storage or sale of prepackaged fertilizer which does not require any mixing or blending prior to sale or distribution.

25-2-47. Floor area.

The total number of square feet of floor space within the exterior walls of a building, not including space in cellars and basements.

25-2-48. Floor area ratio.

The total floor area on a zoning lot divided by the lot area of that zoning lot. For example, a building containing twenty thousand (20,000) square feet of floor area on a zoning lot containing ten thousand (10,000) square feet of area has a floor area ratio of two (2) to one (1).

25-2-49. Frontage.

That part of a lot which abuts a public right-of-way or the principal means of access to the lot.

25-2-50. Garage.

A structure, or part thereof, in which one (1) or more motor vehicles are housed, stored, kept, or repaired. It does not include an exhibition room, show room, or warehouse where cars kept for sale are stored.

25-2-51. Garage, private.

An accessory building, or an accessory part of a principal building, which is primarily intended and used for storage of privately owned motor vehicles, boats, and trailers of the family or families residing on the premises where it is located but in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, or trailers is carried on. It includes a carport.

25-2-52. Garage, public.

A building where motor vehicles, boats, or trailers are painted, rebuilt, reconstructed, repaired, or stored for compensation.

25-2-53. Grade.

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

25-2-54. Gross floor area.

The total area of floor space within the exterior walls of a building.

25-2-55. Home occupation.

A business or profession, or an aspect thereof, which is carried on within a dwelling, or a building accessory thereto, and which by custom in the community constitutes a use of the premises which is incidental to use of the premises for dwelling purposes.

25-2-55.1. Emergency Shelter.

A residential facility operated by a government agency or by a private non-profit organization, which facility provides temporary accommodations to individuals or families who lack a fixed regular and/or adequate night-time residence.

25-2-56. Hotel/Motel

A building, or group of buildings, designed chiefly to provide for compensation for temporary lodging, with or without meals, containing individual sleeping units:

- (1) principally designed or used for temporary occupancy by tourists or transients,
- (2) with convenient parking space for each unit, and
- (3) with an entrance to each guest room or suite from an interior central hallway or independent exterior entrance.

25-2-57. Junkyard.

A space of two hundred (200) square feet or more located on a lot or tract of land which is used to store, dismantle, demolish, process, or abandon junk, or abandoned vehicles. The term "junk" shall have the meaning given to it in Chapter 12-1-1(3).

25-2-58. Kennel, dog.

A building, structure or premises in or on which more than three (3) dogs, at least five (5) months of age, are harbored. The term does not include a dog pound operated by or under contract with the City.

25-2-59. Living quarters.

One (1) or more rooms in a building designed for occupancy by one (1) or more persons which may be used for living or sleeping purposes.

25-2-60. Lodge, private.

(See “Club, private.”)

25-2-61. Lodging house.

(See “Boarding house.”)

25-2-62. Lot.

A single building site or a single parcel of land designated as a lot on a subdivision plat, a record of survey map, or described as such by metes and bounds, having sufficient area to accommodate a main building authorized, with respect to its location, by the municipal code. It includes two (2) or more previously separate lots, or parts of lots, combined as a single building site for use as a single parcel of land.

25-2-63. Lot area.

The total area of a lot lying within its lot lines.

25-2-64. Lot, corner.

A lot situated at an intersection of two or more streets whose intersection angle does not exceed one hundred thirty-five degrees.

25-2-65. Lot coverage.

The percentage of lot area covered by the buildings and structures located on the lot. Buildings and structures include porches, breezeways, patio roofs, and like structures, but not fences or swimming pools.

25-2-66. Lot depth.

The average of the maximum and minimum distances between the front lot line and the rear lot line of the building site.

25-2-67. Lot, double frontage.

A lot which extends from street to street.

25-2-68. Lot, interior.

A lot which is not a corner lot.

25-2-69. Lot, key.

The first interior lot to the rear of a reversed corner lot.

25-2-70. Lot line.

Any boundary line of a lot.

25-2-71. Lot line, front.

- (1) for an interior lot, the line separating the lot from the street or place on which it abuts, and
- (2) for a corner lot, the line separating the lot from the street on which the majority of the lots in the block front.

25-2-72. Lot line, rear.

The lot line directly opposite most distant from the front lot line. In the case of an irregularly shaped lot, it is the lot line, at least ten (10) feet long, which is parallel to, or most nearly so, and most distant from the front lot line.

25-2-73. Lot line, side.

Any lot line which is neither a front or rear lot line.

25-2-74. Lot of record.

A lot whose separate entity has been established by a plat recorded in the office of the Register of Deeds.

25-2-75. Lot, reversed corner.

A corner lot the rear lot line of which abuts on the side lot line of another lot.

25-2-76. Lot width.

The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

25-2-77. Main building.

A building on a lot which is occupied by the primary use.

25-2-78. Manufactured Home.

Manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Health and Urban Development, or (b) a modular housing unit as defined in section 71-1557 of the Statutes of Nebraska bearing the seal of the Department of Health and Human Services Regulation and Licensure.

25-2-79. Master deed.

A deed establishing a condominium property regime.

25-2-80. Mobile home.

A movable or portable dwelling which:

- (1) is not less than eight (8) feet in width,
- (2) is not less than forty (40) feet in length,
- (3) is so constructed as to be towable on its own chassis, and to function without a permanent foundation,
- (4) can be connected to utilities, and
- (5) has kitchen and sanitary facilities.

A mobile home may consist of one (1) or more units which can be telescoped when being towed and later expanded to create additional capacity, or it may consist of two (2) or more units which can be towed separately but are designed to be joined into an integral unit. A dwelling so constructed shall be deemed to be a mobile home whether or not mounted upon a temporary or a permanent foundation. Mobile homes must meet HUD standards.

25-2-81. Mobile home park.

A tract of land containing at least four and one-half (4½) acres owned by one (1) legal entity and licensed as required by Article 9 of this Chapter.

25-2-82. Mobile home planned unit development.

A mobile home development, on a lot or tract of land comprising not less than five (5) acres, which is characterized by an integrated and coordinated arrangement under which the mobile home dwelling units are individually owned, and all of the common open space, including but not necessarily limited to, parking areas and drives, are owned in common by the owners of the mobile home dwelling units or by an incorporated or cooperative association of which such owners are the members.

25-2-83. Mobile home park drives.

Privately owned lanes and roadways within a mobile home park.

25-2-84. Mobile home space.

