



Hall County Regional Planning Commission

Wednesday, January 05, 2011
Regular Meeting Packet

Commission Members:

Ray Aguilar	Grand Island	
John Amick	Hall County	
Karen Bredthauer	Grand Island	Vice Chairperson
Julie Connelly	Grand Island	
Scott Eriksen	Grand Island	
Mark Haskins	Hall County	
Bill Hayes	Doniphan	
Jaye Monter	Cairo	
Pat O'Neill	Hall County	Chairperson
Deb Reynolds	Hall County	
Leslie Ruge	Alda	Secretary
Don Snodgrass	Wood River	

Regional Planning Director: Chad Nabity

Technician:

Edwin Maslonka

Secretary:

Rose Woods

6:00:00 PM
Council Chambers - City Hall
100 East First Street

Call to Order

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for Commission consideration should complete the Request for Future Agenda Items form located at the Regional Planning Office on the second floor of City Hall. If the issue can be handled administratively without Commission action, notification will be provided. If the item is scheduled for a meeting, notification of the date will be given.

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

DIRECTOR COMMUNICATION

This is an opportunity for the Director to comment on current events, activities, and issues of interest to the commission.



Hall County Regional Planning Commission

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Item .A1

January 5, 2011 Summary

Insert a narrative here

Staff Contact:

**Staff Recommendation Summary
For Regional Planning Commission Meeting
January 5, 2011**

5. Final Plat – Cedar Pines Subdivision – located east of Burwick Rd and south of Husker Hwy., in Hall County, Nebraska. Consisting of 4.85 acres and (1 Lot). This subdivision splits an existing farmstead from a tract of ground of 20 acres or more

6. Discussion - Possible changes to Chapter 36 of the Grand Island City Code (Zoning) to §36-22 Yard Requirements, §36-71 ME Industrial Estates, §36-73, M2 Heavy Manufacturing, §36-78 RD Residential Development, adding ATM & Drive up windows to the code. Attachment A (Matrix), and Article XI: Wireless Communications Facilities.



Hall County Regional Planning Commission

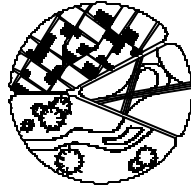
Wednesday, January 05, 2011
Regular Meeting

Item E2

December 1, 2010 Meeting Minutes

Insert a narrative here

Staff Contact:



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA

Minutes
for
December 1, 2010

The meeting of the Regional Planning Commission was held Wednesday, September 1, 2010, in the Community Meeting Room - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" November 24, 2010.

Present:	Karen Bredthauer	Leslie Ruge
	Don Snodgrass	Pat O'Neill
	Scott Eriksen	Deb Reynolds
	Julie Connelly	Bill Hayes
	John Amick	Mark Haskins
	Ray Aguilar	Jaye Monter

Absent:

Other:

Staff: Chad Nabity, Rose Woods

Press:

1. Call to order.

Chairman O'Neill called the meeting to order at 6:00 p.m. He stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting were posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

2. Minutes of November 3, 2010 meeting.

A motion was made by Reynolds and seconded by Eriksen, to approve the Minutes of the November 3, 2010 meeting as presented.

The motion carried with 12 members present and 8 voting in favor (Aguilar, O'Neill, Ruge, Reynolds, Eriksen, Bredthauer, Connelly, Snodgrass) and 4 members abstaining (Amick, Hayes, Monter, Haskins).

3. Request time to speak.

No one requested time to speak.

4. Final Plat – Anderson Third Subdivision – located north of Stolley Park Rd., and west of Webb Rd., in Grand Island, Hall County, Nebraska. Consisting of 5.165 acres and (1 lot). This property is zoned M2-Heavy Manufacturing Zone.

A motion was made by Eriksen and seconded by Haskins to approve the Final Plat of Anderson Third Subdivision. The motion carried with 12 members present and all 12 voting in favor (Aguilar, Amick, O'Neill, Ruge, Hayes, Reynolds, Monter, Haskins, Bredthauer, Connelly, Snodgrass, Eriksen).

5. Planning Director's Report.

Nabity spoke briefly about upcoming rezones, a change in LLR requirements and the Comprehensive Plan.

6. Next Meeting January 5, 2011.

7. Adjourn.

Chairman O'Neill adjourned the meeting at 6:08 p.m.

Leslie Ruge, Secretary

by Rose Woods



Hall County Regional Planning Commission

Wednesday, January 05, 2011

Regular Meeting

Item M3

Cedar Pines Subdivision

Insert a narrative here

Staff Contact:

December 27, 2010

Dear Members of the Board:

RE: Final Plat – Cedar Pines Subdivision

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Cedar Pines Subdivision, located in Hall County Nebraska.

This final plat proposes to create 1 lot on a tract of land, in the Northwest Quarter (NW1/4) of Section Thirty Three (33), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., in Hall County Nebraska, and said tract containing 4.85 acres.

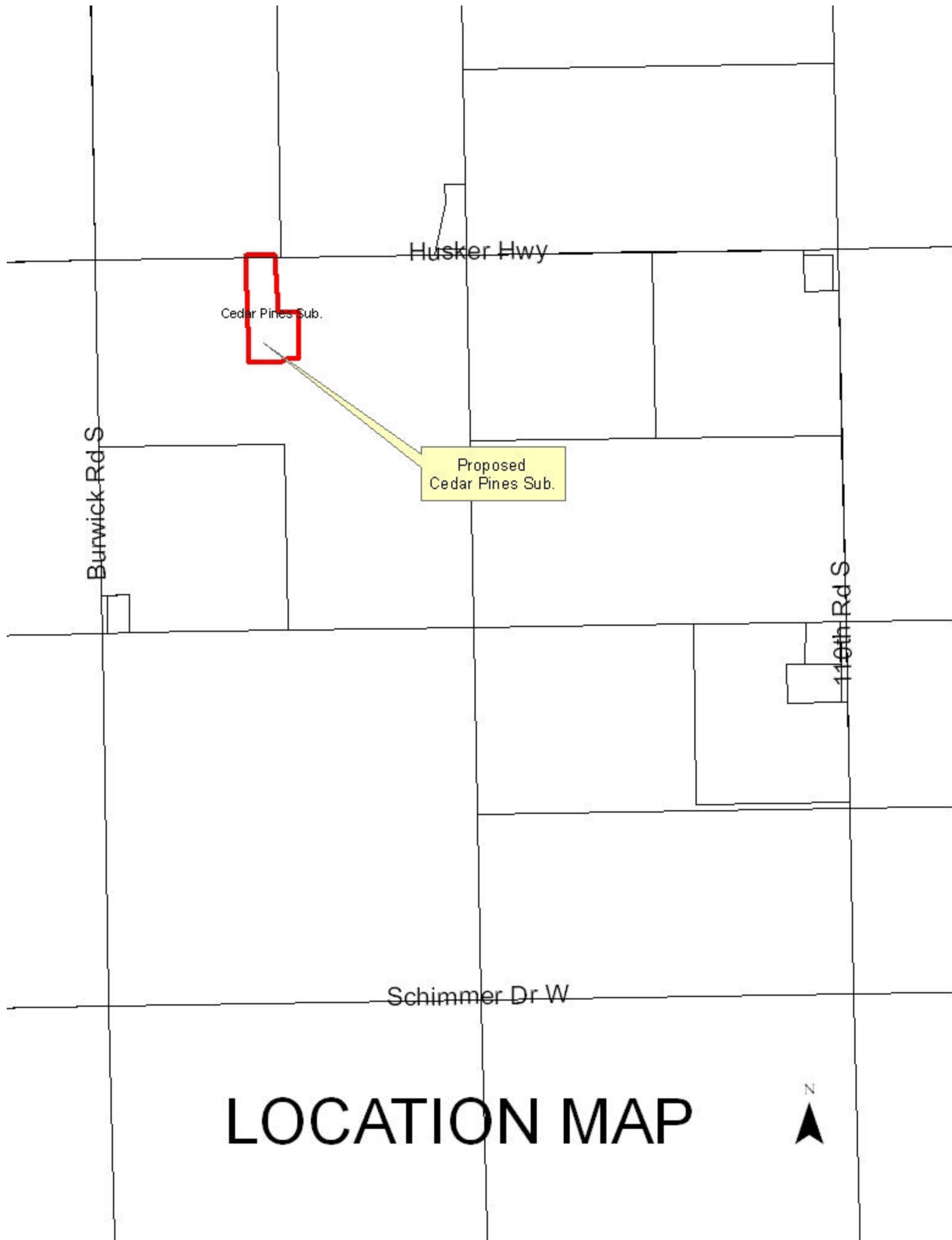
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on January 5, 2011 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

Cc: Hall County Clerk
Hall County Attorney
Hall County Public Works
Hall County Zoning Department
Manager of Postal Operations
Jacob H. Ripp

This letter was sent to the following School Districts 1R, 2, 3, 8, 12, 19, 82, 83, 100, 126.



CEDAR PINES SUBDIVISION IN SECTION 33, TOWNSHIP 11 NORTH, RANGE 11 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT SYLVIA J. MCTAVISH, A WIDOWED PERSON, BEING THE SOLE OWNER OF THE LAND DESCRIBED HEREON, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "CEDAR PINES SUBDIVISION", A SUBDIVISION BEING PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY THREE (33), TOWNSHIP ELEVEN (11) NORTH, RANGE ELEVEN (11) WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, AND SAID SOLE OWNER, HEREBY RATIFIES AND APPROVES THE DISPOSITION OF HER PROPERTY AS SHOWN ON THE ABOVE PLAT, AND HEREBY DEDICATES FOR THE USE AND BENEFIT OF THE PUBLIC, THE STREETS AND UTILITY EASEMENTS (IF ANY) AS SHOWN UPON SAID PLAT, AND ACKNOWLEDGE SAID SUBDIVISION TO BE MADE WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID SOLE OWNER.

DATED THIS _____ DAY OF _____, 2010.

SYLVIA J. MCTAVISH

ACKNOWLEDGMENT

STATE OF NEBRASKA

SS

COUNTY OF HALL

ON THE _____ DAY OF _____, 2010, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED SYLVIA J. MCTAVISH, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO, AND THAT SHE DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS OR HER VOLUNTARY ACT AND DEED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT _____, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

APPROVALS

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GROUND ISLAND, MOORE RIVER, AND THE VILLAGES OF ALMA, CHARD, AND DOWNTOWN, NEBRASKA.

CHAIRMAN _____ DATE _____

APPROVED AND ACCEPTED BY THE HALL COUNTY BOARD OF SUPERVISORS, THIS _____ DAY OF _____, 2010.

CHAIRMAN OF THE BOARD _____ COUNTY CLERK _____

(SEAL)

LEGAL DESCRIPTION

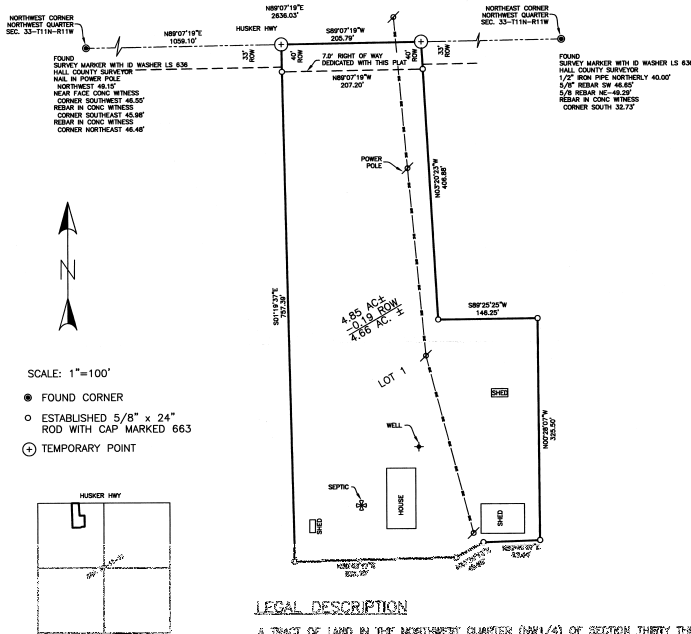
A TRACT OF LAND IN THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY THREE (33), TOWNSHIP ELEVEN (11) NORTH, RANGE ELEVEN (11) WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER ON THE NORTHWEST QUARTER N89°07'18"E (ON AN ASSUMED BEARING AND ALL BEARINGS CONTAINED HEREON ARE RELATIVE THERETO) ON THE NORTH LINE OF SAID QUARTER SECTION A DISTANCE OF 1058.10 FEET TO THE ACTUAL POINT OF BEGINNING; THENCE S61°18'37"E A DISTANCE OF 257.28 FEET; THENCE THENCE N89°43'17"E A DISTANCE OF 227.10 FEET; THENCE N61°36'13"E A DISTANCE OF 48.00 FEET; THENCE N89°07'18"E A DISTANCE OF 654.44 FEET; THENCE N07°24'07"W A DISTANCE OF 308.00 FEET; THENCE S89°25'22"W A DISTANCE OF 140.26 FEET; THENCE N02°20'23"W A DISTANCE OF 408.88 TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE N89°07'18"W ON SAID NORTH LINE A DISTANCE OF 208.12 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 4.85 ACRES MORE OR LESS OF WHICH 0.19 ACRES MORE OR LESS COUNTY ROAD WEST OF HWY.

