



# Hall County Regional Planning Commission

Wednesday, November 07, 2007

Regular Meeting

Item F2

## Public Hearing - C1-2008GI

*Concerning proposed amendments to section 36.101 and 36.106 regarding performance standard for Salvage Yards and 36.68, 36.70, and 36.74 regarding the addition of parking lots as a permitted principal use in the B2, B3 and M3 Zoning Districts of the Grand Island City Code. (C-1-2008GI)*

Staff Contact: Chad Nabity

## **Agenda Item #5**

### **PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING**

#### **COMMISSION:**

October 29, 2007

#### **SUBJECT:**

*Concerning amendments to the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Amendments to be considered pertain to section 36.101 and 36.106 regarding performance standard for Salvage Yards and 36.68, 36.70, and 36.74 regarding the addition of parking lots as a permitted principal use in the B2, B3 and M3 Zoning Districts of the Grand Island City Code. (C-26-2007GI)*

#### **PROPOSAL:**

City staff is suggesting additions to the Grand Island Zoning regulations pertaining to performance standards for salvage operations that are shown in this manner ~~deletions~~ or additions.

The suggested changes to sections 36-101 and 36-104 were approved by the City Council in November of 2002. The changes did not, however, get transferred to the zoning ordinance adopted in July of 2004. Adoption of these changes will correct that issue.

#### **§36-101. Performance Standards for Industrial Uses**

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

(A) Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this section shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, manufactured homes, or similar equipment when in operable condition.

(B) Fire Hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Grand Island.

(C) Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

(D) Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

(E) Air Contaminants:

(1) Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

(2) Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

(3) Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

(4) Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this regulation.

(5) Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.

(6) Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

(7) Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

**(F) Physical Appearance: Salvage yards and other similar operations shall be effectively enclosed or shielded from adjacent properties on all sides by means of a sight-obscuring fence at least eight (8) feet in height, in good repair, and constructed of conventional fence building materials and techniques as approved by the chief building official. No inventory or salvage materials of any nature may be stacked within fifty (50.0) feet of the fence to a height greater than said fence.**

#### **§36-106. Conditional Uses; Salvage Yards**

All salvage yards shall be subject to the following conditions as part of their permitted conditional use:

(A) In addition to the information required pursuant to §36-88, an application for a conditional use for a salvage yard shall include a site plan for the premises showing the layout of the proposed operation, building and infrastructure locations, property dimensions, drainage and landscaping.

(B) All structures located or constructed on the salvage yard premises shall comply with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) All hazardous materials and regulated waste shall be received, stored, and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality.

(D) All operations of a salvage yard, including those which are ancillary and indirectly related to the salvage yard such as administration, parking, equipment and/or container storage shall be conducted on the premises subject to the permitted conditional use.

(E) All premises on a salvage yard shall be kept and maintained in a clean and orderly manner, using the best practices of the industry, with no loose garbage, litter, refuse or waste materials on the premises except those kept in short term storage for processing. The persons operating the salvage yard shall on a regular and routine basis inspect all areas adjacent to the salvage yard and clean up any materials which originated from the salvage yard.

**(F) Physical Appearance: Salvage yards and other similar operations shall be effectively enclosed or shielded from adjacent properties on all sides by means of a sight-obscuring fence at least eight (8) feet in height, in good repair, and constructed of conventional fence building materials and techniques as approved by the chief building official. No inventory or salvage materials of any nature may be stacked within fifty (50.0) feet of the fence to a height greater than said fence.**

Under the current zoning regulations parking lots are only permitted as an accessory use to principal use. These parking lots can be as far as 300 feet away from the principal use they are accessory to but they are still an accessory use. It would make sense to allow parking lots, especially in the downtown area a principal use. Under the current regulations there is no way to permit someone to own and operate a "pay for parking" parking lot.

#### **§36-68. (B-2) General Business Zone**

*Intent:* The intent of this zoning district is to provide for the service, retail and wholesale needs of the general community. This zoning district will contain uses that have users and traffic from all areas of the community and trade areas, and therefore will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the (R-4) High Density Residential Zoning District.

(A) Permitted Principal Uses: The following principal uses are permitted in the (B-2) General Business Zoning District.

- (1) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (2) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (3) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (4) Dwelling units
- (5) Board and lodging houses, fraternity and sorority houses
- (6) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (7) Public parks and recreational areas
- (8) Country clubs
- (9) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (10) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (11) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (12) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (13) Public and quasi-public buildings for cultural use
- (14) Railway right-of-way but not including railway yards or facilities
- (15) Nonprofit community buildings and social welfare establishments
- (16) Hospitals, nursing homes, convalescent or rest homes

- (17) Radio and television stations (no antennae), private clubs and meeting halls
- (18) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar use
- (19) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (20) Group Care Home with less than eight (8) individuals
- (21) Elderly Home, Assisted Living
- (22) Stores and shops for the conduct of wholesale business, including sale of used merchandise
- (23) Outdoor sales and rental lots for new and used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (24) Specific uses such as: archery range, billboards, drive-in theater, golf driving range, storage yard (no junk, salvage or wrecking)
- (25) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is used

**(26) Parking Lots**

(26) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(B) **Conditional Uses:** The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (B-2) General Business Zoning District as approved by City Council.

- (1) Recycling business
- (2) Towers
- (3) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(C) **Permitted Accessory Uses:**

- (1) Building and uses accessory to the permitted principal use.