A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

25-2-85. Municipal Uses.

A use of the land, or buildings, for municipal purposes such as water wells, parks, streets, alleys and other public infrastructure operated and maintained by the City.

25-2-86. Nursing Home.

A home for aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care for compensation.

25-2-87. Occupancy.

The actual possession or use of a building, structure, lot, or tract of land.

25-2-88. Open space.

Land areas which are not occupied by buildings, structures, streets, open visitor parking spaces or alleys, except approved landscaped features and active recreational facilities that are part of a Planned Unit Development.

25-2-89. Open space, common.

Open space which is suitably located and improved for common recreational purposes, active or passive, and is accessible to each lot or dwelling within a planned unit development through a system of public or private walkways.

25-2-90. Pharmacy.

Business premises wherein is carried on primarily the business of selling at retail of prescription and legal nonprescription drugs and medicines, and includes the selling at retail, as an incident to such business, of other medical supplies and equipment, personal care products and greeting cards.

25-2-90.1. Permanent Color Technology.

Permanent color technology means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for cosmetic purposes.

25-2-90.2. Permanent Cosmetic Facility.

A facility where procedures are performed in which permanent color technology is applied or pigment is applied with a needle, electronic machine, or other means to produce a permanent mark visible through the skin. Procedures include, but are not limited to the application of eyeliner, eyeshadow, lip, eyebrow or cheek color for the purpose of enhanced aesthetic; scar concealment; and/or re-pigmentation of areas involving reconstructive surgery or trauma. A permanent cosmetic facility must obtain appropriate licensure through the Nebraska Department of Health and Human Services for body art facilities.

25-2-91. Person.

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

25-2-92. Property.

Land, leasehold interests in land, any building, all improvements and structures thereon, and all easements, rights and appurtenances belonging thereto or to any of such elements alone.

25-2-93. Planned business center.

Any business or commercial development on a lot or tract of land which contains not less than five (5) acres and is characterized by an integrated or coordinated arrangement of stores, shops, offices, buildings, and facilities.

25-2-94. Recreation areas.

The common open space which is usable for recreational purposes, whether or not developed with active facilities, such as swimming pools, tennis courts, recreational buildings, a clubhouse, or similar facilities located within a planned unit development.

25-2-95. Recycling center.

A building in which aluminum and tin cans, glass and plastic containers, and newspapers and paper products, or any of these, are received, stored and compacted for subsequent transportation to a processing facility.

25-2-96. Reversed frontage.

The situation in which the rear lot line of a corner lot abuts the side lot line of the adjacent interior lot.

25-2-97. Rooming house.

(See "Boarding house.")

25-2-98. Satellite earth station, height.

The height of the dish measured vertically from the highest point of the dish, when positioned for operation, to the bottom of the base which supports the dish.

25-2-99. Scrap metal processing facility.

An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap-for sale for remelting purposes.

25-2-100. Service building.

A building or buildings located in a mobile home park or trailer park which provide laundry and drying, toilet or bathing facilities to occupants of the park.

25-2-101. Setback line.

A line, as shown on a recorded plat or otherwise established by the City Council, beyond which no part of a main exterior wall of a building or structure may project.

25-2-102. Setback line, front.

The setback line at the front of the lot.

25-2-103. Setback line, rear.

The setback line at the rear of the lot.

25-2-104. Setback line, side.

The setback line at either side of the lot.

25-2-104.1. Sight triangle.

An area at a street intersection in which no buildings shall be erected or placed and no trees, bushes or shrubs shall be planted in a manner which impedes vision between a height of 2 ½ feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 50 feet in each direction along the centerline of the streets. At the intersection of major arterial streets, the 50-foot distance shall be increased to 100 feet for each leg of the intersection.

25-2-105. Sign.

Any device containing elements or symbols, organized or related, which is designed to inform or to attract the attention of persons not on the premises on which the sign is located; provided, however, that mailbox numbers or names, government flags or insignia, legal notices, governmental identification, information or direction signs, shall not be included within this definition.

25-2-106. Sign, area of.

The entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of a sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, squares, rectangles, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, squares, rectangles, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

25-2-107. Sign structure.

The supports, uprights, bracing, guy rods, cables and frame work of a sign or outdoor display.

25-2-108. Sign, accessory.

A sign which directs attention to a business, product, activity, or service conducted, sold, or offered for sale on the lot or tract of land where the sign is located.

25-2-109. Sign, attached.

A sign mounted flat against a wall or side of a building or structure.

25-2-110. Sign, detached.

A freestanding sign, and includes such signs whether standing upon the ground or upon a building or structure, and whether permanently fixed or movable, but does not include mobile signs.

25-2-111. Sign, mobile.

A movable or portable sign that is so constructed as to be towable on its own chassis and to function without a permanent base or support.

25-2-112. Sign, extending.

A sign mounted perpendicularly to the wall of a building.

25-2-113. Sign, political.

A sign, advertising structure, or display which communicates any message or idea identifying, supporting, opposing, promoting, conveying a position upon, or relating to any candidate for public office or proposition, amendment or issue connected with any local, special, state or national election. The term does not include political buttons, vehicle bumper stickers, signs on garments or hats, or political campaign memorabilia carried on the person.

25-2-113.1. Sign; Temporary Detached.

A temporary detached sign is a detached sign which meets one or more of the following criteria:

1. Relates a message that changes frequently or becomes outdated; or
2. Made of materials of relatively low durability; or
3. Intended to be removed or replaced within a period of six months or less; or
4. Is portable.

25-2-114. Solid Waste Transfer Station.

A building in which solid waste is deposited and sorted for recycling or disposal, and from which it is transported within ten days after initial deposit, to a recycling center or to a landfill site licensed by the State of Nebraska. The term "solid waste" means solid waste as defined in Chapter 19, however, that anything which is a hazardous waste shall not be considered a "solid waste" which is allowed to be deposited and sorted in a solid waste transfer station. The term "hazardous waste" means hazardous waste as defined in Chapter 19. The term "hazardous waste" shall also include any substance which is defined as a hazardous waste by the Rules and Regulations of the Nebraska Department of Environmental Control as such rules and regulations are or may become effective from time to time.

25-2-115. Specified anatomical areas.

The term "specified anatomical areas" means:

- a) less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola or
- b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

25-2-116. Specified sexual activities.

Specified sexual activities means:

- a) human genitals in a state of sexual stimulation or arousal;
- b) acts of human masturbation, sexual intercourse or sodomy; or,
- c) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

25-2-117. Store.