SURVEYOR CERTIFICATE

I, JACOB A. ROPP, NEBRASKA REGISTERED LAND SURVEYOR NO. 663 HEREBY STATE THAT, THAT AT THE REQUEST OF SYLVIA J. MCTAVISH, 11748 W HUNTER HWY, MOORE RIVER, NEBRASKA 68853, I HAVE CAUSED TO BE MADE A SURVEY OF LAND DEPICTED ON THE ACCOMPANYING PLAT THAT SAID PLAT IS A TRUE REPRESENTATION OF SAID SURVEY, THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE AND CORRECT.

JACOB A. ROPP
NEBRASKA REGISTERED LAND SURVEYOR NO. 663



NEARBY MAP
NOT TO SCALE



Hall County Regional Planning Commission

Wednesday, January 05, 2011
Regular Meeting

Item I4

**Discussion - Possible changes to Chapter 36 of the Grand Island
City Code**

Insert a narrative here

Staff Contact:

For Discussion:

This item is brought to the planning commission for discussion based on a request from the Grand Island Board of Adjustment. They recently granted a variance for a property located at Davis Lake to modify the existing setback and allow a house to be built that project 20 feet in front of the established setback. All of the houses were placed 60 feet from the ROW and one has been allowed to build 40' from the ROW. This resets the established setback for those houses but does not address the underlying issue. The general purpose of this type of regulation is to require a minimum conformity of setbacks in a neighborhood or along a street. This means that each owner has similar visibility from the front of the structure. The proposed change would impact all lots where the frontage of the lot is 100 feet or greater. The width of the lot is a consideration because on wider lots there is more space for visibility

36-22 front yard requirements LLR from 50ft to 30ft.

§36-22. Yard Requirements

(A) Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

(B) All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

36-22 (C) Front Yard: There shall be a front yard setback as required herein, provided, that where fifty percent or more of the frontage on one street in any block is built up with buildings, no new building setback shall be less than either the required setback or the setback of any existing building which next exceeds the required setback, whichever is greater. This regulation shall not require a setback of more than 50 feet, and in blocks where the lots have a street frontage of 100 feet or more the regulation shall not require a setback of more than 30 feet.

(D) Side Yard: Any interior side yard may be reduced to zero; provided, that the opposite side yard meets the required interior side yard setback. Where the zero side yard setback is used, the abutting property must be held under the same ownership at the time of initial construction or the owners of the abutting property must be agreeable to the zero setback. A separation of not less than ten (10) feet shall be provided between adjacent structures on abutting sites where the zero side yard setback is utilized. This requirement shall not apply in an RD Zone or where the same interior property line is utilized for zero side yard construction on both properties.

For the purpose of upkeep and repair of structures located on an interior property line, a four (4) foot maintenance easement shall be recorded between the owner of the property containing said structure and the owner of the property upon which entry must take place in order to perform maintenance activities. Such easement shall be an irrevocable covenant and shall run with the land. Proof of said recorded easement shall be submitted to the Building Department prior to issuance of a building permit.

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

For Discussion:

The ME zone allows many uses with trucks and trailer but does not specifically allow Bus, Truck and Trailer Storage. The proposed changes would specify that as an allowed use. This would also be added to the Matrix. The ME zone was approved with landscaping requirements prior to the adoption of the landscaping regulations. Removing the language that allows 2 years for landscaping in the ME zone would make it consistent with the regulations in all other zoning districts.

§36-71. (ME) Industrial Estates Zone

Intent: The intent of this zoning district is to provide for a variety of manufacturing, truck, trailer, and truck/trailer parts retailing, truck, trailer, and truck/trailer parts wholesaling, warehousing, administrative and research uses within an area of comparatively high visibility and having quality standards to promote an industrial park atmosphere.

(A) Permitted Principal Uses: The following principal uses are permitted in the (ME) Industrial Estates Zoning District.

(1) Any industrial/manufacturing use found in the Zoning Matrix [Attachment A hereto] shall be permitted within this zoning district, provided, such use is in compliance with miscellaneous provisions and performance standards listed in this section, or unless specifically excluded, or a conditional use as listed below.

(2) Administrative offices for the wholesale distribution of propane when bottles are filled from bulk propane tanks not to exceed 70,000 gallons and when such tanks are installed to provide a source of heat for a building on the lot.

(3) Bus Garaging and Equipment Maintenance, Truck and Trailer Storage, Motor Freight Terminals

(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 (ME) Industrial Estates Zoning District as approved by the City Council.

(1) Explosives manufacturing

(2) Towers (radio, television, satellite, etc.)

(3) Gravel, sand or dirt removal, stockpiling, processing or distribution and batching plant

(4) Trade and vocational schools

(5) Other uses found in the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

(1) Buildings and uses accessory to the permitted principal uses or approved permitted conditional uses.

(D) Specifically Excluded Uses:

(1) Automotive wrecking or salvage yards

(2) Billboards

(3) Churches, schools, institutions and other similar public and semi-public uses except for trade and vocational schools

(4) Concrete or cement products manufacturing and batching plants

(5) Contractor's storage yard or plant

(6) Milling or smelting of ores

(7) Petroleum refining

(8) Residential uses, any

(9) Stock or feed yards and auction houses for livestock

(10) Storage, dump, or yard for the collection, salvage or bailing of scrap paper, bottles, iron, rags, junk, or any other materials

(11) Storage of explosives

(12) Storage tanks or facilities for fuel oils, petroleum, acids, flammable liquids and chemicals

(13) Tanning, curing, or storage of hides or skins

(14) Other uses found in the Zoning Matrix [Attachment A hereto]

(E) Space Limitations:

Uses			Minimum Setbacks					
		A	B	C	D	E		
	Minimum Parcel Area (acres)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	2.5	250	50	20	20	50	50%	50
Conditional Uses	2.5	250	50	20	20	50	50%	50

Through Lots shall require that the Front Yard Setback be met on both sides adjacent to streets.

(F) Miscellaneous Provisions:

(1) Landscaping shall be provided in the entire area of all required front yards except for necessary paving of walkways and of driveways to reach parking and loading areas in the side or rear yards, provided, that any driveways in the front yard shall not be wider than thirty (30) feet. Landscaping shall include, but is not limited to, screen plantings, lawn area, pools, trees, shrubs, fences, and walls. Crushed rock, gravel, bark chips, etc., shall not substitute for lawn area. ~~Landscaping shall be provided within two years of issuance of the occupancy permit for the principal structure and thereafter be properly maintained.~~

(2) Any outside storage of inoperable or unassembled parts or equipment shall be visually screened from the surrounding area by fences, walls, plantings, earth berm or other barrier and such screening shall be opaque.

(3) No loading facilities shall be located within a required front yard. Loading facilities located between a building and an adjacent street or residential district shall be visually screened to the same standards as any outside storage.

(4) No galvanized or other raw metal sheeting shall be used for the exterior construction of any principal or accessory building.

(5) Supplementary regulations shall be complied with as defined herein.

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

Amended by Ordinance No. 9047, effective 6-7-2006

Amended by Ordinance No. 9154, effective 1-8-2008

For Discussion:

Changes to allow retirement living specifically in the RD zone was discussed during the 2004 update to the comprehensive plan and zoning regulations. It was not specifically added. It is allowed in the R4 zoning district so would be allowed in the RD but these changes and the subsequent changes to the Matrix. The RD zone was not included in the Matrix and has been added to the Matrix as attached.

36-78 RD – Residential assisted living, retirement or assisted living would be allowed as approved conditional use. Would be part of the RD approved through Planning or Council.

§36-78. (RD) Residential Development Zone

(A) Intent: The intent of this zoning district is to permit a more flexible regulation of land use, and so as to more fully implement comprehensive planning for large parcels of land proposed predominantly for residential use.

(B) Boundaries: The boundaries of RD-Residential Development Zone shall be fixed by amendment of the Official Zoning Map at such times in the future as such zoning district is applied to properties within the City's zoning jurisdiction.

(C) Limitations:

(1) In a (RD) Residential Development Zone there shall be provided a minimum size of 1.5 acres.

(2) Any proposed development shall be constructed in accordance with an overall plan of development.

(3) Any proposed plan of development shall be designed as a single architectural scheme with appropriate common landscaping.

(4) Adequate parking space shall be provided for all residential units and for all employee's, visitor's, and user's vehicles, and such parking, loading, or service areas that shall be used for motor vehicles, and shall be located within the boundary lines of the (RD) Residential Development Zone, and shall be physically separated from any public street, right-of-way, or property line by a buffer strip of not less than 30 feet.

(5) No residential building or other permanent residential structure, nor parking lot, shall be located within 30 feet of any public street, right-of-way, or property line.

(6) The maximum ground coverage shall not exceed 30 percent of the property within the (RD) Residential Development Zone.

(7) The minimum off-street parking requirement shall be two parking spaces for every dwelling unit, plus one for each full-time employee.

(8) In the alternative to complying with the 30 foot buffer strip or setback as identified in subsections (4) and (5) above, a ten (10) foot wide landscaped screen compliant with the installation requirements of Section 36-102 shall be followed.

(D) Ownership: A (RD) Residential Development Zone shall require a tract of land which is developed as a unit under single designated control by a common ownership at the time it is certified as an (RD) Residential Development Zone.

(E) Permitted Principal Uses: The following principal uses are permitted in the (RD) Residential Development Zone.

(1) Uses as listed under permitted principal uses of the (TA) Transitional Agricultural Zone, (R-1) Suburban Residential Zone, (R-2) Low Density Residential Zone, (R-3) Medium Density Residential Zone, and (R-4) High Density Residential Zone except as listed under specifically excluded uses.

(2) Nonprofit community buildings and social welfare establishments other than those providing living accommodations.

(3) Nursing, convalescent & rest home services

(4) Residential assisted living, retirement or assisted living

(5) All other Permitted Principal Uses indicated as permitted within the Zoning Matrix [Attachment A hereto]

(F) 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 (RD) Residential Development Zone as approved by City Council.

(1) Towers

(2) All other Conditional Uses indicated as permitted within the Zoning Matrix [Attachment A hereto]

(G) Permitted Accessory Uses:

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

(H) Specifically Excluded Uses:

(1) Railway right-of-way, including railway yards or facilities.

(2) Truck, bush, and tree farming.

(3) Boarding and lodging housing, ~~fraternity and sorority houses~~.

(4) Nonprofit community buildings and social welfare establishments providing living accommodations.

(5) Nonresidential uses.

(I) Procedure:

(1) An application to establish a (RD) Residential Development Zone shall be initiated in the manner prescribed in Article X of this chapter.

(2) Said application shall be filed with the city clerk in such form as shall be required by the city council and shall be accompanied by the following information:

(a) Site plan showing preliminary location and dimensions of all building areas, recreation, green or landscaped areas, parking and loading facilities, walkways or malls, screen walls, or plantings, waste disposal areas, illumination facilities, signs, curb cuts, utilities and services, private or dedicated drives or streets, etc.

(b) Preliminary drawings or renderings in sufficient detail so that the character of the development may be determined.

(c) Evidence as to the methods of retaining, maintaining, and protecting the open space, green areas, recreational facilities, etc.

(d) Development schedule as to construction phases of buildings, open space, recreational areas, parking facilities, etc., and estimated completion time.

(e) Evidence of ownership or control of the entire parcel to be used as a planned unit development by a single person, association, firm, etc., as defined herein.

(f) Evidence of economic feasibility. A copy of such application and supplementary information shall then be forwarded by the city clerk to the Planning Commission for review, hearing, and recommendation.

(3) In reviewing the application for amendment herein, the Planning Commission shall determine the following factors.

(a) That the proposed development will be in the public interest, in harmony with the purpose of this chapter and with comprehensive plans for the City, and will not adversely affect nearby property.

(b) That adequate, safe, and convenient pedestrian and vehicular trafficways and facilities are provided.

(c) That the development to be permitted shall be for the purpose of developing an integrated site plan in conformity with the regulations for a (RD) Residential Development Zone.

(4) The Planning Commission shall hold a public hearing on the proposed amendment and shall transmit its recommendation to the city council. A copy of the recommendation shall be sent to the applicant and one copy shall be retained in the permanent files of the Planning Commission.

(5) Procedure and action by the city council shall be the same in considering an amendment to the (RD) Residential Development Zone as in Article X of this chapter.