(D) **Space Limitations:**

Uses		Minimum Setbacks						
		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
<b>Permitted Uses</b>	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%	55
<b>Conditional Uses</b>	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%	55

<sup>1</sup> No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

<sup>2</sup> No side yard setback is required, but if provided, not less than five feet, or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(E) **Miscellaneous Provisions:**

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

Amended by Ord. No. 8947, effective 1-5-2005

**§36-70. (B-3) Heavy Business Zone**

*Intent:* The intent of this zoning district is to provide for the multiple uses within the central business district. Residential uses are permitted at the density of the (RO) Residential Office Zone.

(A) **Permitted Principal Uses:** The following principal uses are permitted in the (B-3) Heavy Business Zoning District.

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature

- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units
- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes
- (10) Hotel and motel uses
- (11) Mortuaries, funeral homes, and funeral chapels
- (12) Nonprofit community buildings and social welfare establishments
- (13) Office and office buildings for professional and personal services as found in the Zoning Matrix [Attachment A hereto]
- (14) Parking Lots**
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use
- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Retail activities of a prescriptive service provided it is limited to being secondary to said use. Retail space is limited to 25% of the total floor area
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (22) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (23) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (24) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (25) Other uses as indicated in the Zoning Matrix [Attachment A hereto]
- (B) Conditional Uses:** The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (B-3) Heavy Business Zoning District as approved by City Council.
  - (1) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
  - (2) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery
  - (3) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
  - (4) Towers
  - (5) Other uses as indicated in the Zoning Matrix [Attachment A hereto]
- (C) Permitted Accessory Uses:**
  - (1) Buildings and uses accessory to the permitted principal use.
- (D) Space Limitations:**

Uses		Minimum Setbacks						
		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
<b>Permitted Uses</b>	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%	
<b>Conditional Uses</b>	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%	

<sup>1</sup> No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

<sup>2</sup> No side yard setback is required, but if provided, not less than five feet or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(E) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein.
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided  
Amended by Ord. No. 8947, effective 1-5-2005

**§36-74. (M-3) Mixed Use Manufacturing Zone**

*Intent:* To provide for a mix of light manufacturing, warehousing, wholesaling, retail, and residential uses. This zoning district is reflective of the mix of uses historically present along the Union Pacific Railroad tracks through the central city.

(A) Permitted Principal Uses:

- (1) Churches
- (2) Residential dwellings at the same density as the (R-4) High Density Residential
- (3) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (4) Animal hospital and veterinary clinic
- (5) Arena or athletic field or track
- (6) Automobile body repair
- (7) Automobile service station
- (8) Bakery
- (9) Bottling plant
- (10) Blueprinting
- (11) Brewery or distillery
- (12) Café or restaurant
- (13) Cannery
- (14) Carpenter or woodworking shop
- (15) Carpet cleaning
- (16) Casting of lightweight or nonferrous metals
- (17) Crating and hauling depot
- (18) Dairy products distribution
- (19) Dry cleaning and laundry plant
- (20) Feed and seed processing and storage
- (21) Furniture repair and warehousing
- (22) Garage
- (23) Laboratories
- (24) Lapidary
- (25) Parking Lot**
- (25) Printer
- (26) Publisher or lithographer
- (27) Sign painting or manufacture
- (28) Stone and monument works

(29) Storage yards or buildings for lumber, gas, oil and similar materials; but not explosives, vitreous ware, pottery and porcelain manufacture

(30) Warehouse

(31) Manufacture, processing, assembly, fabrication or storage of products and materials similar to the above

(32) Railway right-of-way, including yards and facilities

(33) Other uses as permitted in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with procedures set forth in Article VI of this chapter.

(1) Salvage yards except those dealing primarily with hazardous or regulated waste

(2) Towers

(C) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal uses

(D) Specifically Excluded Uses:

(1) Manufactured home parks

(E) Space Limitations:

Uses		Minimum Setbacks						
		A	B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
<b>Permitted Uses</b>	6,000	50	10 <sup>1</sup>	0 <sup>2</sup>	0 <sup>3</sup>	10	65%	-
<b>Conditional Uses</b>	6,000	50	10 <sup>1</sup>	0 <sup>2</sup>	0 <sup>3</sup>	10	65%	-

<sup>1</sup> Shall be zero when located in Central Business District and Fourth Street Business District

<sup>2</sup> None when bounded by an alley, otherwise 10 feet

<sup>3</sup> No required Side Yard Setback, but if provided, not less than 5 feet or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(F) Miscellaneous Provisions:

(1) Supplementary regulations shall be complied with as defined herein

(2) Only one (1) principal building shall be permitted on each zoning lot except as otherwise provided herein.

Amended by Ord. No. 8947, effective 1-5-2005

## OVERVIEW:

The addition of subparagraph F to both 36-101 and 36-106 will clarify the requirement for salvage yards and return those requirements to the intent as expressed by a previous planning commission and city council.

The addition of parking lot to the B2, B3 and M3 zoning districts will allow this as a principal use. The B3 and M3 zones are primarily downtown where parking districts allow for the expansion of uses and new uses without the addition of new parking spaces.



**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Grand Island Zoning Ordinance as presented.

\_\_\_\_\_ Chad Nabity AICP, Planning Director