To place or leave in a location for preservation or later use or disposal.

25-2-118. Story.

That part of a building, not including a basement:

- (1) between the surface of any floor and the surface of the next floor above it, or
- (2) if there is no floor above, then the space between any floor and the ceiling next above it.

25-2-119. Story, half.

A story directly under a gable, hip, or gambrel roof whose wall plates on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of that story.

25-2-120. Street.

A public way, road, or highway, furnishing the principal means of access to an abutting lot or tract of land.

25-2-121. Street, front.

A street on which the majority of the lots in the block front.

25-2-122. Street, side.

A street which intersects a front street.

25-2-123. Structure.

Anything constructed or erected on the ground, or attached to something constructed or erected on the ground. The term includes manufactured homes, signs, billboards and fences so constructed, erected or attached.

25-2-124. Structural alteration.

A change in any supporting members, such as bearing wall, column, beam, or girder of any structure.

25-2-125. Subdivision.

The dividing of any parcel of land into two (2) or more parcels.

25-2-125.1. Tattooing.

Tattooing means the process by which the skin is marked or colored by insertion of non-toxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for decorative or figurative purposes.

25-2-125.2. Tattoo/body piercing establishment.

Any establishment where tattooing, branding and/or body piercing is engaged in and where the business of tattooing, branding, and/or body piercing is conducted, or any part thereof. This definition does not include practices that are considered medical procedures such as implants under the skin. Practices recognized as medical procedures by the State Medical Board shall not be performed in a tattoo/body piercing establishment. All tattoo/body piercing establishments must obtain appropriate licensure through the Nebraska Department of Health and Human Services for body art facilities.

25-2-126. Temporary.

Less than twelve (12) months.

25-2-127. Townhouse.

An arrangement of single family dwelling units, joined by common walls on not more than two (2) sides, with the uppermost story being a portion of the same dwelling located directly beneath at the grade of the first floor area, and having exclusive individual ownership and occupancy rights of each dwelling unit, including, but not limited to the land area directly beneath such dwelling unit.

25-2-128. Travel trailer.

A portable vehicular structure built on a chassis which is designed to be used as a temporary dwelling while traveling, the body of which is not more than eight (8) feet wide nor thirty-two (32) feet long, and which usually contains bath or toilet facilities, or both. The term includes a camper.

25-2-129. Trailer park.

A tract of land which is not a mobile home park but contains individual parking lots for travel trailers. It may have temporary hookup facilities for plumbing and electrical services.

25-2-130. Unit.

The element of a planned unit development which is not owned in common with the owners of other elements in the development.

25-2-131. Use, Accessory.

A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

25-2-132. Use, Conditional

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

25-2-133. Use, Non-conforming

Use of land, buildings or structures legally existing at the effective date of this ordinance which does not comply with all regulations of this ordinance or any amendments hereto governing the zoning district in which such use is located.

25-2-134. Use, Permitted.

A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of particular zoning district.

25-2-135. Use, Principal.

The primary use of land or buildings as distinguished from accessory uses. A principal use may be either permitted or conditional.

25-2-136. Used car lot.

A lot or tract of land where second-hand automobiles, intact and ready for operation, are kept and offered for sale.

25-2-137. Variance.

An authorization granted by the Board of Adjustment with respect to a lot, tract of land, building or structure so as to permit the use of a lot or tract of land, or the construction, reconstruction, maintenance, repair or use of a building or structure, which is otherwise prohibited by this Chapter, because of peculiar and exceptional practical difficulties, or an exceptional and undue hardship of a type recognized by section 19-910 R.R.S. 1943, as amended, as grounds for the granting of a variance.

25-2-138. Yard.

An open space, other than a court, on a lot or tract of land generally unobstructed except as permitted in this Chapter from the ground upward.

25-2-139. Yard, front.

A yard extending the full width of a lot or tract of land between the front wall of the main building and the front lot line.

25-2-140. Yard, rear.

A yard extending the full width of a lot, or tract of land, between the rear of the main building and the rear lot line. The depth of a required rear yard is measured from the nearest point of the rear lot line to the nearest point of the main building.

25-2-141. Yard, side.

A yard between a side wall of the main building and the side lot line extending from the front yard to the rear yard.

25-2-142. Zoning district.

An area delineated on a zoning map for which uniform use regulations are specified.

25-2-143. Zoning map.

A map or maps directly enacted by the City Council as a part of this Chapter showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk as an Director record of the City, and a copy of which is attached to a copy of the text of this Chapter.”

Section 2. §25-3-13. C-1 Central Business District of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-13. C-1 Central Business District.

Intent: The intent of a C-1 Central Business District Zone is a zone for the central business district permitting all types of business enterprises except manufacturing and other industries which are incompatible with a business district comprised primarily of retail sales and service businesses.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Arts & crafts studio
6. Auto storage and rental
7. Bakery or bakery goods store. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.
8. Bank automated teller facilities, outdoor
9. Bank automated teller facilities, indoor
10. Bank & savings & loan
11. Barber, beauty shop
12. Book & stationary store
13. Bus depot
14. Business college, trade school
15. Automated or coin-operated car wash
16. Church
17. Cleaning, laundry agency
18. Clinic
19. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
20. Community center (public)
- 20.5 Condominium with 3 or fewer apartments
21. Confectionery stores
22. Convenience stores w/o dispensing gasoline
23. Convenience stores with dispensing gasoline
24. Convenience warehouse storage facilities
25. Day care center (child care center) or preschool
26. Delicatessen
27. Drive-thru photo facility
- 27.5 Dwelling unit--two (2) unit and multiple family within the confines of a building in which a business enterprise, retail sales or service business may be conducted.
28. Educational and charitable institutions
29. Educational and scientific research service