(J) Miscellaneous Provisions:

(1) It is intended that plans required for review and approval must be in a form that will satisfy the requirements of Chapter 33 of this code for both the preliminary and final plat, and that approval for plans and plats be considered simultaneously.

(2) The approved and filed final plan and plat shall be the basis for issuance of a building permit in conformity therewith. Plan changes which increase the number of buildings, increase building height or bulk, or change the location of buildings or other features which materially affect the basic design of the development shall require resubmission of the amendment. Minor adjustments in orientation, height or bulk of buildings, or decrease in the number of buildings may be approved by the Planning Director.

(3) Should any successful applicant for an amendment hereunder fail to have completed the construction of the footings and foundations for the initial building permit within eighteen (18) months after the city council shall

approve a rezoning to a (RD) Residential Development Zone, the area in its entirety shall be reverted to its former zoning classification by appropriate action of the city council, provided, that the city council shall have the power to extend said period by six months in the event of special and unique hardships and circumstances.

(4) Control of the development following completion:

(a) The chief building official shall issue a certificate certifying the completion of the planned development, and shall note the issuance of the certificate on the final development plan.

(b) After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the residential development will be governed by the approved final development plan exclusively.

(c) After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below.

(i) Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Director if they are consistent with the purposes and intent of the final plan. No change authorized by this subsection may increase the density of any building or structure by more than ten percent.

(ii) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under subsection (iii) hereof.

(iii) All other changes in the final development plan as approved by the city council must be made by the city council under the procedures authorized under Article X of this chapter. No changes may be made in the final development plan unless they are found by the city council to be required for the continued successful functioning of the residential development, or unless they are found by the city council to be required by changes in conditions that have occurred since the final plan was approved or by changes in the comprehensive planning and development policy of the City.

Amended by Ordinance No. 8976, effective 06-08-2005

For Discussion:

The current definition of a principal building does not allow for individual buildings on a single lot using shared services if all of the buildings are used for the same principal use. An example where this might happen is a strip commercial center. There could be several buildings located on a single lot all containing office/retail space. If these buildings were to share an electrical and sewer service this would allow for better utilization of the property in many cases and would encourage building owners to alter the placement of the buildings from a single line of shops/offices.

36-8 Definitions

Building shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Operable and licensed trailers, with wheels, shall not be considered as buildings.

Building Accessory shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

Building, Area of shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

Building Code shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the adopted building code of the City, and other codes adopted by the City that pertain to building construction.

Building, Height shall mean the vertical distance measured from the centerline of the improved street to the highest point of a roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building Inspector shall mean the building inspectors for the City of Grand Island, Nebraska.

Building Principal shall mean a building or buildings within which the main or primary use on the lot or premises is located. Multiple structures on a single lot with shared electric and/or sewer services may/shall be considered a single principal building. (Also, see Use, Principal.)

For Discussion:

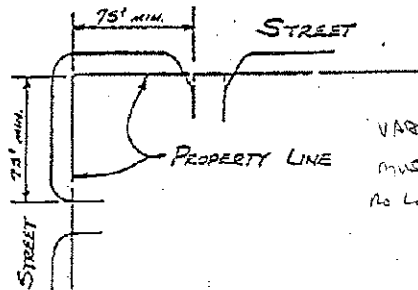
The attached drawing has been used for reference for more than 25 years when addressing the placement of drive up windows. They are not part of the zoning regulations but certainly could be. They were drawn with the intent that orders would be placed the window and then picked up at the same window or a second one further away. Modern drive-through lanes often have a place to order that is not a window. This should be considered with any regulations. Also some drive-through restaurants/ pharmacies/banks have multiple lanes, this configuration should also be addressed. ATM's are another issue that are not addressed for stacking distances.

GUIDELINES FOR SITE PLAN REVIEW
OFFICE/COMMERCIAL/INDUSTRIAL DRIVEWAYS
DRIVE-IN SERVICES RESERVOIR SPACES

Site plans which do not meet these guidelines cannot be approved without submittal to the Grand Island City Council.

Driveways - Distance from Street Corner

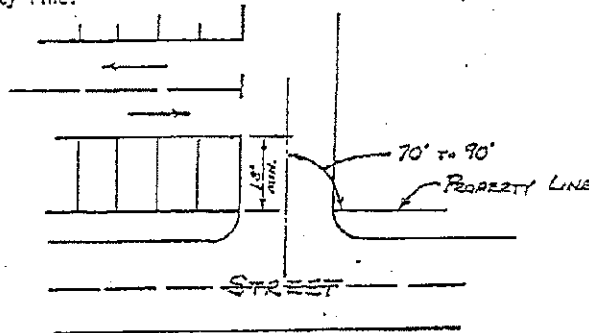
The minimum distance along a property line from a street corner (block corner) and the closest edge of a driveway shall be 75 feet.



VARIATION FROM SET DISTANCE
 MUST BE APPROVED BY PLAN.
 AS LUNAR COUNCIL ACTION 12/27/00

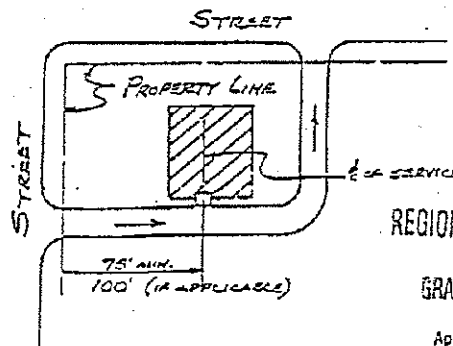
Driveways - Angle of Approach

Driveways entering a public street shall have an approach centerline angle of between 70° to 90° to the property line for a minimum distance of 18 feet from the property line. The edge of a driveway intersecting the approach centerline shall be a minimum of 18 feet from the property line.



Drive-In Services Reservoir Space

A drive-in service shall have a minimum lineal reservoir space of 75 feet located on private property preceding the centerline point of the service. Such space shall not obstruct the internal flow of traffic on private property if part of a larger development. Further, if the drive-in service has direct access from a public street classified other than a local street then the minimum lineal reservoir space on private property shall be 100 feet.



REGIONAL PLANNING COMMISSION
 P.O. BOX 1968
 GRAND ISLAND, NE 68802-1968

Approved by
 Grand Island City Council
 1/28/95

PUBLIC WORKS TO APPROVE ALTERNATIVE DISTANCES!

For Discussion:

In June of 2010 the Planning Commission made recommendations on changes to the Towers section of the zoning regulation for all communities in Hall County. The proposed changes were adopted by the Village of Doniphan and the Village of Alda. Hall County, Grand Island, Wood River and Cairo chose not to make any change regarding towers. The proposed changes were brought forward by the planning staff at the suggestion of county board members. The existing regulations appear to be working in most cases for all of the communities. The purpose of this discussion is to determine if the Planning Commission wishes to bring forward a modified set of tower regulations or keep the existing regulations in place. If the Planning Commission wishes to consider changes a committee of Planning Commission members, interested persons from the public and from the telecommunications industry should be formed to work on those changes.

The Grand Island City council was not opposed to the idea of a third party review but they were concerned with the possible cost of that review to the applicant. Representative from Viaero and AT&T were concerned about the consultant chosen for this activity and the cost and time involved in following the proposed rules. They both suggested that a 3rd party consultant could be brought in on applications that are controversial and that the consultant could be paid for by the wireless company and chosen by both the city and the company. This model is used in Kearney. This would mean that only an application with opposition would result in the review and the company doing the review would not necessarily have any real separation from the wireless company.

The existing regulations give everyone the ability to comment on the application and they give council the ability to grant or not grant the conditional use permit and to place conditions on the permit. The Doniphan Village board did deny an application for aesthetic purposes under the current regulations and the courts have ordered them to grant the permit. It is not known if they will challenge the ruling.

The memo from the June meeting is attached.

Agenda Item #5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

May 24, 2010

SUBJECT:

Concerning amendments to the Zoning Resolution for Hall County, the Zoning Ordinances for Wood River, Alda, Cairo, and Doniphan and their 1 mile extra-territorial jurisdiction, and the Zoning Ordinance for the City of Grand Island and its 2 mile extra-territorial jurisdiction. Changes are being proposed to the following sections of each resolution or ordinance: Wireless Communications Tower Regulations for Hall County (6.01) the City of Grand Island (Article XI), the city of Wood River (Section 7.11) and the Villages of Alda, Cairo and Doniphan (7.11). The proposed changes will repeal the existing regulations and replace them with updated regulations in preparation for each entity entering into a contract with The Center for Municipal Solutions (C-14-2010All)

PROPOSAL:

The proposed changes are attached.

The existing sections will be replaced with the new regulations as proposed.

OVERVIEW:

In December of 2009 the Hall County Regional Planning Commission appointed 2 members o the Planning Commission to meet with Bob Naumann, representing The Center for Municipal Solutions (CMS), a wireless communication siting consulting company.

The Planning Commission members met with Mr. Naumann and staff from the City and County Planning, Building and Legal Departments. After that meeting it was decided that the Hall County Regional Planning Commission should pursue a contract for services similar to those offered by CMS. Planning staff worked with attorneys representing all of the County and Municipal entities to draft an acceptable request for proposals; the Planning Commission, representing all of the entities, would solicit proposals.

In March of 2010 the Hall County Regional Planning Commission advertised for proposals for a consultant with expertise in wireless communication tower regulations to provide consulting services to Hall County, Grand Island, Wood River, Alda, Cairo and Doniphan. One company responded to the RFP. The Center for Municipal Solutions meets all of the requirements of that RFP. A copy of the RFP is attached as is a copy of the proposal submitted by CMS.

These new regulations if adopted would establish a consistent framework for approving wireless communications facilities across the County. The main advantage to contracting with CMS is technical expertise. The Center for Municipal Solutions is a group of professionals with extensive experience in wireless communications facilities. They have people that understand the engineering diagrams and discussion, and that can ask intelligent questions about the need for a tower and review the answers provided by wireless communication companies.

This expertise can be made available to the County, Cities and Villages at no direct cost to the communities. The regulations as proposed include a payment into an escrow account to be maintained by the community and used to pay the consultants. The process of getting a conditional use permit does not begin until the wireless company has paid the money into the escrow account.

SPECIFIC SECTIONS OF THE REGULATIONS FOR REVIEW:

The regulations as shown are specific to Hall County, Grand Island, Wood River and the 3 villages. Each are shown numbered for the appropriate document the last two digits of the number (§36-168.01, §6.01.01 and §7.11.01) are the same for each paragraph heading regardless of the version being read. Each version references the appropriate body, (Board or Council). Planning Commission will receive the annotated version of the regulations. The annotations specify areas that are different from the original version supplied by CMS or areas that involve policy decisions that need to be made by the board or council with input from the planning commission.

Section 36-173

Based on these new regulations existing towers are only grandfathered in with the current equipment. If there is any visible modification to the tower including the size or type or number of antennas attached a full review and compliance with these regulations will be required. The Board or Council can grant relief to specific sections of the regulations under 36-195 to allow the existing tower to continue even if it does not meet all of the requirements of the regulations.

The consultants from CMS will review any request for relief from the regulations and make a recommendation to the elected body.

Section 36-176

This set of regulations specifies a priority for placement of towers. First choice, as suggested, is an existing tall structure owned by the City. Second choice is any other tall structure. First choice for a new tower is City owned property. This requirement is a policy decision for the Council or Board. If the regulations are adopted this way it will provide the possibility for generating revenue from the leases. CMS will provide negotiating expertise to the entities.

Section 36-182

Adopting these regulations as proposed will change the setback requirements for Grand Island, Wood River, Alda, Cairo and Doniphan. The setbacks will be increased. The current regulations allow a 50' tower at the required set back and require that the tower be set back 1 foot from that setback for every 1 foot of tower height over 50'. If the zoning set back is 10' a 50' tower can be built at 10' of the property line, a 100' tower can be built at 60' off the property line ($10' + 100' - 50'$), a 150' tower can be built 110 feet off the property line ($10' + 150' - 50'$). The new regulations would require a 50' tower to be built 60' off the property line ($10' + 50'$), a 100' tower to be built 110' from the property line ($10' + 100'$) and a 150' tower at 165' from the property line ($15' + 150'$). Again relief from this can be request under section x.28 and CMS will make a recommendation to the Council or Board about granting the relief.

Section 36-187

Each entity will have to adopt their fee for the application. CMS suggests a fee of \$5000 for a new tower and \$2500 for an administrative review. The fees that have been adopted by Nebraska entities have been \$3000 and \$1500. It is suggested that each entity change their fee schedule to adopt these fees instead of including them in the zoning regulations. If they are included in the zoning regulations they cannot be changed without going through the process to amend the regulations.

Section 36-190

This section only applies to towers and facilities built on City/Village/County owned property.