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30. Florist
31. Food store, delicatessen
32. Furniture refinishing. The entire business must be conducted within a building.
33. Furniture/appliance store
34. Gift shop
35. Grocery store
36. Hardware store
37. Hospital
38. Hotel
39. Insurance agency/services
40. Jewelry store
41. Laboratory, medical, dental, optical
42. Laundromat, self-service
43. Library
44. Lodge or club
45. Marriage and family counseling
46. Mortuary
47. Motel
48. Municipal Uses
49. Nursery for children
50. Nursery for flowers/plants
51. Offices, professional and service
52. Parking lot, garage or facility
- 52.1 Permanent cosmetic facility
53. Pharmacy
54. Photographic studio
55. Printing & blueprinting
56. Professional membership organizations
57. Professional schools
58. Railroad station
59. Reducing/Suntanning
60. Restaurant, bar, tavern
61. Retail stores and services
62. Rooming/boarding house. Residential use is permitted above the ground floor and within the confines of a business building.
63. School
64. Service station-full service
65. Service station-mixed use
66. Service station -self service dispensing of gas only
67. Shoe store
- 67.1 Tattoo/body piercing establishment
68. Temporary medical housing
69. Theater, indoor
70. Tire shop, recapping
71. Tourist information booth
72. Upholstery Shops provided all work is completed inside the building.
73. Utility business offices
74. Warehousing facilities. Warehouse or storage facilities are permitted as the primary use on a lot or property only if a special permit is granted. A lot or property will not be eligible for consideration of the issuance of a special permit unless (1) the proposed facility will be located on a lot immediately adjoining (or directly across an alley from) a property with an allowed C-1 Zone use, (2) the proposed facility is necessary to and will be used as an accessory to the allowed use on the adjoining lot, and (3) both lots are under the same ownership.
75. Wholesale stores and distributors. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.

Special Permit Uses.

- 1. Drive-thru (fast food) restaurant
- 2. Equipment rental and sales yard
- 3. Temporary building or contractor’s storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located.
- 4. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one.

Performance Standards.

1. Area & bulk regulations.

Use	Minimum	Minimum	Maximum	Maximum #	Setbacks				Floor Maximum Lot Size	Lot Width Dwelling Front	Coverage Rear	Units Area
	(sq.ft.)	(ft.)	(%)		(ft.)	(ft.)	(ft.)	(ft.)	(sq.ft.)	(ft.)		
	none	none	-		C	A	B	-	PRTFA	70		
Garage							5	12.5				

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

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot in a C or M Zone whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5)feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and a C Zone. If all frontage between two (2) streets is in a C Zone no front setback is required.

2. Accessory building/garage; detached

A. A detached accessory building must be located at least ten (10) feet from the main building.

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

3. Accessory building, attached.

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

Section 3. §25-3-14. C-2 Neighborhood and Retail Commercial of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-14. C-2 Neighborhood and Retail Commercial.
Intent: The intent of a C-2 Neighborhood and Retail Commercial Zone is to provide a zone consisting of retail stores and service establishments

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Arts & crafts studio
6. Automated or coin-operated car wash
7. Bakery or bakery goods store
8. Bank automated teller facilities, outdoor
9. Bank automated teller facilities, indoor
10. Bank & savings & loan
11. Barber, beauty shop
12. Book & stationary store
13. Church
14. Cleaning, laundry agency
15. Clinic
16. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
17. Community center (public)
18. Confectionery stores
19. Convenience stores with dispensing gasoline
20. Convenience stores w/o dispensing gasoline
21. Convenience warehouse storage facilities
22. Dance, music or voice studio
23. Day care center (child care center) or preschool
24. Delicatessen
25. Domestic violence shelter
26. Drive-through (fast food) restaurant
27. Educational and charitable institutions
28. Educational and scientific research service
29. Equipment rental and sales yard
30. Florist
31. Food store, delicatessen
32. Furniture refinishing. The entire business must be conducted within a building.
33. Furniture/appliance store
34. Gift shop
35. Gymnasium, private
36. Grocery store
37. Hardware store
38. Hospital
39. Hotels/motels
40. Insurance agency/services
41. Jewelry store
42. Laboratory, medical, dental, optical
43. Laundromat, self-service
44. Library
45. Lodge or club
46. Marriage and family counseling
47. Municipal Uses
48. Nursery for children
49. Offices, professional and service
- 49.1 Permanent cosmetic facility
50. Pharmacy
51. Photographic studio
52. Printing & blueprinting
53. Professional membership organizations
54. Professional schools
55. Reducing/Suntanning
56. Restaurant, bar, tavern
57. Retail stores and services

- 58. Rooming/boarding house. Residential use is permitted above the ground floor and within the ground floor if to the back or side of a business building.
- 59. School
- 60. Service station-full service
- 61. Service station-mixed use
- 62. Shoe store
- 62.1 Tattoo/body piercing establishment
- 63. Temporary medical housing
- 64. Theater, indoor
- 65. Tourist information booth
- 66. Upholstery Shop provided all work is completed within the building.
- 67. Utility business offices
- Warehousing, wholesaling

Special Permit Uses.

- 1. Auto sales and service
- 2. Billboards
- 3. Emergency shelter
- 4. Hardware stores selling lumber
- 5. Multi-family dwellings. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building.
- 6. Single family dwelling. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building.
- 7. Temporary building or contractor's storage and construction yard, incidental to the construction of a residential development or a real estate sales office to be used in marketing lots in a new subdivision, may be permitted if such a building or structure complies with all height and area requirements for the zone in which it is located.
- 8. Temporary building may be permitted if such building complies with all height and area requirements, and the use complies, except for the fact that the building is a temporary one.
- 9. Two family dwelling. Residential use is permitted above the ground floor and within the ground floor to the back or side of a business building.
- 10. Any hotels or apartments higher than the maximum 45' will require a special permit approved by the Planning Commission.

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior (ft.)	Side (ft.)	Street (ft.)	Area (sq.ft.)	Floor Height (ft.)	Maximum
Garage	None	-	-	C or 25	A	B	12.5			PRTFA	35'	
Minimum Lot Area / Dwelling Unit - 2,800 sq.ft.												
Hotels and Apartments-Except with Special Permit Use											45'	
PRTFA = Parking Ratio to Floor Area												

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and either a C Zone. If all frontage between two (2) streets is in a C Zone no front setback is required.

2. Accessory building/garage; detached

A. A detached accessory building must be located at least ten (10) feet from the main building.

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

3. Accessory building, attached.

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

Section 4. §25-3-15. C-3 Heavy Commercial use of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-15. C-3 Heavy Commercial.

Intent: The intent of a C-3 Heavy Commercial Zone is a zone designed primarily for warehousing, distribution centers, and minimum light manufacturing and processing.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Animal clinic, indoor/outdoor
6. Arts & crafts studio
7. Auction house
8. Auto sales & service
9. Auto storage and rentals. All processing, packaging or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging or fabricating not permitted.
10. Automated or coin-operated car wash
11. Bakery or bakery goods store
12. Bank automated teller facilities, outdoor
13. Bank automated teller facilities, indoor
14. Bank & savings & loan
15. Barber, beauty shop
16. Beverage bottling plant
17. Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Chapter 25, Article 6
18. Boat building (small)
19. Book & stationary store
20. Bus depot
21. Business college, trade school
22. Cabinet shop. The entire business must be conducted within a building.
23. Campground
24. Church
25. Cleaning plant, commercial. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.
26. Cleaning, laundry agency
27. Clinic
28. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
29. Community center (public)
30. Confectionery stores
31. Construction storage yard. Yard must be enclosed in Class Three (3) fence.
32. Convenience warehouse storage facility

- 33. Convenience stores w/o dispensing gasoline
- 34. Convenience stores with dispensing gasoline
- 35. Dairy product processing
- 36. Dance, music or voice studio
- 37. Day care center (child care center) or preschool
- 38. Delicatessen
- 39. Drive-through photo facility
- 40. Drive-through (fast food) restaurant
- 41. Educational and scientific research service
- 42. Equipment rental and sales yard
- 43. Florist
- 44. Food store, delicatessen
- 45. Furniture refinishing. The entire business must be conducted within a building.
- 46. Furniture/appliance store
- 47. Gift shop
- 48. Gymnasium, private
- 49. Grocery store
- 50. Hardware store
- 51. Hospital
- 52. Insurance agency/services
- 53. Jewelry store
- 54. Laboratory, medical, dental, optical
- 55. Laundry, commercial plant. The maximum gross floor area of a building permitted for this use is six thousand four hundred (6,400) square feet. Incidental, non-nuisance-producing processing, packaging, or fabricating is permitted if conducted entirely within a building.
- 56. Laundromat, self-service
- 57. Library
- 58. Lodge or club
- 59. Lumber yard
- 60. Machine shop
- 61. Marriage and family counseling
- 62. Metal finishing. Retail and wholesale metal finishing permitted, providing (1) 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 (2) in addition, if metal plating is done, not more than three (3) persons may function in the metal plating line, the metal plating line shall not use a floor area in excess of one thousand five hundred (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 unranking of such part.
- 63. Monument works, stone
- 64. Mortuary
- 65. Motel
- 66. Municipal Uses
- 67. Nursery for children
- 68. Nursery for flowers/plants
- 69. Offices, professional and service
- 70. Parking lot, garage or facility
- 70.1 Permanent cosmetic facility
- 71. Pharmacy
- 72. Photographic studio
- 73. Printing & blueprinting
- 74. Professional membership organizations
- 75. Professional schools
- 76. Public garage
- 77. Railroad station
- 78. Recreational vehicle sales lot
- 79. Recreational vehicle storage lot, outside
- 80. Reducing/Suntanning

81. Restaurant, bar, tavern
82. Retail stores and services
83. Sandblasting. All commercial sandblasting of moveable objects to be conducted wholly inside a building.
84. Service station-full service
85. Service station-mixed use
86. Service station -self service dispensing of gas only
87. Shoe store
88. Shop for building contractor. The entire business must be conducted within a building.
89. Sign shop
90. Tack shop
91. Tattoo/body piercing establishment.
92. Temporary medical housing
93. Terminal yard, trucking
94. Theater, indoor
95. Theater, drive-in
96. Tire shop, recapping. The entire business must be conducted within a building.
97. Tourist information booth
98. Tractor/trailer parking lot
99. Trailer parks
100. Travel Trailers
101. Travel trailer, mobile home, manufactured housing sales lot
102. Truck and tractor repair
103. Upholstery Shop provided all work is completed inside the building.
104. Used car lot
105. Utility business offices
106. Warehousing/wholesaling facilities

Special Permit Uses.

1. Emergency shelter
2. Implement dealers
3. Mobile home sales
4. Petroleum storage
5. Processing, packaging or fabricating
6. Public scale
7. Recycling center
8. Residential use is permitted only within the confines of a building in which a permitted use is conducted. Preliminary and final site plans must be submitted to the Planning Commission for review and approval.
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 sixty (60) consecutive days (and a permit for which may be renewed for not to exceed sixty (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 water-proof 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. Two family dwelling

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks			Area (sq.ft.)	Floor Height (ft.)	Maximum
	none	-	-		C	A	Interior (ft.)	Side (ft.)	Side Street (ft.)	PRTFA	35	
Garage							B	12.5	12.5			

Minimum Lot Area / Dwelling Unit - No Requirement
PRTFA = Parking Ratio to Floor Area

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and a C Zone. If all frontage between two (2) streets is in a C Zone, no front setback is required.

2. Accessory building/garage; detached

A. A detached accessory building must be located at least ten (10) feet from the main building.

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

3. Accessory building, attached.

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

Section 5. §25-3-16. M-1 Light Manufacturing and industrial of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-16. M-1 Light Manufacturing and Industrial.

Intent: The intent of an M-1 Light Manufacturing and Industrial Zone is a zone permitting most fabricating activities except heavy manufacturing and processing of raw materials.

Principle Permitted Uses.

- 1. Accounting, auditing, bookkeeping services
- 2. Ambulance service

3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Animal clinic, indoor/outdoor
6. Arts & crafts studio
7. Auction house
8. Auto sales & service
9. Auto storage and rental
10. Automated or coin-operated car wash
11. Bakery or bakery goods store
12. Bank automated teller facilities, outdoor
13. Bank automated teller facilities, indoor
14. Bank & savings & loan
15. Barber, beauty shop
16. Beverage bottling plant
17. Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Chapter 25, Article 6
18. Boat building (small)
19. Book & stationary store
20. Bus depot
21. Business college, trade school
22. Cabinet shop
23. Church
24. Cleaning plant, commercial
25. Cleaning, laundry agency
26. Clinic
27. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
28. Community center (public)
29. Concrete batch plant
30. Construction storage yard
31. Confectionery stores
32. Convenience stores w/o dispensing gasoline
33. Convenience stores with dispensing gasoline
34. Convenience warehouse storage facilities.
35. Dairy product processing
36. Dance, music or voice studio
37. Day care center (child care center) or preschool
38. Delicatessen
39. Drive-through photo facility
40. Drive-through (fast food) restaurant
41. Educational and scientific research service
42. Equipment rental and sales yard
43. Feed mill
44. Florist
45. Food processing plant, other than meat
46. Food store, delicatessen
47. Fuel yard
48. Furniture refinishing
49. Furniture/appliance store
50. Gift shop
51. Gymnasium, private
52. Grocery store
53. Hardware store
54. Hospital
55. Hotel
56. Ice manufacture cold storage plant
57. Insurance agency/services
58. Jewelry store