Section 36-195

This section allows the applicant to make a request that does not conform to these regulations. Once the request is made, CMS will review the request and the reasoning behind the request. For example if the tower applicant cannot find a piece of property large enough to meet the setback for their tower in the right location they can request relief to put the tower on the piece they are able to find. CMS may recommend in favor of that if the tower company can provide evidence of additional structural elements to the tower or break points in the tower that will help insure that the tower will fall within the existing property boundaries if there ever is an issue.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Hall County Board, Grand Island City Council, Wood River City Council and the Village Boards of Alda, Cairo and Doniphan **approve** the changes to the regulations as proposed.

Chad Nabity AICP, Planning Director

ARTICLE XI WIRELESS COMMUNICATION FACILITES

36-168.01. Purpose and Legislative Intent.

The Telecommunications Act of 1996 affirmed the City of Grand Island's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Grand Island finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Local Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Grand Island.

36-168.02. Title.

This Ordinance shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the City of Grand Island.

36-168.03. Severability.

- A) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B) Any Conditional Use Permit issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the Permit shall be void in total, upon determination by the City.

36-168.04. Definitions.

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

- A) "Accessory Facility or Structure" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B) "Applicant" means any Wireless service provider submitting an Application for a Conditional Use Permit for Wireless Telecommunications Facilities.

- C) **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Conditional Use Permit for Wireless Telecommunications Facilities.
- D) **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- E) **“Co-location”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed within 90 days (weather permitting) after the new tower is constructed.
- F) **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- G) **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- H) **“Council”** means the City Council of the City of Grand Island.
- I) **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- J) **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- K) **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna, lightening protection device or strobe.
- L) **“Modification”** or **“Modify”** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- M) **“NIER”** means Non-Ionizing Electromagnetic Radiation
- N) **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
- O) **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’

- P) **"Personal Wireless Services"** or **"PWS"** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange and is also referred to as **"Personal Telecommunications Service"** or **"PCS"**.
- Q) **"Repairs and Maintenance"** means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- R) **"Conditional Use Permit"** means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the City.
- S) **"Stealth" or "Stealth Technology"** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances,
- T) **"State"** means the State of Nebraska.
- U) **"Telecommunications"** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems
- V) **"Telecommunication Site"** See definition for Wireless Telecommunications Facilities
- W) **"Telecommunications Structure"** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'
- X) **"Temporary"** means, temporary in relation to all aspects and components of Article XI of this ordinance, something intended to, or that does not exist for more than ninety (90) days.
- Y) **"Tower"** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- Z) **"Wireless Telecommunications Facilities"** means and includes a **"Telecommunications Site"** and **"Personal Wireless Facility"**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, specialized mobile radio(SMR), paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

36-168.05. Overall Policy and Desired Goals for Conditional Use Permits and Administrative Review for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the City hereby adopts an overall policy with respect to Conditional Use Permits and Administrative Review for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- A) Requiring a Conditional Use Permit for any new Wireless Telecommunications Facility
- B) Requiring Administrative Review for co-location or modification of a Wireless Telecommunications Facility. that does not require a change in the height of the tower.
- C) Implementing an Application process for person(s) seeking a Conditional Use Permit for or Administrative Review of Wireless Telecommunications Facilities;
- D) Establishing a policy for examining an application for and issuing a Conditional Use Permit, and Administrative Reviews for Wireless Telecommunications Facilities that is both fair and consistent.
- E) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers
- E) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- F) That in granting a Conditional Use Permit or permitting after Administrative Review, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the City.

36-168.06. Exceptions from a Conditional Use Permit for Wireless Telecommunications Facilities.

- A) Except as otherwise provided by this Ordinance no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Conditional Use Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Conditional Use Permit shall be required for those non-commercial exceptions noted in §36-168.07.
- B) All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before the effective date of this Ordinance shall be allowed to continue as they presently

exist, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Ordinance. Relief from these regulations, for existing legally permitted Wireless Telecommunications Facilities, may be sought by the applicant as shown in section §36-168.28 of this ordinance.

Comment [C1]: This does not grandfather existing towers if they need to make any changes. This could be problematic for towers issued with permits based on the current height limitations

- C) Any Repair and Maintenance of a Wireless Facility does not require an Application for a Conditional Use Permit.

36-168.07. Exclusions. The following shall be exempt from this Ordinance:

- A) The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- B) Any facilities expressly exempt from the City's siting, building and permitting authority.
- C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- D) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- E) Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower.

36-168.08. Conditional Use Permit Application and Other Requirements.

- A) All Applicants for a Conditional Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Ordinance. The City Council is the officially designated agency or body of the City to whom applications for a Conditional Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Conditional Use Permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate other official agencies or officials of the City to accept, review, analyze, evaluate and make recommendations to the City Council with respect to the granting or not granting or revoking Conditional Use Permits for Wireless Telecommunications Facilities.
- B) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete
- C) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Conditional Use Permit has been issued.

- D) Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City.
- E) An Application for a Conditional Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- F) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- G) The Applicant shall include a statement in writing:
- 1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Conditional Use Permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;
 - 2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.
- H) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Registered Professional surveyor, engineer, architect and or other individual as necessary licensed in the State of Nebraska.
- I) In addition to all other required information as stated in this ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
- 1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - 2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;
 - 3) The name, address and phone number of the person preparing the report;
 - 4) The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
 - 5) The 911 address and tax parcel number of the property;
 - 6) The Zoning District in which the property is situated;
 - 7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 - 8) The location of nearest residential structure;

- 9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
 - 10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - 11) The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
 - 12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
 - 13) The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users
 - 14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - 15) The frequency, modulation and class of service of radio or other transmitting equipment;
 - 16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
 - 17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
 - 18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
 - 19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
 - 20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design. The investigation, evaluation and design shall be prepared by a licensed professional.
- J) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines, that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application. If the analysis determines that the structure is within the approach or turning zone of the airport then approvals must be received from the local airport.
- K) Application for New Tower
- 1) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.
 - 2) In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new

Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The Applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application.

- 3) The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - a) The foreseeable number of FCC licenses available for the area;
 - b) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
 - d) Available space on existing and approved Towers.
- 4) The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
 - a) Respond within 60 days to a request for information from a potential shared-use Applicant;
 - b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
 - c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.
 - d) Failure to abide by the conditions outlined above may be grounds for revocation of the Conditional Use Permit.
- L) The Applicant shall provide certification with documentation (structural analysis as provided by a professional engineer licensed in the State of Nebraska) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed

and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.

- M) If proposal is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- N) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.
- O) If a new Tower, proposal for a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:
 - 1) If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
 - 2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 - 3) A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- P) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility
- Q) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This may include the utilization of stealth or concealment technology if required by the City.
- R) All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

- S) At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- T) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- U) A holder of a Conditional Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- V) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- W) An Applicant shall submit to the City the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.
- X) The holder of a Conditional Use Permit shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

36-168.09. Location of Wireless Telecommunications Facilities.

- A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.
 - 1) On existing Towers or other structures on other property in the city
 - 2) A new Tower on properties in areas zoned for Heavy Manufacturing use
 - 3) A new Tower on properties in areas zoned for Manufacturing uses other than Heavy Manufacturing
 - 4) A new Tower on properties in areas zoned for Commercial use
 - 5) A new Tower on properties in areas zoned for Agricultural use not planned for residential use in Comprehensive Plan
 - 6) A new Tower on properties in areas zoned for Residential use
- B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person

Comment [C2]: Need to decided on priorities. The Manufacturing, Commercial, Agricultural, Residential is obvious but how do we feel about cell sites on public land. This is a potential source of long term revenue for the communities. We could also eliminate the public provisions and just do this based on the zoning district.

seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

- C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the City why co-location is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.
- D) Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E) The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons.
 - 1) Conflict with safety and safety-related codes and requirements;
 - 2) Conflict with the historic nature or character of a neighborhood or historical district;
 - 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
 - 5) Conflicts with the provisions of this Ordinance.

36-168.10. Shared Use of Wireless Telecommunications Facilities and Other Structures.

- A) The City shall prefer Applicants to locate on existing Towers or others structures without increasing the height instead of the construction of a new Tower. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within one (1) mile of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.
- C) Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

36-168.11. Height of Telecommunications Tower(s).

- A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.
- B) No Tower constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with City, State, and/or any Federal statute, law, local law, City Ordinance, code, rule or regulation.

36-168.12. Visibility of Wireless Telecommunications Facilities.

- A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law. Towers requiring lighting shall submit a request for relief from §36-168.11 (B) as allowed under §36-168.28 of this ordinance.
- B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.
- C) If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

36-168.13. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

36-168.14. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

36-168.15. Lot Size and Setbacks.

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

36-168.16. Retention of Expert Assistance and Reimbursement by Applicant.

- A) The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.
- B) An Applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the City in connection with the review of any Application including where applicable, the lease negotiation, the pre -approval evaluation, and the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500.00 with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If at any time during the process this escrow account has a balance less than \$2,500.00, the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant.
- C) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

36-168.17. Public Hearing and Notification Requirements.

- A) Prior to the approval of any Application for a Conditional Use Permit for Wireless Telecommunications Facilities, a Public Hearing shall be held by the City, notice of which shall be published in the newspaper general circulation in of the City no less than ten (10) calendar days prior to the scheduled date of the Public Hearing. In order that the City may notify nearby landowners, the Application shall contain the names and address of all landowners whose property is located within two hundred (200) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located.
- B) There shall be no Public Hearing required for an Application to co-locate on an existing Tower or other structure or a modification at an existing site, as long as there is no proposed increase in the height of the Tower or structure, including attachments thereto.

Comment [C3]: The existing setback requirements are less than what would be required here.

Existing Setback Requirements §36-173. Setbacks and Separation or Buffer Requirements

(A) All towers up to fifty (50) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of fifty (50) feet in height shall be set back one additional foot for each foot of tower height in excess of fifty (50) feet, except where such setback is from property owned, controlled and/or maintained by the City of Grand Island and the City Council finds in granting the permit that reducing such additional setback will not cause harm to the intended use of the public property. The height of a tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

(B) Towers exceeding one hundred (100) feet in height may not be located in any residential zoned district and must be separated from all residential zoned land and occupied structures other than those utilized by the tower owner, by a minimum of two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.

(C) Towers of one hundred (100) feet or less in height may be located in residential zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of proposed tower.

- C) The City shall schedule the Public Hearing referred to in Subsection (A) of this section once it finds the Application is complete, the City, at any stage prior to issuing a Conditional Use Permit, may require such additional information as it deems necessary.

36-168.18. Action on an Application for a Conditional Use Permit for Wireless Telecommunications Facilities.

- A) The City will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- B) The City may refer any Application or part thereof to any advisory, other committee or commission for a non-binding recommendation.
- C) After the Public Hearing and after formally considering the Application, the City may approve, approve with conditions, or deny a Conditional Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the Permit shall always be upon the Applicant.
- D) If the City approves the Conditional Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the City's action, and the Conditional Use Permit shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Conditional Use Permit has been granted hereunder, no additional permits or approvals from the City, such as site plan or zoning approvals, shall be required by the City for the Wireless Telecommunications Facilities covered by the Conditional Use Permit.
- E) If the City denies the Conditional Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the City's action.

36-168.19. Extent and Parameters of Conditional Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of a Conditional Use Permit for Wireless Telecommunications Facilities shall be as follows:

- A) Such Conditional Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the City.
- B) Such Conditional Use Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Conditional Use Permit, or for a material violation of this Ordinance after prior written notice to the holder of the Conditional Use Permit.

36-168.20. Application Fee.

At the time that a Person submits an Application for a Conditional Use Permit for a new Tower or an Administrative Review of an existing tower or structure, such Person shall pay a non-refundable application fee to the City as set by the City Fee Schedule.

Comment [C4]: Each entity will have to include conditional use permits for wireless communication facilities in their fee schedule. The consultants recommend \$5000 for a new tower and \$2500 for a co-location or Administrative Review nationally. Nebraska counties tend to make those fees \$3000 and \$1500.

36-168.21. Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Conditional Use Permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Conditional Use Permit.

36-168.22. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, Ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

36-168.23. Liability Insurance for facilities located on city owned property

- A) A holder of a Conditional Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditional Use Permit in amounts as set forth below
 - 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - 2) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
 - 3) Workers Compensation and Disability: Statutory amounts
- B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least forty five-(45) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Conditional Use Permit, the holder of the Conditional Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

36-168.24. Indemnification.

- A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Conditional Use Permit for Wireless Telecommunications Facilities

36-168.25. Fines (Reference section §36-161)

- A) In the event of a violation of this Ordinance or any Conditional Use Permit issued pursuant to this Ordinance, the City may prosecute the holder of the Conditional Use Permit for Wireless Telecommunications Facilities shall pay fines or penalties as set forth in **§36-161**.
- B) Notwithstanding anything in this Ordinance, the holder of the Conditional Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Conditional Use Permit to termination and revocation of the Conditional Use Permit. The City may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the City.