- 59. Laboratory, medical, dental, optical
- 60. Laundry, commercial plant
- 61. Laundromat, self-service
- 62. Library
- 63. Lodge or club
- 64. Lumber yard
- 65. Machine shop
- 66. Marriage and family counseling
- 67. Metal finishing
- 68. Monument works, stone
- 69. Mortuary
- 70. Motel
- 71. Municipal Uses
- 72. Nursery for children
- 73. Nursery for flowers/plants
- 74. Offices, professional and service
- 75. Parking lot, garage or facility
- 75.1 Permanent cosmetic facility
- 76. Pharmacy
- 77. Photographic studio
- 78. Planning mill
- 79. Printing & blueprinting
- 80. Processing, packaging or fabricating. All processing, packaging or fabricating to be conducted wholly inside a building. Nuisance-producing processing, packaging or fabricating not permitted.
- 81. Professional membership organizations
- 82. Professional schools
- 83. Public garage
- 84. Public scale
- 85. Railroad station
- 86. Recreational vehicle sales lot
- 87. Recreational vehicle storage lot, outside
- 88. Recycling center
- 89. Reducing/Suntanning
- 90. Restaurant, bar, tavern
- 91. Retail stores and services
- 92. Sandblasting
- 93. Service station-full service
- 94. Service station-mixed use
- 95. Service station -self service dispensing of gas only
- 96. Shoe store
- 97. Shop for building contractor
- 98. Sign shop
- 99. Single family dwellings for living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
- 99.1 Tattoo/body piercing establishment
- 100. Temporary medical housing
- 101. Terminal yard, trucking
- 102. Theater, indoor
- 103. Theater, drive-in
- 104. Tire shop, recapping
- 105. Tourist information booth
- 106. Tractor/trailer parking lot
- 107. Travel trailer, mobile home, manufactured housing sales lot
- 108. Truck and tractor repair
- 109. Used car lot
- 110. Utility business offices
- 111. Warehousing/wholesaling facilities
- 112. Wholesale stores and distributors

Special Permit Uses.

- 1. Fertilizer mixing and storage plant
- 2. Junk yard
- 3. Petroleum storage
- 4. Scrap metal processing facility
- 5. Solid waste transfer station
- 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.
- 8. Temporary storage of grain, for not to exceed sixty (60) consecutive days (and a permit for which may be renewed for not to exceed sixty (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 water-proof 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.

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks Interior (ft.)	Side (ft.)	Side Street (ft.)	Area (sq.ft.)	Floor Height (ft.)	Maximum
Garage	none	-	-	-	Cor20	A	B	-	12.5	-	70	

Minimum Lot Area / Dwelling Unit - DU not allowed

- A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.
 - B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.
 - C. The required minimum R Zone setback applies if the frontage between two (2) streets separates an R Zone and either a C Zone, M Zone or OP Zone. If all frontage between two (2) streets is in either a C or M Zone, no front setback is required.
2. Accessory building/garage; detached

A. A detached accessory building must be located at least ten (10) feet from the main building.

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

3. Accessory building, attached.

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

Section 6. §25-3-18. M-2 Heavy manufacturing and industrial of the Scottsbluff Municipal Code is amended to read as follows:

“25-3-18. M-2 Heavy Manufacturing and Industrial.

Intent: The intent of an M-2 Heavy Manufacturing and Industrial Zone is a zone permitting the manufacture and processing of goods from raw materials.

Principle Permitted Uses.

1. Accounting, auditing, bookkeeping services
2. Ambulance service
3. Amusement centers, indoor only
4. Animal clinic, indoor only
5. Animal clinic, indoor/outdoor
6. Arts & crafts studio
7. Auction house
8. Auto sales & service
9. Auto storage and rental
10. Automated or coin-operated car wash
11. Bakery or bakery goods store
12. Bank automated teller facilities, outdoor
13. Bank automated teller facilities, indoor
14. Bank & savings & loan
15. Barber, beauty shop
16. Beverage bottling plant
17. Billboard. Billboards may not be placed everywhere in this zone. See special provisions dealing with billboards in Chapter 25, Article 6
18. Boat building (small)
19. Book & stationary store
20. Bus depot
21. Business college, trade school
22. Cabinet shop
23. Church
24. Cleaning plant, commercial
25. Cleaning, laundry agency
26. Clinic
27. Communication facilities including communication tower, such tower not to exceed one hundred fifty (150) feet in height. No guy wires, outrigging, or other supporting structures may extend beyond the foundation of the tower.
28. Community center (public)
29. Concrete batch plant
30. Confectionery stores
31. Construction storage yard
32. Convenience stores w/o dispensing gasoline
33. Convenience stores with dispensing gasoline
34. Convenience warehouse storage facilities.
35. Dairy product processing
36. Dance, music or voice studio
37. Day care center (child care center) or preschool
38. Delicatessen
39. Drive-through photo facility

40. Drive-through (fast food) restaurant
41. Educational and scientific research service
42. Equipment rental and sales yard
43. Feed mill
44. Florist
45. Food processing plant, other than meat
46. Food store, delicatessen
47. Fuel yard
48. Furniture refinishing
49. Furniture/appliance store
50. Gift shop
51. Gymnasium, private
52. Grocery store
53. Hardware store
54. Hospital
55. Hotel
56. Ice manufacture cold storage plant
57. Insurance agency/services
58. Jewelry store
59. Laboratory, medical, dental, optical
60. Laundry, commercial plant
61. Laundromat, self-service
62. Library
63. Lumber yard
64. Machine shop
65. Marriage and family counseling
66. Meat packing
67. Metal finishing
68. Monument works, stone
69. Mortuary
70. Motel
71. Municipal Uses
72. Nursery for children
73. Nursery for flowers/plants
74. Offices, professional and service
75. Parking lot, garage or facility
- 75.1 Permanent cosmetic facility
76. Petroleum storage
77. Pharmacy
78. Photographic studio
79. Planning mill
80. Printing & blueprinting
81. Processing, packaging or fabricating
82. Professional membership organizations
83. Professional schools
84. Public garage.
85. Public scale
86. Railroad station
87. Railroad yard or shops
88. Recreational vehicle sales lot
89. Recreational vehicle storage lot, outside
90. Recycling center
91. Reducing/Suntanning
92. Restaurant, bar, tavern
93. Retail stores and services
94. Sandblasting
95. School
96. Service station-full service
97. Service station-mixed use