36-168.26. Default and/or Revocation.

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Conditional Use Permit, then the City shall notify the holder of the Conditional Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Section 36-168.25 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time the Conditional Use Permit is subject to revocation.

36-168.27. Removal of Wireless Telecommunications Facilities.

- A) Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.
- 1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 - 2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - 3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Conditional Use Permit, or any other necessary authorization and the Conditional Use Permit may be revoked.
- B) If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Conditional Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- C) The holder of the Conditional Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.
- D) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Conditional Use Permit holder.
- E) If, the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.
- F) Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Conditional Use Permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the Conditional Use Permit and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

36-168.28. Relief.

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such, provided that the relief or exemption is contained in the submitted Application for either a Conditional Use Permit, or in the case of an existing or previously granted Conditional Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

36-168.29. Periodic Regulatory Review by the City.

- A) The City may at any time conduct a review and examination of this entire Ordinance.
- B) If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal this entire Ordinance at any time.
- C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

36-168.30. Adherence to State and/or Federal Rules and Regulations.

- A) To the extent that the holder of a Conditional Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Conditional Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Conditional Use Permit for Wireless Telecommunications Facilities, then the holder of such a Conditional Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

36-168.31. Conflict with Other Laws.

Where this Ordinance differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the City, State or Federal government, this Ordinance shall apply.

36-168.32. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, as provided by law.

36-168.33. Authority.

This local Ordinance is enacted pursuant to applicable authority granted by the State and federal government.

Comments on Propose Ordinance No. 9262

I believe this proposed ordinance to be hastily contrived, heavy handed, and intrusive into areas in which City government has no business intruding. It places engineering decisions in the hands of a supposedly disinterested third party; taking it out of the hands of the corporate managers and engineers of the organizations that depend on such engineering for their very financial survival. In the wireless industry, system engineering is inextricably tied to the business plan and marketing plan that guide a wireless provider's operations. Every wireless system is unique, with its system engineering and site location determined by such factors as the wireless technology being used, the bandwidth the carrier owns, the services that it offers to the community, the marketing and coverage plans it is implementing, etc. There is no "cookie cutter" approach to engineering a wireless coverage system.

It is our local government's job to determine land use per our existing zoning ordinances, not to dictate engineering decisions to the private sector. Wireless communication has become more and more woven into the fabric of our daily lives. We are all dependent on it, we want more services, and we want it at a cheaper price. We just don't want any towers placed where we can see them from our homes.

Government entities have over the years increasingly inserted themselves into this particular industry by demanding increased coverage, improved quality of service, faster data rates, and reliable and far reaching wireless emergency services. Now, in addition to demanding breadth and quality of service, the City of Grand Island wants to determine how that service is to be accomplished by dictating how these services are to be provided. In the wireless industry, this is akin to the City writing the business plan and developing the operational policies and procedures of a private business. This is neither the area of expertise nor the constitutional purview of City government.

This proposed ordinance essentially places the City's land use decision-making in the hands of a third-party who *assumes* to know what serves the best interest of both the community and the local wireless service providers, and who proposes to balance those interests by dictating engineering standards and influencing the planning of wireless system infrastructure deployment. This third party cannot *possibly* have all of the necessary information concerning the system-wide engineering designs or the corporate business plans of the wireless service providers to make such decisions. Bear in mind that this third-party is a private business that has a vested interest in generating as much revenue in consulting fees as possible. The best way to accomplish that is to develop a process that requires as many "reviews" as possible.

The ordinance, as proposed, is financially onerous, capricious, and unnecessary. To justify the ordinance by simply saying that it won't cost the taxpayers anything because it will be funded by application fees paid by the wireless carriers is a blatant abdication of the City's obligation to *fairly* weigh the interests of *all* of its citizens, including its local wireless service providers.

I recommend that the City Council table the discussion and the vote on this ordinance until it has taken the time to step back and carefully consider other options. Passage of the ordinance in its present form will do nothing to improve wireless service to our community and, I believe, would result in a diminishing quality of service over time as providers find it financially prohibitive in terms of cost and time to add to or improve existing infrastructure. I would suggest that the Council look carefully at ways of integrating its desired location priorities within the PCIA Model Ordinance that has been successfully implementing in numerous cities across the country. This will properly balance the interests of local neighborhoods and local businesses.

Thank you.

Randy Blair

Randy Blair is the executive director of College Park and was the founding CEO of Nebraska Wireless Telephone Company. He is a 13 year veteran of the wireless industry.

Via Electronic Mail

June 7, 2010

Ms. Peg Gilbert

City Council President

Grand Island City Council

P.O. box 1968

100 E 1st Street

Grand Island, NE 68801

RE: Consideration of Hall County Regional Planning Board Proposed Wireless Facility Ordinance and Use of a Consultant to Review Applications for Wireless Facilities

Dear Ms. Gilbert,

We are writing to comment on the wireless facility ordinance proposed by the Regional Planning Board ("Ordinance"), as well as the use of a consultant to review wireless facility siting applications. We urge the City to not adopt the Ordinance and to avoid the use of this consultant.

PCIA—The Wireless Infrastructure Association ("PCIA") is the national trade association representing the wireless infrastructure industry. PCIA's members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, telecommunications, and broadcasting services. PCIA and its members partner with communities across the nation to effect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of each community.

The citizens and businesses of Grand Island—and the United States—increasingly rely on wireless services and devices. As of mid-2009, there were approximately 276 million wireless subscribers in the United States. Wireless users rely on wireless services in every facet of their lives and businesses. Wireless services play an essential role in ensuring and maintaining public safety; over 290,000 E911 calls are placed using wireless devices each day. The continued deployment of wireless infrastructure is essential to enable the wireless services on which first responders, businesses, and citizens rely.

Regarding consultants specifically, we respectfully submit that many policies proposed by the Center for Municipal Solutions ("CMS" or "Consultant") will limit the development of the wireless infrastructure that provides key services to the citizens of Grand Island. Further, certain sections of the Ordinance violate the Telecommunications Act of 1996 (the "Telecommunications Act"). Finally, we submit that the City should consider instead the PCIA Model Zoning Ordinance (a copy of which is attached hereto), which balances local review of wireless facilities applications with citizens' need for improvements in wireless coverage. We urge you to consider our concerns, review our Model Zoning Ordinance, and allow for meaningful input and dialogue involving the wireless industry regarding this important issue.

Issues to Consider

As wireless users in the City of Grand Island and nationwide grow increasingly dependent on wireless devices for voice, data and wireless broadband service, robust wireless infrastructure is necessary for the public safety and economic benefits that wireless services bring. Certain provisions of some communities' ordinances may limit the ability of citizens to access the full complement of wireless services they need and want. The Ordinance includes many problematic provisions. Provisions of concern include the following:

- Allowing a consultant to determine "**commercial impracticability**" allows an outside party without access to network design data to judge the validity of business decisions made by FCC-licensed carriers and their wireless infrastructure providers (like tower companies). Applications for telecommunications facilities should be judged by their compliance with appropriate land use regulations. The City's review of these facilities should not include what

acts are “technologically feasible” for carriers and their infrastructure providers. Recently, two state legislatures enacted prohibitions on review of business decisions in the context of the wireless facilities permitting process. Florida Chapter 2005-171 (enacted in 2005) provides that local review “shall only address land development or zoning issues,” and holds that local governments “may not require information on or evaluate a wireless provider’s business decisions....” Similarly, North Carolina Senate Bill 831 (enacted in 2007) provides that a local government “may not require information on or evaluate an applicant’s business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site.” Such legislative actions arose in direct response to consultants, including CMS. These consultants required telecommunications companies to “conclusively prove”—typically to the consultant’s satisfaction—the company’s business decision to locate a facility at the chosen site. In Florida and North Carolina, the discretionary analysis of such private, proprietary business decisions was deemed beyond the scope of allowable land use factors for local governments to consider.

- We believe that a “**completed application**” is one that conforms to the enumerated submittal requirements established in the ordinance at issue. A definition that substitutes a standard of “all information...necessary to enable an informed decision...” is unreasonably vague. Unfortunately, some jurisdictions (and their consultants) use this vague standard to justify failures to act on applications, thereby violating the Telecommunications Act. A completed application should be defined with specific reference to the ordinance that establishes application requirements.
- The Ordinance defines “**modification**” so as to subject even a simple antenna upgrade at an existing cell site to the requirement of obtaining a Conditional Use Permit. While this definition creates clear benefits to consultants in the form of review fees, this requirement provides no benefit for a local government that wants to take full and immediate advantage of breakthroughs in wireless technology. As wireless carriers improve service and add new applications to their technologies (e.g., mobile email and video), like-kind antenna changes and other minor equipment upgrades are often necessary to make these advances possible. An extensive land use permit review process involving the payment of thousands of dollars of fees through continually supplemented escrow accounts, municipal consultant site visits,

and submission of technical materials by a wireless carrier to private consultants merely to “justify” the modification is entirely unnecessary if the antenna is the same dimension as, or a substantially similar dimension to, the existing antenna. Similar requirements have resulted in needless litigation that drains the resources of all parties and prevents the public from taking advantage of new technological resources. The definition of “modification” is so vague and overbroad that virtually every equipment upgrade—even like-kind equipment exchanges within a locked equipment enclosure—would be unlawful unless the applicant paid exorbitant fees and underwent an extensive municipal consultant “review” and public hearing process to obtain a new Conditional Use Permit. This is analogous to requiring office building tenants to seek zoning approval for the number, quantity, and type of copier machines in use. The definition of “modification” also should be expanded so that antenna exchanges are not required to undergo a full Conditional Use Permit review process. Antenna exchanges expedite the network upgrades required to bring new services to the wireless-using public.

- A requirement that *all* telecommunications facilities (even collocations and modifications on existing structures) require a **Conditional Use Permit** is at cross-purposes with a policy of encouraging collocations, and is over-burdensome because the land use decision for the existing tower has already been made. Such a requirement does not offer sufficient regulatory incentive for a wireless provider to collocate its facilities on an existing structure. To provide proper incentive, an ordinance should provide that collocations are subject only

to administrative (staff) approval, and do not require a public hearing or consultant review. PCIA's Model Zoning Ordinance offers language implementing administrative approval of collocations, and is a helpful resource.

- The requirement for an **escrow deposit** is excessive and implicates the more general concern that municipal consultants may obstruct the development of robust wireless infrastructure in the City. Any such escrow account should be based on a written scope of work, consultant qualification statement and reasonable hourly rates. In addition, application fees should be directly related to **reasonable review fees** (which consultants often far exceed). Section 36-168.16 of the Ordinance, requires an initial deposit of \$8,500 into an escrow account, which must maintain a balance of at least \$5,000, but does not impose any limitations on the ability of the consultant to draw from the account. This is extremely unreasonable, especially in conjunction with the exorbitant application fees outlined in 36-168.20. In addition, the City will not be accruing any costs for the applications because the application review will be conducted by the consultant—the City will not accrue any expenses for processing wireless facility applications, yet will collect thousands of dollars in fees.
- The amount of any required **removal bond** should be commensurate with the actual costs of removal. Section 36-168.21 requires a performance security bond of \$75,000 for a Tower facility and \$25,000 for collocation. This is excessive compared to the actual removal costs.
- The standard for the time within which a facility can be considered “**abandoned**” should be at least 365 consecutive days. It is conceivable that a facility would be temporarily off-line for a period of months while larger network upgrades occur, and this standard should allow for flexibility in that regard.

Charting the City of Grand Island's Course with Municipal Consultants

based on prior experience with consultants nation-wide, PCIA suggests that the City of Grand Island ask any prospective consultant several questions which bear consideration under the circumstances. PCIA also recommends that Grand Island fully consider utilizing an open and competitive bidding process for any consultant work it may seek so that it can fully examine and compare the relative qualifications of each consultant.

Are you exclusively dedicated to serving local governments?

Many consultants also represent citizen opposition groups. Such representation raises serious questions about the impartiality and objectiveness of the consultant.

Do you believe a gap in wireless coverage can be determined based on a drive test using hand-held mobile phones, and if so, have you ever advocated the use of such a test?

Many consultants advocate the use of hand-held drive tests using mobile devices, even though federal courts have determined that such tests are not reliable.

Do you believe that municipalities can regulate interference with other communications and electronic devices?

While interference is rarely, if ever, a problem for wireless carriers (who are licensed to operate within a specific band of radio-frequency spectrum), some consultants use what can only be deemed scare tactics to assert that such interference is widespread. The FCC clearly provides that state and local governments are pre-empted by federal law from regulating radio-frequency interference, yet some consultants attempt to regulate this issue in violation of federal law.

Have your or your firm's services ever been terminated? If so, under what circumstances?

There are instances where municipalities have terminated consultants, and this may be an issue for consideration. In 2004, the Town of Dryden, NY terminated the services of the consultant under consideration by the Commission (again, doing business in New York as the "Center for Municipal Solutions"). Town Board minutes indicated doubt about the reasonableness of consultant fees, and that the Board took issue with the consultant's refusal "to supply information" regarding the itemization of its fees upon request. More recently, Aiken County, SC effectively wrote this same consultant out of its revised ordinance because of excessive delays in reviewing applications.

These questions will elicit an open discussion about the services any consultant purports to provide. Furthermore, wireless industry stakeholders should also be afforded an opportunity to explain their site development methods, and their experiences with consultants, so the City has a full understanding of the regulatory environment, as well as the consultant's impact.

PCIA's Model Zoning Ordinance provides a balanced approach to wireless siting that allows for local government oversight of wireless facilities while still ensuring that jurisdictions benefit from the development and maintenance of robust wireless infrastructure for their community. Unlike the Ordinance, use of PCIA's Model Zoning Ordinance does not require the City to commit itself to the engagement of any service contract. We welcome the opportunity to discuss our Model Zoning Ordinance with you further, and tailor it to the unique concerns of the City of Grand Island and its citizens.

We urge you to allow time for additional community and industry input on this important issue before retaining the services of any consultant or voting on the Ordinance. We appreciate the opportunity to provide comment in this discussion and are extremely interested in participating in future opportunities to engage in this important process.

Thank you for your time and consideration.

Best Regards,

/s/

Brian Regan

Government Affairs Counsel

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For Discussion:

Attached is a copy of the Matrix that is included with the Zoning Regulations. It provides a comprehensive list of uses that are permitted and identifies which district such use is permitted in. The RD zone has been added to this matrix and some other uses have been added such as bus, truck and trailer storage and parking lots.

GRAND ISLAND LAND USE MATRIX

Land Use Categories	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	B-3	CD	TD	ME	M-1	M-2	M-3
A																						
Abrasive, asbestos, & miscellaneous non-metallic mineral products - manufacturing					P														C		P	
Abstracting services																				P	P	P
Accounting & bookkeeping services																				P	P	P
Accounting, computing & office machines - manufacturing																						
Advertising displays & signs - manufacturing																						
Advertising services, direct mail																						
Advertising services, general																						
Agricultural, business and personal credit services including credit union																						
Agricultural chemicals & fertilizers - manufacturing	C	C			P															P	P	P
Agricultural chemical & fertilizers - wholesale	C	C			P																	
Agricultural fertilizers, hazardous & non hazardous - retail																						
Agricultural operations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Air conditioning, heating & plumbing contracting services																						
Air conditioning, refrigerated equipment & supplies - wholesale					P																	
Aircraft & accessories - retail					P																	
Aircraft storage & equipment maintenance																						
Airports & flying fields																						
Alcoholic beverages, beer & wine - wholesale					P																	
Alteration, pressing & garment repair services																						
Armature services																						
Ammunition manufacturing & complete assembly of guided missiles & space vehicles					P																	
Ammunition, small arms - manufacturing					P																	
Amphitheaters																						
Amusement, athletic & sporting goods & toys - manufacturing					P																	
Animal & marine fats & oils including grease & tallow, rendering																						
Animal hospital services	C	C																				
Antiques - retail																						
Apiary farms & processing	P	P	P	P	P																	
Apparel & accessories - manufacturing					P																	
Apparel & accessories - retail																						
Apparel & accessories - wholesale					P																	
Apparel belts - manufacturing																						
Apparel findings & related products - manufacturing					P																	
Appliances (household) - manufacturing					P																	

P = Permitted Use C = Conditional Use

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Appliances (household) - retail																	P					P	P
Appliances (electrical), television phonographs, tape players, radio sets - wholesale					P															P	P	P	P
Appliance repair services																	P	P			P	P	P
Aquariums						P												P					
Arboretums & botanical gardens						P												P					
Architectural, engineering & planning - professional services					P																		
Arenas & fieldhouses	C					C								P	P	P	P			P	P	P	P
Armateur rewinding services																C						C	
Armed forces reserve center																C						P	P
Art galleries, publicly owned																P		P					P
Artists - painters, sculptors, composers, & authors	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Asbestos, abrasive & miscellaneous non-metallic mineral products - manufacturing					P															C			P
Asphalt felts & coating - manufacturing					P																	P	
Asphalt mixing plants	C	C			C																	C	
Athletic, amusement & sporting goods & toys - manufacturing					P															P	P	P	P
Athletic field or playfield	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Auditing, accounting & bookkeeping services																	P	P			P	P	P
Auditoriums, public						P											P	P			P	P	P
Automatic temperature controls - manufacturing					P															P	P	P	P
Automobile & other motor vehicle & equipment - manufacturing					P																		
Automobile & other motor vehicle repair services																					P	P	P
Automobile & other motor vehicles - retail																	P	C				P	P
Automobile & other motor vehicles - wholesale																	P					C	
Automobile & truck rental services																	P					P	P
Automobile Body Repair																		C				P	P
Automobile equipment - wholesale																						P	P
Automobile parts & supplies - retail																	P	P	P			P	P
Automobile wash services																	P	C	P	P		P	P

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
B																							
Bags except textile bags - manufacturing					P																		
Bait shops																							
Bakeries non-manufacturing - retail																							
Banking services																							
Barber services																							
Batch Plants - temporary	C	C			P																		
Beauty services																							
Bed and breakfast residence									C	C	C	C	P	P	P	P							
Beer, wine & alcoholic beverages - wholesale																							
Bicycles - retail																							
Biological products - manufacturing					P																		
Blacksmith & welding services																							
Blankbooks, loose leaf binders & devices-manuf. of					P																		
Blast furnaces, steel works & rolling of ferrous metals					C																		
Blueprinting & photocopying services																							
Boarding & rooming houses																							
Boat building & repair services					P																		
Boat sales, service and rentals																							
Boat building & repair, fiberglass					P																		
Bookbinding & misc. related work - manufacturing					P																		
Bookkeeping, auditing & accounting services																							
Books, magazines & newspapers distributing - wholesale					P																		
Books - publishing & printing					P																		
Books - retail																							
Boot & shoe cut stock & findings - manufacturing					P																		
Botanical gardens & arboretums						P																	
Bottled gas - retail																							
Bottling & canning soft drinks & carbonated waters					P																		
Bowling alleys																							
Boxes and paperboard containers - manufacturing					P																		
Brandy, brandy spirits & wine - manufacturing	C	C	C	C	P																		
Brick & structural clay tile manufacturing					P																		
Brooms & brushes - manufacturing					P																		
Building construction - general contracting services																							
Building materials - retail																							
Building materials & lumber - wholesale																							
Building paper & building board - manufacturing					P																		
Bulk petroleum stations & terminals - wholesale					C																		
Bus garaging & equipment maintenance																							
Business & management consulting services																							
Business offices not elsewhere listed																							
Business associations																							
Business forms - manufacturing																							

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	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Butter - manufacturing					P											P				P		P	P
C																							
Cabinet making - manufacturing					P																		
Cable TV maintenance yard																							
Cameras & photographic supplies - retail																							
Camp grounds, general	C	C				P	C							P	P	C			C			P	P
Camp grounds, group	C	C				P	C									C			C			C	
Candy & other confectionery products - manufacturing					P															P		P	P
Candy, nut, & confectionery - retail														P	P	P						P	P
Canes, parasols & umbrellas - manufacturing					P															P		P	P
Canning & preserving of fruits, vegetables & seafood's - manufacturing					P																		
Canvas products - manufacturing					P																	P	
Carbon black - manufacturing					C															P		P	
Cardboard, paperboard & die-cut paper - manufacturing					P																	C	
Carpentry & wood flooring services															P	P	P	P				P	P
Carpet & rug cleaning & repair service														P	P	P	P	P				P	P
Carpet & rug - manufacturing					P															P		P	P
Cement (hydraulic) - manufacturing					C																	P	
Cemeteries							P	P														P	
Ceramic wall & floor tile - manufacturing					P															P		P	P
Cereal preparations - manufacturing					P															P		P	P
Charitable & welfare services														P	P	P	P	P				P	P
Cheese (natural & processed) - manufacturing					P																	P	P
Chemicals & fertilizers - mining																							
Chemicals, agricultural, nonhazardous, wholesale	C	C			C															C	C	C	
Chemicals, industrial, nonhazardous, wholesale					C																C	C	
Chemicals, industrial organic & inorganic - manufacturing					C															C			
Chiropractors, optometrists, & other similar health services														P	P	P	P	P				P	P
Churches, synagogues & temples	C	C					C	P	P					P	P	P	P	P				P	P
Cigarettes & cigars - manufacturing					P															P		P	P
Civic, social & fraternal associations														C	P	P	P	P				P	P
Civil Defense & related activities																							P
Clay, ceramic & refractory minerals - mining	C	C	C	C	C		C															C	
Clay refractories - manufacturing					P																	P	
Clock, watch & jewelry repair services																						P	P
Clocks, watches, clockwork operated devices & parts - manufacturing																						P	P
Commercial & industrial machinery, equipment & supplies - wholesale					P															P		P	P
Commodity & securities brokers, dealers & exchanges & services														P	P	P	P	P				P	P

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GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Communication equipment - manufacturing					P															P		P	P
Composting plants					C																		
Concrete brick & block - manufacturing					P																	P	
Concrete products - manufacturing					P																	P	
Concrete, ready-mix plants					P																	P	
Concrete construction & paving services					P																	P	
Confectionery, nut & candy - retail															P	P	P	P			P	P	P
Confectionery - wholesale					P																	P	P
Construction & lumber materials - wholesale																						P	P
Construction, mining, & materials handling machinery & equipment - manufacturing					P																	P	P
Construction equipment - retail																						P	P
Construction services - temporary					C								C	C	C	C	C	C	C	C	C	C	C
Convalescent, nursing & rest home services								P	P	P	P	P	P	P	P	P	P	P					
Convents																							
Convenience store															P	P	P	P	P			P	P
Cosmetics, perfumes, & other toiletries - manufacturing					P																	P	P
Cottage services																							
Country club							P	P	P	P	P	P	P	P	P	P	P	P					
Crating & packing services					P																	P	P
Credit reporting, adjustment & collection services														P	P	P	P	P				P	P
Credit unions & agricultural, business & personal credit services														P	P	P	P	P				P	P
Crematory, funeral & mortuary services														P	P	P	P	P				P	P
Curtains, draperies & upholstery - retail														P	P	P	P	P				P	P
Cut stone & stone products - manufacturing					P																	P	P
Dairy products - retail															P	P	P	P				P	P
Dairy products - wholesale					P																	P	P
Day care centers							C	C	C	C	C	P	P	P	P	P	P	P				C	P
Dental equipment & supplies - manufacturing					P																	P	P
Dental laboratory services					P																	P	P
Dental services																						P	P
Department stores - retail																						P	P
Detective & protective services																						P	P
Diaper services																						P	P
Direct mail advertising services																						P	P
Direct selling organizations - retail																						P	P
Discount & variety stores - retail																						P	P
Disinfecting & exterminating services																						P	P
Disposal site - commercial construction	C	C			C																	C	
Disposal site - hazardous waste					C																	C	
Disposal site - nuclear waste					C																	C	
Distilling, rectifying, & blending liquors					P																	P	P

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	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Dormitories, college								P	P	P	P	P	P	P	P								
Draperies, curtains & upholstery - retail																		P					
Drawing, rolling & extrusion of non-ferrous metals - manufacturing																		P					
Drug & proprietary - retail																							
Drugs, drug proprietaries, & druggist sundries - wholesale																							
Dry cleaning & laundering pickup services																							
Dry cleaning & laundering, self service																							
Dry cleaning, laundering & dyeing services, except rugs																							
Dry goods & general merchandise - retail																							
Dry goods & notions - wholesale																							
Dude ranches	C	C					C																
Duplicating, mailing, & stenographic services																							
Dwelling, elderly								P															
Dwelling, in nonresidential structure																							
Dwelling, mobile home not on permanent foundation																							
Dwelling, mobile home on permanent foundation																							
Dwelling, multi-family								P	P	P	P	P	P	P	P	P	P						
Dwelling, single-family	P	P					P	P	P	P	P	P	P	P	P	P	P						
Dwelling, seasonal																							
Dwelling, two-family								P	P	P	P	P	P	P	P	P	P						
Dyeing & finishing of textiles																							
Dyeing, dry cleaning & laundry services, except rugs																							
E																							
Earthenware, table & kitchen articles - manufacturing																							
Educational & scientific research services																							
Egg & poultry - retail																							
Electrical apparatus & equipment, wiring supplies, & construction materials - wholesale																							
Electrical contractor services																							
Electrical appliances, phonographs, televisions, tape players & radio sets - wholesale																							
Electrical industrial apparatus - manufacturing																							
Electrical repair services, except radio & television																							
Electrical supplies - retail																							
Electrical transmission & distribution equipment - manufacturing																							
Electric generation plants	C	C	C	C	C																		
Electric utility maintenance yard																							
Electricity regulating substations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric lighting & wiring equipment - manufacturing																							
Electrometallurgical products & processing - manufacturing																							
Electronic components & accessories - manufacturing																							

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	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Electronic parts & equipment - wholesale					P																	P	P
Electrotyping and stereotyping					P																	P	P
Employment services																						P	P
Engineering, planning architectural professional services																						P	P
Engineering, laboratory, & scientific & research instruments & associated equipment - manufactured					P																	P	P
Engines & turbines - manufacturing					P																	P	P
Envelope - manufacturing					P																	P	P
Equipment & supplies for service establishments - wholesale					P																	P	P
Equipment rental & leasing services																						P	P
Ethanol plants & mills	C	C			C																	C	C
Exhibition halls																							
Explosives - manufacturing					C																	C	C
Exterminating																						P	P
Extracts & flavoring syrups - manufacturing					P																	P	P
Extrusion, drawing, & rolling of non-ferrous metals - manufacturing					P																	P	P
F																							
Fabricated structural metal products - manufacturing					P																	P	P
Fabricated wire products - manufacturing					P																	P	P
Fairgrounds	C	C		P																		P	P
Farm machinery & equipment - retail																						P	P
Farm machinery & equipment - manufacturing					P																	P	P
Farm machinery & equipment - wholesale																						P	P
Farm products warehousing & storage excluding stockyards - nonhazardous																						P	P
Farm supplies - retail																						P	P
Farms & ranches - livestock	P	P	P	P	P		P																
Farms, commercial forestry	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farms, grain crops	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farms, hay & alfalfa	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farms, fiber crops	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farms, fruits, nuts or vegetables	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farms, nursery stock	P	P	P	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Feeding operation - confined	C	C	C	C	C		C																
Feed preparation for animals & fowls					P																	P	P
Feeds, grains & hay - retail					P																	P	P
Felt goods - manufacturing					P																	P	P
Fertilizers, agricultural hazardous - retail																						P	P
Fertilizers, agricultural nonhazardous - retail																						P	P
Fertilizers & chemicals - mining	C	C	C	C	C																		

P = Permitted Use C = Conditional Use

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P = Permitted Use C = Conditional Use

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
General contracting & building construction services					P																	P	P
General stores - retail																						P	P
Gifts, novelties & souvenirs - retail																						P	P
Glass & glassware, pressed or blown - manufacturing					P																	P	P
Glass containers - manufacturing					P																	P	P
Glass, flat - manufacturing					P																	P	P
Glass, paint & wallpaper - retail																						P	P
Glue & gelatin - manufacturing					C																	C	C
Go-cart tracks						C	C															C	C
Golf courses, public									P	P	P	P	P										
Golf driving ranges																							
Gravel & sand quarrying	C	C	C	C	C	C	C	C														C	C
Grain - wholesale					P																	P	P
Grains, feeds & hay - retail																							
Grain mill products & flour - manufacturing					P																	P	P
Greases & lubricating oils - manufacturing					P																	P	P
Green houses	P	P	P	P	P			P	C													P	P
Greeting card - manufacturing					P																	P	P
Grist milling services					P																	P	P
Groceries - retail																							
Groceries - wholesale					P																	P	P
Group care home																						P	P
Gum and wood chemicals - manufacturing					C			C	C	C	C	P	P										
Guns, howitzers, mortars & re. equipment - manufacturing					C																	C	C
Gymnasiums & athletic clubs																							
Gypsum products - manufacturing					P																	P	P
H																							
Handbags & other personal leather goods - manufacturing					P																	P	P
Hardware - retail																						P	P
Hardware - wholesale					P																	P	P
Hardwood dimension & flooring - manufacturing					P																	P	P
Harvesting services	P	P	P	P			P															P	P
Hats, caps, & millinery - manufacturing					P																	P	P
Hay, grains & feeds - retail																						P	P
Health resorts																						P	P
Health & exercise spas													C									C	C
Hearing aids, optical goods, orthopedic appliances & other similar devices - retail																						P	P
Heating, air conditioning & plumbing contracting services																						P	P
Heating & plumbing equipment & supplies - retail																						P	P

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	B-3	CD	TD	ME	M-1	M-2	M-3
Heating apparatus (except electrical) and plumbing fixtures - manufacturing					P														P	P	P	P
Helicopter pads																				P		
Hides, skins, & raw furs - wholesale					P																P	
Hobby supplies - retail																					P	
Holding & investment services																					P	P
Hospital services																					P	P
Hotels, tourist courts, & motels																					P	P
House furnishings, textile (except curtains & draperies) - manufacturing					P															C	C	P
Household appliances - retail																					P	P
Hunting & fishing clubs						P																
I																						
Ice cream & frozen desserts - manufacturing					P															P	P	P
Ice - manufacturing					P															P	P	P
Ice - retail																					P	P
Ice skating rinks, indoor																					P	P
Industrial laundry & linen supply services						P															P	P
Industrial leather belting & packing - manufacturing					P																P	P
Industrial & commercial machinery, equipment & supplies - wholesale					P																P	P
Industrial machinery equipment - manufacturing					P																P	P
Industrial waste disposal					C																P	P
Instruments for mechanical measuring & controlling except automatic temperature controls - manufacturing					P																P	P
Insurance agents & brokers services																					P	P
Insurance carriers																					P	P
Internet service																					P	P
Investment & holding services																					P	P
J																						
Janitorial services																						
Jewelry & precious metals - manufacturing					P																P	P
Jewelry - retail																					P	P
Jewelry, watch & clock repair services																					P	P
K																						
Kennels-commercial																						
Kennels-private																					P	P
Knit goods - manufacturing					P																P	P
Kennels-animal shelter non-commercial																					P	P
L																						
Labor unions & similar labor organizations																					P	P

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	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Lace goods - manufacturing					P															P	P	P	P
Lamp shades - manufacturing					P															P	P	P	P
Landscape contracting services					P													P					P
Landscape nursery & garden supplies - retail														P	P	P	P	P					P
Lapidary work														P	P	P	P	P					P
Laundering & dry cleaning pickup service																							P
Laundering & dry cleaning, self-service														P	P	P	P	P				P	P
Laundering, dry cleaning & dyeing services, except rugs														P	P	P	P	P				P	P
Lawn care - services															P	P	P	P				P	P
Leather & fleece lined clothing - manufacturing					P															P	P	P	P
Leather gloves & mittens - manufacturing					P															P	P	P	P
Leather tanning & finishing - manufacturing					C															P	P	P	P
Legal services														P	P	P	P	P				C	
Libraries									P	P	P	P	P	P	P	P	P	P				P	P
Lime products - manufacturing					C																		
Linen supply & industrial laundry services					P																	C	
Linooleum, asphalt-felt-base, and other hard surfaces floor cover - manufacturing					P																P	P	P
Liquid petroleum gas - wholesale					P																		P
Liquor - retail														P	P	P	P	P				P	P
Livestock feeding operations	C	C	C	C	C	C	C																
Livestock-wholesale																							
Locksmith services														P	P	P	P	P					
Lubricating oils & greases - manufacturing					P																	C	
Luggage - manufacturing					P																	C	
Lumber & building materials - wholesale															P	P	P	P			P	P	P
Lumber yards - retail															P	P	P	P				P	P
M																							
Machine shop - manufacturing																							
Magazines & newspapers - retail					P															P	P	P	P
Magazines, books, & newspapers distributing - wholesale														P	P	P	P	P		P	P	P	P
Mail order houses - retail																							
Mailing, duplicating, & stenographic services																						P	P
Malt liquors - manufacturing					P										P	P	P	P				P	P
Management & business consulting services																						P	
Masonry, stonework, tile setting & plastering services														P	P	P	P	P				P	P
Massage services															P	P	P	P	P			P	P
Matches - manufacturing					C																	C	
Mausoleums																							
Meat & meat packing products - wholesale															P		P						
Meat packing - manufacturing					C																	C	
Meats - retail														P	P	P	P	P				P	P
Medical & surgical instruments & apparatus - manufacturing					P															P	P	P	P

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Medical clinics, out-patient services													P	P	P	P	P	P			P	P	P
Medical laboratory services																				P	P	P	P
Medical chemicals - manufacturing																						C	
Metal cans - manufacturing																				P		P	
Metal coating, engraving, and allied services - manufacturing																				P		P	
Metal mining services																						P	
Metal ore mining	C	C	C																			P	
Metal products, fabricated structural - manufacturing																				P	P	P	
Metals & minerals, except petroleum products & scrap - wholesale																						P	
Metals, nonferrous, rolling, drawing, & extrusion - manufacturing																						P	
Metal stamping - manufacturing																						P	
Metal working machinery & equipment - manufacturing																						P	
Millwork - manufacturing																						P	P
Milk processing, fluid only																						P	P
Miniature golf																						P	
Mining	C	C	C				C	C														C	C
Mobile home parks																							
Mobile homes - manufacturing																						P	P
Mobile homes not on permanent foundation																							
Manufactured homes on permanent foundation	P	P					P	P	P	P	P	P	P	P	P	P	P	P					P
Mobile homes & accessories - retail																						P	
Monasteries									P	P	P	P	P	P	P	P	P						
Monuments - retail																						P	P
Mortician's goods - manufacturing																						P	P
Motels, hotels, & tourist courts																						C	C
Motion picture distribution services																						P	P
Motion picture production studios																						P	P
Motorcycle & bicycle sales, rental & service																						P	P
Motor freight garaging & equipment maintenance																						P	P
Motor freight terminals																						P	P
Mortuary, funeral & crematory services																						P	P
Museums																						P	P
Musical instruments & supplies - retail																						P	P
Musical instruments & parts - manufacturing																						P	P
N																							
Newspaper & magazines - retail																							
Newspapers, books & magazines distribution - wholesale																						P	P
Newspapers publishing & printing																						P	P
News syndicate services																						P	P
Nonmetallic mining, except fuel - services																						P	P

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Noodles, macaroni, spaghetti & vermicelli - manufacturing					P															P	P	P	P
Notions, dry goods - wholesale					P															P	P	P	P
Novelties, gifts & souvenirs - retail																							
Nursery stock farms	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursing, convalescent & rest home services																							
Nuts, bolts, screws, rivets, & washers, & screw machine products manufacturing					P															P	P	P	P
O																							
Office & store fixtures, partitions, shelving, & lockers - manufacturing					P															P	P	P	P
Office, computing & accounting machines - manufacturing					P															P	P	P	P
Office furniture - manufacturing					P															P	P	P	P
Oilcloth, plastic fabric & vinyl products - manufacturing					C																		
Optical goods - manufacturing					P															P	P	P	P
Optical goods, hearing aids, orthopedic appliances & other similar devices - retail																							
Optical instruments & lenses - manufacturing					P															P	P	P	P
Optometrists, chiropractors & other similar health services																							
Ornamental iron works - manufacturing					P															P	P	P	P
Orphanages																							
Orthopedic, prosthetic & surgical appliances & supplies - manufacturing					P															P	P	P	P
Outdoor advertising services																							
P																							
Packing & crating services					P															P	P	P	P
Padding & upholstery filling - manufacturing					P															P	P	P	P
Paint, glass, & wallpaper - retail																							
Painting & paper hanging services																							
Paints, varnishes, lacquers, enamels, and allied products - manufactured					C																		
Paper & paper products - wholesale					P															P	P	P	P
Paperbound containers & boxes - manufacturing					P															P	P	P	P
Paperboard - manufacturing					P															P	P	P	P
Paper coating & glazing - manufacturing					P															P	P	P	P
Paper, except building paper - manufacturing					P															P	P	P	P
Paper hanging & painting services																							
Parasols, umbrellas & canes - manufacturing					P																		
Parks, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot																							

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	B-3	CD	TD	ME	M-1	M-2	M-3
Partitions, shelving, lockers & office & store fixtures - manufacturing					P														P	P	P	P
Paunch manure - application, incorporation, stockpiling, disposal	C		C	C																		
Periodicals, publishing & printing					P														P	P	P	P
Petroleum bulk stations & terminal - wholesale					C																C	
Petroleum pipeline R/W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Petroleum pressure control stations																						
Petroleum (crude) & gas field services					P																P	
Petroleum (crude) & natural gas drilling	C	C	C		C																C	
Petroleum refining					C																C	
Pets & pet grooming - retail														P	P	P	P	P			P	P
Pharmaceutical preparations - manufacturing					P																P	P
Photocopying & blue printing services														P	P	P	P	P			P	P
Photoengraving															P	P	P	P			P	P
Photofinishing services														P	P	P	P	P			P	P
Photographic equipment & supplies - manufacturing					P														P	P	P	P
Photographic studios & services																						
Photographic supplies & cameras - retail														P	P	P	P	P			P	P
Physicians' services													P	P	P	P	P	P			P	P
Planetarium														P	P	P	P	P			P	P
Planing mills, general - manufacturing					P														P	P	P	P
Planning, architectural & engineering professional services													P	P	P	P	P			P	P	P
Plastering, masonry, stone work & tile setting services															P	P	P				P	P
Plastic fabric, vinyl products & oilcloth - manufacturing					P														P	P	P	P
Plastic materials & synthetic resins, synthetic rubber, synthetic & other manmade materials - manufacturing					C																	C
Plastic products - manufacturing					P																	P
Playfields & athletic fields	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P
Playgrounds						P	P	P	P	P	P	P	P	P	P	P	P	P				P
Play lot or tot lot						P	P	P	P	P	P	P	P	P	P	P	P	P				P
Printing, decorative & novelty stitching & tucking for the trade - manufacturing					P															P	P	P
Plumbing & heating equipment & supplies - retail															P	P	P				P	P
Plumbing fixtures & heating apparatus (except electrical) - manufacturing					P														P	P	P	P
Plumbing, heating, & air conditioning contracting services															P							
Plywood & veneer - manufacturing					P											P				P	P	P
Porcelain electrical supplies - manufacturing					P														P	P	P	P
Pottery - manufacturing					P														P	P	P	P
Poultry & eggs - retail																					P	P
Poultry & poultry products - wholesale																					P	P
Poultry & small game dressing & packing					P											C						P

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GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Poultry hatchery services				P	P																	P	
Prefabricating wooden buildings & structural members - manufacturing																				P	P	P	P
Preserving & canning of fruits, vegetables & seafood's - manufacturing					P															P	P	P	P
Pressed & molded pulp goods - manufacturing					P															P	P	P	P
Pressing, alteration & garment repair services														P	P	P	P	P			P	P	P
Primary smelting & refining of nonferrous metals - manufacturing					C																		C
Printing ink - manufacturing					P																	P	P
Printing, commercial																				P	P	P	P
Printing & publishing of books					P															P	P	P	P
Printing & publishing of newspapers					P															P	P	P	P
Printing & publishing of periodicals					P															P	P	P	P
Private Prisons					C																	C	
Private clubs							C	C						P	P	P	P	P				P	P
Processing waste & recovering fibers & flock - manufacturing					C																	C	
Professional equipment & supplies - wholesale															P	P	P	P		P	P	P	P
Professional membership organizations													P	P	P	P	P	P			P	P	P
Professional offices not elsewhere listed													P	P	P	P	P	P			P	P	P
Pulp - manufacturing					P																P	P	P
Q																							
Quarrying, gravel, sand & dirt	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Quarrying, stone	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
R																							
Race tracks & courses - animals																							
Race tracks & courses - vehicle	C			C	C	C																P	C
Radioactive materials processing & storage - manufacturing					C																		C
Radioactive waste materials disposal					C																		
Radio broadcasting studios													P	P	P	P	P	P				P	P
Radios, television, phonographs, recorders & tape players - manufacturing					P															P	P	P	P
Radios, televisions, phonographs, recorders, & tape players repair services																							
Radios, televisions, phonographs, recorders & tape players - retail																							
Radio transmitting stations & towers																							
Railroad equipment & maintenance yard	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Railroad - equipment - manufacturing					P																		
Railroad freight terminals					P																	P	P
Railroad passenger terminals					P																	P	P

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GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Railroad right-of-way	P					P	P																
Railroad switching yards																							
Raincoats & other waterproof outer garments - manufacturing																							
Real estate agents, brokers & management services																							
Reclaiming rubber																							
Recreational vehicles & equipment - manufacturing																							
Recreational vehicles & equipment - retail																							
Recreation centers																							
Rectories																							
Recycling center																							
Refining & smelting (primary) of nonferrous metals																							
Refining of petroleum																							
Refrigerated warehousing (except food lockers)																							
Refuse incineration																							
Religious camps & retreats	C	C				C	C	C															
Research, development & testing services																							
Resorts (general)	C	C					C	C															
Rest, nursing, & convalescent home services																							
Restaurants																							
Restaurants, drive-in																							
Retirement homes																							
Reupholstery & furniture repair services																							
Rice milling																							
Riding stables & academies	C	C				C	C	C															
Roadside stands offering agricultural products for sale on the premises	P	P	P	P	P	P	P	P															
Roller skating rinks - indoor																							
Rolling, drawing, & extrusion of nonferrous metals - manufacturing																							
Rolling of ferrous metals, blast furnaces & steel works																							
Roofing & sheet metal contracting services																							
Rooming & boarding houses																							
Rubber footwear - manufacturing																							
Rug & carpet cleaning & repair services																							
Rug & carpet - manufacturing																							
S																							
Salvage yard																							
Sand & gravel quarrying	C	C	C	C	C	C	C	C															
Sanitary landfill																							
Sanitary paper products - manufacturing																							
Sausages & other prepared meat products - manufacturing																							
Savings & loan associations																							

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GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Sawmills, general - manufacturing	C				P																	P	
Schools, art																							P
Schools, barber																							P
Schools, beauty																							P
Schools, business																							P
Schools, colleges																							P
Schools, computer																							P
Schools, correspondence																							P
Schools, dancing																							P
Schools, day care																							P
Schools, driving																							P
Schools, junior college																							P
Schools, music																							P
Schools, nursery																							P
Schools, pre-primary	C	C					C	C	C	C	C												P
Schools, primary	P	P					P	P	P	P	P												P
Schools, professional																							P
Schools, secondary							P	P	P	P	P												P
Schools, stenographic																							P
Schools, technical																							P
Schools, trade																							P
Schools, universities																							P
Schools, vocational																							P
Scientific & educational research services																							P
Scrap & waste materials, nonmetallic - wholesale																							C
Screw machine products & bolts, nuts, screws, rivets, & washers - manufacturing																							P
Secondary smelting & refining of nonferrous metals - manufacturing																							C
Second hand merchandise - retail																							P
Seed treating	P																						P
Seed and feed sales																							P
Sewage sludge drying beds																							P
Sewage treatment facilities																							P
Shades & venetian blinds - manufacturing																							C
Sheet metal & roofing contracting services																							P
Shelving, partitions, lockers, & office & store fixture - manufacturing																							P
Shoe repair, shoe shining, & hat cleaning services																							P
Shoes - manufacturing																							P
Shoes - retail																							P
Shoes - wholesale																							P
Shortening, table oils, margarine, & other edible fats & oils - manufacturing																							P
Signs & advertising displays - manufacturing																							P

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GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Silverware & plated ware - manufacturing					P																P	P	P
Skeet & trap shooting ranges	C	C				P	C														C		
Sludge, municipal waste - application, incorporation, stockpiling, disposal	C	C	C	C	C	C	C															C	
Smelting & refining (primary) of nonferrous metals					C																	C	
Smelting & refining (secondary) of nonferrous metals					C																	C	
Soaps & detergents (except specialty cleaners) - manufacturing					P																P	P	
Social, civic & fraternal associations								C					P	P	P	P	P	P	P	P	P	P	P
Social correctional, treatment & counseling services					P								P		P	P	P	P	P	P		P	P
Solid waste transfer stations	C	C			C		C							P	P	P	P					C	
Sorority & fraternity houses												P	P	P	P	P	P						
Souvenirs, gifts, novelties - retail														P	P	P	P				P	P	P
Soybean oil milling					P																P	P	
Sporting, toys, amusement & athletic goods - manufacturing					P																P	P	P
Sporting goods - retail															P	P	P	P					P
Stadiums																C		C		C		P	
Stationery - retail														P	P	P	P	P				P	P
Steel pipe & tubes - manufacturing					P															P	P	P	
Steel wire drawing, steel nails & spikes - manufacturing					P															P	P	P	
Steel works, blast furnaces & the rolling of ferrous metals					C																	C	
Stenographic, duplicating, & mailing services															P	P	P	P				P	P
Stock yards	C	C	C	C	C		C															C	
Stone products & cut stone - manufacturing					P															P	P	P	
Stone - quarrying	C	C	C	C	C		C													C	C	C	
Stone work, masonry, tile setting, & plastering services																P	P	P	P			P	P
Storage - mini																P	P	P	P			P	P
Storage & warehousing of nonhazardous products					P											P	P	P	P		P	P	P
Storage & warehousing of hazardous products					C											P	P	P		C	C	C	
Storage & warehousing of household goods					P										P	P	P	P		P	P	P	P
Store & office fixtures, lockers, partitions & shelving - manufacturing					P															P	P	P	P
Sugar refining - manufacturing					C																	C	
Surgical & medical instruments & apparatus - manufacturing					P															P	P	P	P
Swimming clubs																P	P	P	P			P	
Synagogues, churches, & temples	C	C					C	P	P	P	P	P	P	P	P	P	P	P					P
Synthetic, resins, synthetic rubber, plastic materials, synthetic & other manmade fibers (except glass) - manufacturing					C																C	C	
T																							
Tailoring (custom)														P	P	P	P	P	P			P	P

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
Taverns																							
Taxicab dispatch																							
Taxicab garaging & maintenance																							
Telegraph communications																							
Telephone business office																							
Telephone exchange stations																							
Telephone maintenance yard																							
Telephone relay towers (microwave)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Television broadcasting studios																							
Television, radios, phonographs, recorders & tape players - manufacturing					P															P	P	P	P
Television, radios, phonographs, recorders & tape players repair services																							
Television, radios, phonographs, recorders, & tape players - retail																							
Television transmitting stations & relay towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temples, churches, & synagogues	C	C					C	P	P	P	P	P	P	P	P	P	P	P					
Tennis clubs						P																	
Textile bags - manufacturing					P															P	P	P	P
Testing, research, & development services					P															P	P	P	P
Theaters, legitimate																							
Theaters, motion picture, indoor																							
Theaters, motion picture, outdoor							C																
Threads & yarns - manufacturing					P															P	P	P	P
Tile setting, masonry, plastering & stone work services																							
Tire cord & fabric - manufacturing					P															P	P	P	P
Tire & inner tubes - manufacturing					C															C	C	C	C
Tires & inner tubes - wholesale					P															P	P	P	P
Title abstracting services														P	P	P	P	P	P	P	P	P	P
Tobacco & tobacco products - wholesale																				P	P	P	P
Tobacco & snuff - manufacturing					P															P	P	P	P
Tobacco leaf - wholesale					P																P	P	P
Tobacco stemming & redrying					C																		
Tot lot or play lot						P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Tourist courts, hotels, & motels																					C	C	P
Toys, amusement, sporting & athletic goods - manufacturing					P															P	P	P	P
Transportation equipment and supplies (except motor vehicles)																							
Trap & skeet shooting ranges	C	C				P	C																
Travel arranging services																							
Truck & automobile rental services																							
Truck wash services					P																P	P	P
Turbines & engines - manufacturing					P																P	P	P

GRAND ISLAND LAND USE MATRIX

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
U																							
Utility substations, pumping station, water reservoir & telephone exchange	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Upholstery, draperies, & curtains - retail																							
Upholstery filling & padding - manufacturing																							
V																							
Variety & discount stores - retail																							
Vegetable oil milling (except cottonseed & soybean)																							
Veneer & plywood - manufacturing																							
Vending machine operations - retail																							
Veneer blinds & shades - manufacturing																							
Veterinarian services	C	C					C	C					P	P	P	P	P	P	P	P	P	P	P
Vinyl products, plastic fabric & oilcloth - manufacturing																							
Vitreous china plumbing fixtures, china, earthenware fillings & bathroom accessories - manufacturing																							
Vitreous china, table & kitchen articles - manufacturing																							
W																							
Wallpaper - manufacturing																							
Wallpaper, paint & glass - retail														P	P	P	P	P	P	P	P	P	P
Warehousing & storage of hazardous products																							
Warehousing & storage of nonhazardous products																							
Warehousing & storage of household goods														P	P	P	P	P	P	P	P	P	P
Watch, clock, & jewelry repair services														P	P	P	P	P	P	P	P	P	P
Watches, clocks, clock work operated devices & parts - manufacturing																							
Water well drilling services																							
Welding & blacksmith services																							
Welfare & charitable services																							
Wet corn milling														P	P	P	P	P	P	P	P	P	P
Wind energy installation		C																					
Wine, beer, & alcoholic beverages - wholesale																							
Wine, brandy, & brandy spirits - manufacturing																							
Wire products (fabricated) - manufacturing																							
Wooden containers - manufacturing																							
Wool preserving - manufacturing																							
Wool & mohair - wholesale																							
Worm farms	P	P	P	P	P	P	P	P															
Y																							
Yarn & threads - manufacturing																							
Z																							
Zoos						P												P	P				

GRAND ISLAND LAND USE MATRIX

Addendum "A"
Chapter 36
Grand Island City Code

	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA-1	LLR	R-1	R-2	R-3	R-4	RO	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3