- 98. Service station -self service dispensing of gas only
- 99. Shoe store
- 100. Shop for building contractor
- 101. Sign shop
- 102. Single family dwellings for living quarters for watchman of commercial or industrial use property, or for hotels and motels, are the only permitted residential uses in this zone.
- 102.01 Tattoo/body piercing establishment
- 103. Temporary medical housing
- 104. Terminal yard, trucking
- 105. Theater, indoor
- 106. Theater, drive-in
- 107. Tire shop, recapping
- 108. Tourist information booth
- 109. Tractor/trailer parking lot
- 110. Travel trailer, mobile home, manufactured housing sales lot
- 111. Truck and tractor repair
- 112. Used car lot
- 113. Utility business offices
- 114. Warehousing/wholesaling facilities
- 115. Wholesale stores and distributors

Special Permit Uses.

- 1. Asphalt Batch Plant
- 2. Fertilizer mixing and storage plant
- 3. Junk yard
- 4. Kennel, dog
- 5. Livestock auction or holding pens
- 6. Rendering plants
- 7. Scrap metal processing facility
- 8. Second dwelling for relatives, employees
- 9. Solid waste transfer station
- 10. Tanning, curing, 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 sixty (60) consecutive days (and a permit for which may be renewed for not to exceed sixty (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 water-proof 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.

Performance Standards.

1. Area & bulk regulations.

Use	Minimum Lot Size (sq.ft.)	Minimum Lot Width (ft.)	Maximum Coverage (%)	Maximum # Dwelling Units	Front (ft.)	Rear (ft.)	Setbacks			Area (sq.ft.)	Floor Height (ft.)	Maximum
	none	-	-	none	20	A	Interior (ft.)	Side (ft.)	Side Street (ft.)	-	75	
Garage							B	-	-	12.5		

Minimum Lot Area / Dwelling Unit - DU not allowed

A. No minimum rear yard setback is required except for a lot abutting the side of a lot in either an R or OP Zone, in which case the minimum rear yard setback is fifteen (15) feet. If a public alley separates such lots, no rear yard is required.

B. No minimum interior side yard setback is required except for a lot whose side abuts the side of a lot in either an R or OP Zone, in which latter case the minimum interior side yard setback is five (5) feet. If a public alley separates such lots, no side yard is required.

2. Accessory building/garage; detached

A. A detached accessory building must be located at least ten (10) feet from the main building.

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

3. Accessory building, attached.

A. A building which if detached from the main building would constitute an accessory building may be connected to the main building by a breezeway or similar structure, and in such event shall meet all requirements for the main building.(Ord. 3951, 2007; Ord. 3985, 2009)

Section 7. Previously existing Sections 25, Article 2 and Chapter 25, Article 3 and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to affect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 8. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2016.

Mayor

ATTEST:

City Clerk

(Seal)

City of Scottsbluff, Nebraska

Monday, April 11, 2016

Regular Meeting

Item NewBiz4

Ordinance Amendment/Shipping containers

Ordinance Text Amendment Chapter 25, Article 3, Section 25

Zoning & Miscellaneous Regulations - Shipping containers

§25-3-25(16) restricting the use of shipping containers for storage.

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: April 11, 2016
Subject: Proposed Ordinance text change in Chapter 25, Article 3, dealing with zoning and miscellaneous regulations adding language for shipping containers used for storage in residential & commercial districts.

The Planning Commission reviewed an ordinance in January regarding shipping containers for storage use and recommended approval of the proposed additions/changes to City Council. City Council referred this back to Planning Commission and asked that Development Services Staff make more specific requirements for this type of storage container in both commercial districts and residential districts. The changes will be listed under Section 25-3-25(16) Miscellaneous Regulations. Originally one ordinance was approved, this time we have two ordinances one for residential districts and one for commercial districts. Basically they are the same; the commercial ordinance lists more guidelines. The additional language is shown below.

25-3-25(16) Shipping Containers.

A. Shipping containers defined. For the purposes of this Chapter, a shipping container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.

B. General restrictions for shipping containers:

1. A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the Scottsbluff Municipal Code.
3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.
4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this Code.
5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.

C. Residential zoning districts. No shipping container shall be allowed, except on a temporary basis for moving or actually used for construction activities, in all residential zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving or if used for construction activities as set forth in section 916)b.5 of this section. If additional time is required, the owner of the lot may apply for one 30 day extension.

D. Commercial zoning districts. Shipping containers may be used for storage or shipping in all commercial zoning districts provided:

1. All shipping containers are located not generally utilized by the customers of the commercial business and where shipping and receiving are conducted on the lot.
2. All shipping containers are maintained and kept in good repair with no holes and rust and must be adequately secured to prevent entry by unauthorized people.
3. All shipping containers must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.

E. In all M-1 and M-2 zoning districts, no shipping containers shall be allowed except as provided:

1. A building permit is required for a shipping container which will remain on the lot for a period greater than six months and used for onsite storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the City.
2. A shipping container located in a front or side yard must be painted so no signage or language is visible.
3. A shipping container may not be connected to any City utility.
4. A shipping container must be kept in good repair with no holes or rust.
5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping of the shipping container while on the lot.

The complete ordinance is attached for your review.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinances text amendment – adding to Chapter 25, Article 3, Miscellaneous regulations 25-3-25(16), relating to defining and requirements for shipping containers used for storage in residential, commercial, and manufacturing zoning districts subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinances text amendment – adding to Chapter 25, Article 3, Miscellaneous regulations 25-3-25(16), relating to defining and requirements for shipping containers used for storage in residential, commercial and manufacturing zoning districts for the following reason(s):

Table

Make the motion to TABLE the proposed ordinances text amendment adding to Chapter 25, Article 3, Miscellaneous regulations 25-3-25(16) relating to defining and requirements for shipping containers used for storage for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Chapter 25, Article 3, Section 25 of the Scottsbluff Municipal Code is amended by repealing the existing language and adding subsection (16) with the following language:

“Section 25-3-25. Miscellaneous regulations.

No provisions of this section, except sections 25-3-22 (1) and 25-3-22 (2) are applicable to a PBC Zone. Any provisions in the aforementioned sections which conflict with any of the provisions of Article 13 shall, to the extent of the conflict, constitute exceptions to and modify the conflicting provisions of such Article.

(1) Basement garages; grade. No basement garage may be constructed with a front entrance below the established grade nor may such an entrance be constructed in an existing building or structure, unless proper drainage, as determined by the development Services Director, is provided.

(2) Buildings, structure; design; construction. No building or structure may be erected or structurally altered unless its architectural design and construction conforms to applicable provisions of this Chapter insofar as such conformity may be accomplished without unreasonable hardship or substantial interference with the lawful intended use of such building or structure.

(3) Dwelling unit; inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

(4) Grades; flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.

(5) Ground cover, surfacing. Front yard and side yard setback areas may be landscaped and maintained with low ground cover, except in the case of an approved off-street parking area. Asphaltic concrete, masonry, rock, gravel or other forms of artificial surfacing may not be used as a principal ground cover.

(6) Manufactured Homes.

- a. A manufactured home shall be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot.
- b. Manufactured homes shall meet the following standards:
 1. The home shall have no less than nine hundred square feet of floor area;
 2. The home shall have no less than an eighteen-foot exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
 4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
 5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 6. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

Mobile Home Parks shall be excluded from these guidelines. All manufactured (mobile) homes shall meet the standards set forth in the HUD - Manufactured Housing & Standards or Verification of HUD Standard Upgrades.

(7) Multiple unit buildings; exits. Each dwelling unit in a multiple unit residence building, or in a multiple use building, shall have a front and rear exit, or an exit to a corridor on the same level which has a front and rear exit.

- (8) Public storage garages; location. No public garage used only for storing motor vehicles may have either a motor vehicle entrance or exit which is within two hundred (200) feet of an entrance or exit of any existing public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution. No public or private school playground, public library, church, hospital, children's or old people's home, or a similar public or private institution may be built within two hundred (200) feet of either the motor vehicle entrance or exit to a public garage used for storing motor vehicles.
- (9) Public street; abut; necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least twenty (20) feet.
- (10) Railroad premises; tracks; docks. A railroad right-of-way may be used for railroad or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is in a C-3 or M Zone and no R zone is within three hundred (300) feet of the platform or structure on the same side of the right-of-way.
- (11) Residence buildings; number. Except as provided in Article 9, no more than one (1) building used for residence purposes may be located on any lot.
- (12) Residence; sleeping quarters. Permanent sleeping quarters may not be located or used in any building or structure in an R zone other than a main residence building.
- (13) Residence; rear of lot. No building, designed to provide living or sleeping quarters, or both, may be located on an interior lot to the rear of the main building which is used for nonresidence purposes.
- (14) Single family dwelling; walls. A single family dwelling shall be constructed as a single building with connecting walls. The plane surface of any connecting wall shall be at least eight (8) feet in length.
- (15) Quonset; R zone. No quonset-type building or structure may be built or placed on any lot or tract of land in an R zone.
- (16) Shipping containers.
- a. Shipping containers defined. For the purposes of this Chapter, a shipping container shall mean any container, which may otherwise be known as a container, freight container, ISO container, shipping container, high-cube container, box, C container or container van, designed to store and move materials and products across various modes of the Intermodal Freight Transportation System.
 - b. General restrictions for shipping containers:
 1. A shipping container may be placed in the front yard setback only if being used for moving or relocating purposes.
 2. A shipping container may not be placed within the site triangle as defined in Section 25-2-104.1 of the Scottsbluff Municipal Code.
 3. A shipping container may not exceed 8 feet in width, 9 feet in height or 40 feet in length.
 4. A shipping container must be kept out of easements, public rights-of-way, and setbacks except as otherwise provided for in this Code.
 5. A shipping container may be placed on a lot without a permit if it is incidental to the permitted construction activities on the same lot. The shipping container must be removed at the completion of the construction project or expiration of the building permit.
 - c. Residential zoning districts. No shipping container shall be allowed, except on a temporary basis for moving or actually used for construction activities, in all residential zoning districts. A shipping container may be allowed on a developed lot for a period of 30 days if used for moving or if used for construction activities as set forth in section (16) b.5. of this section. If additional time is required, the owner of the lot may apply for one 30 day extension.
- Section 2. Previously existing Section 25-3-25 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinances becomes effective.
- Section 3. 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 _____, 2016.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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 - (3) Dwelling unit; inside entrance. Rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.
 - (4) Grades; flood requirements. No building may be built, rented, or occupied which is located on a lot or other tract of land that does not comply with all lawful grade requirements for flood purposes.
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(9) Public street; abut; necessity. No building or structure shall be so constructed on a lot or tract of land which does not abut on a public street for a distance of at least twenty (20) feet.

(10) Railroad premises; tracks; docks. A railroad right-of-way may be used for railroad or spur tracks. Loading and unloading platforms or structures may be located on a railroad right-of-way only if the abutting property is in a C-3 or M Zone and no R zone is within three hundred (300) feet of the platform or structure on the same side of the right-of-way.

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(14) Single family dwelling; walls. A single family dwelling shall be constructed as a single building with connecting walls. The plane surface of any connecting wall shall be at least eight (8) feet in length.

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- d. Commercial zoning districts. Shipping containers may be used for storage or shipping in all commercial zoning districts provided:
 1. All shipping containers are located in areas not generally utilized by the customers of the commercial business and where shipping and receiving are conducted on the lot.
 2. All shipping containers are maintained and kept in good repair with no holes and rust and must be adequately secured to prevent entry by unauthorized people.
 3. All shipping containers must be placed on a level surface with a base of rock or concrete/pavement so as to prevent any settling of the shipping container while it is on the lot.
- e. In Ag, M-1 and M-2 zoning districts, no shipping containers shall be allowed except as provided:

1. A building permit is required for a shipping container which will remain on the lot for a period greater than six months and used for onsite storage of material incidental to the permitted or accessory use of the lot. The building permit must be procured through the Planning and Development Department of the City.
2. A shipping container located in a front or side yard must be painted so no signage or language is visible.
3. A shipping container may not be connected to any City utility.
4. A shipping container must be kept in good repair with no holes or rust.
5. A shipping container must be placed on a level surface with a base of rock or concrete so as to prevent any settling of the shipping container while it is on the lot.

Section 2. Previously existing Section 25-3-25 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect 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 3. 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 _____, 2016.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney