



City of Grand Island

Tuesday, September 11, 2018

Council Session

Item E-1

Public Hearing on Proposed Changes to Chapter 36 of the Grand Island City Code Specifically Sections §36-50 Zoning District, Use; §36-64.1 (R-3SL) Medium Density-Small Lot Residential; §36-72 (M-1) Light Manufacturing Zone; and §36-73 (M-2) Heavy Manufacturing

Council action will take place under Ordinances item F-1.

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: September 11, 2018

Subject: Amendments to Chapter 36 (Zoning) Changes to §36-50 Zoning Districts/Use, §36-64.1 (R-3SL) Medium Density Residential Small Lot, §36-72 (M-1) Light Manufacturing, and §36-73 (M-2) Heavy Manufacturing

Item #'s:

Presenter(s): Chad Naby, AICP Regional Planning Director

Background

Concerning proposed amendments to Section 36-50 Zoning Districts/Use; Section 36-64.1 (R-3SL) Medium Density Residential Small Lot Zone; Section 36-72 (M-1) Light Manufacturing Zone and Section 36-73 (M-2) Heavy Manufacturing Zone. (C-28-2018G).

PROPOSAL AND OVERVIEW:

In 2017 the Grand Island City Council adopted the R-3SL Zoning District at that time it was not included in the list of zoning districts the proposed change would list it with the other zoning districts allowed in the jurisdiction of Grand Island.

§36-50. Zoning Districts; Use

For the purpose of this chapter, the City of Grand Island and its extra-territorial jurisdiction is hereby divided into 27 zoning districts, designated as follows:

AG-1	Primary Agricultural Zone
AG-2	Secondary Agricultural Zone
AG-SC	Special Agricultural / Conservation Zone
AG-SE	Special Agricultural / Events Zone
AG-SI	Special Agricultural / Industrial Zone
SRC	Special Recreation / Conservation Zone
TA	Transitional Agricultural Zone
LLR	Large Lot Residential Zone
R-1	Suburban Residential Zone
R-2	Low Density Residential Zone
R-3	Medium Density Residential Zone
<u>R3-SL</u>	<u>Medium Density Small Lot Residential Zone</u>
R-4	High Density Residential Zone
RO	Residential Office Zone
B-1	Light Business Zone
B-2	General Business Zone

AC	Arterial Commercial Overlay Zone
B-3	Heavy Business Zone
ME	Industrial Estates Zone
M-1	Light Manufacturing Zone
M-2	Heavy Manufacturing Zone
M-3	Mixed Use Manufacturing Zone
CD	Commercial Development Zone
TD	Travel Development Zone
RD	Residential Development Zone
A	Airport Zone
GCO	Gateway Corridor Overlay District
M and MD	Manufactured Home Overlay Zone

Proposed Changes to the R-3SL Zoning District

This district was adopted in October of 2017 and we are starting to get the first subdivisions designed for the housing this district can provide. One issue that has become apparent is that it is not practical to require the same lot area for attached single units with 3 or more attached units as would be required for either single family units or two unit townhomes. The suggested changes would reduce the minimum lot area to 2100 square feet. This would allow a structure with an area of 1050 square feet to be built on the property and has area proportional to the outside lots that require a 10 foot side yard setback (34 foot minimum lot width). The changes suggested also clarify when a 24 foot lot width is allowed, only with 3 or more attached single family dwellings. A two unit town home would require a minimum lot width of 35 feet and area of 3000 square feet for each lot.

This example below shows how a 35 foot wide by 87.5 foot long (just over 3000 square feet) lines up with lots of the same depth planned for 3 or more attached single family homes in this example 5, all of which have a width of 24 feet. The internal lots all have a depth of 87.5 feet and width of 24 feet so they are 2100 square feet. The second example shows that in order to make the 24 foot lots 3000 square feet it is necessary to increase the depth of the lots to 125 feet while the wider lots are only 87.5 feet.

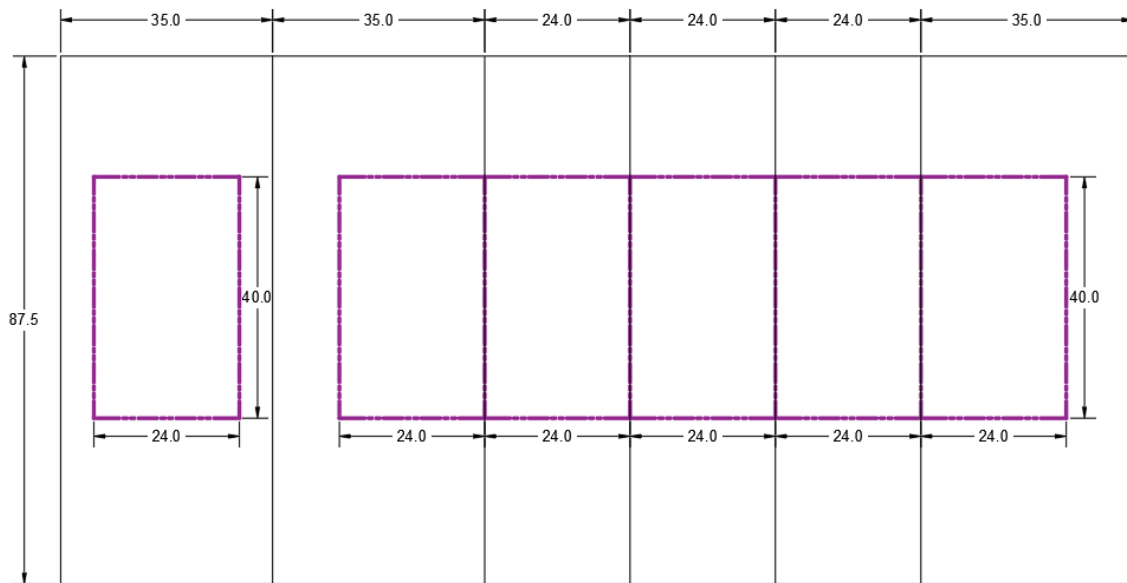


Figure 1 Interior 24 foot wide lots are 2100 square feet

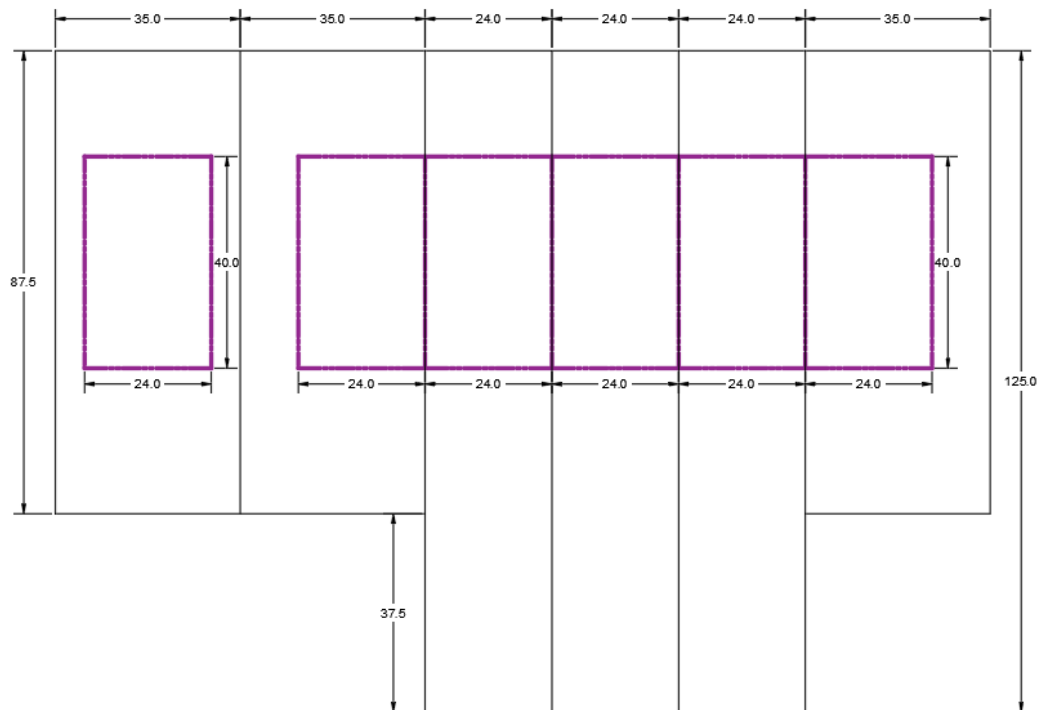


Figure 2 Interior 24 foot wide lots are 3000 square feet

§36-64.1 (R-3SL) Medium Density-Small Lot Residential Zone

Intent: To provide for residential uses at a maximum density of fourteen to fifteen dwelling units per acre with supporting community facilities. This zoning district is sometimes used as a transitional zone between lower density residential zones and higher density residential, office, business, or manufacturing

zones. Specifically this zoned is intended to provide market flexibility regarding lot size and housing configuration.

(A) Permitted Principal Uses: The following principal uses are permitted in the (R-3SL) Medium Density Small Lot Residential Zoning District.

- (1) Dwelling units
- (2) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (3) Public parks and recreational areas
- (4) Country clubs as defined herein
- (5) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level and colleges offering courses of general instruction, including convents, monasteries, dormitories and other related living structures when located on the same site as the college.
- (6) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature.
- (7) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties.
- (8) Public and quasi-public buildings for cultural use
- (9) Railway right-of-way, but not including railway yards or facilities
- (10) Off street parking lots for residents and guests

(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 (R-3SL) Medium Density Small Lot Residential Zoning District as approved by City Council.

- (1) Nonprofit community buildings and social welfare establishments other than those providing living accommodations
- (2) Driveways, parking lots, or buildings when directly associated with or accessory to a permitted principal use in an adjacent zone.
- (3) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (4) Towers
- (5) Off-street parking areas for schools and places of religious worship/instruction on lands adjacent to and within three hundred (300.0) feet of the principal building associated with the aforementioned uses.
- (6) All other Conditional Uses indicated as conditional within the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

- (1) Customary home occupations
- (2) Buildings and uses accessory to the permitted principal use

(D) Space Limitations:

Uses			A	Minimum Setbacks						
				B	C	D	E			
	Minimum Parcel Area (feet)	Minimum Lot Area per Dwelling Unit	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	3,000	3,000	35	20*	15	5	10	50%	35	
Conditional Uses	3,000	3,000	35	20*	15	5	10	50%	35	
Attached Single Family Dwelling Units <u>3 or more attached</u>	2100 3000	2100 3000	34 exterior 24 interior	20*	15	10 exterior lot	10 exterior lot	50%	35	

(E) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.
- (3) Front yard setback may be reduced to 10 foot if paved access easements and parking (garage counts as parking) is provide at the back of each lot.
- (4) Sideyard setback for attached single family dwellings shall be reduced to 0 feet on all lots with contiguous attached units

Proposed changes to the M1 Light Manufacturing Zone and M2 Heavy Manufacturing Zone relative to dwelling units

Previous versions of the Grand Island zoning regulations have allowed limited residential uses in the Manufacturing Districts in the form of a night watchman’s quarters. In 2004, with the revision of the regulations, those provisions were removed from the regulations and after that time no new residential structures were to be constructed within these districts. The biggest issue staff had at the time was how to define the night watchman’s quarters. If it really was intended for a night watchman did it need to or should it even include a bed.

The City is currently dealing with a few cases where people have illegally added residential units within the M2 Heavy Manufacturing district. Since we used to allow the night watchman’s quarters not every apartment within a building in these districts is illegal so it is necessary to prove that the unit was not there prior to 2004. This adds to the issues in clearing these cases up.

We already permit a mix of residential and commercial or manufacturing uses in the all of our commercial zones except the CD Commercial Development zone a planned unit development and in the M3 Mixed Use Manufacturing zone.

This proposed change would make it easier to enforce building and fire codes on these properties as people could actually apply for a permit and get inspections on these projects. Under the current regulations anyone that builds a new one of these units in an existing building is doing so with no inspection or review for safety of the occupants of either the dwelling or the business. The changes as drafted will not permit the construction of a single family house or multiple dwellings within a single building. Owners would be limited to one dwelling unit within a building that would otherwise be a permitted use.

The downside to allowing this use in the Manufacturing districts is that it may increase the likelihood of conflicts between the dwellings a permitted use and the other uses that are permitted. If the dwellings that are constructed in these buildings are done so illegally it is unlikely that the people living in them will complain about the activities of their neighbors.

§36-72. (M-1) Light Manufacturing Zone

Intent: The intent of this zoning district is to provide for light fabrication, service, warehousing, administrative and research uses within a zoning district having generally limited public contact and requiring some minimal landscaping standards.

(A) Permitted Principal Uses: The following principal uses are permitted in the (M-1) Light Manufacturing Zoning District.

- (1) Administrative, executive, professional, research and similar office use having limited contact with the public
- (2) Agriculture, including the raising of field crops, tree and bush crops, animals and fowls, but not including feed lots, poultry farms, fur farms, and commercial kennels
- (3) Buildings and installations for public utilities; facilities shall observe yard space requirements but shall not be subject to minimum area or width requirements
- (4) Railway right-of-way, but not including railway yards or facilities
- (5) Radio and television stations, private clubs, and meeting halls
- (6) Manufacture, processing, assembly, fabrication or storage of non-hazardous products and materials
- (7) Parking Lot
- (8) Other uses found in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses are subject to any conditions listed in this chapter and are subject to other conditions relating to the placement of said use on a specific tract of ground in the (M-1) Light Manufacturing Zoning District as approved by City Council.

- (1) Gravel, sand, or dirt removal, stockpiling, processing or distribution, and batching plant
- (2) Concrete or cement products manufacturing and batching plant.
- (3) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (4) Contractor's storage yard or plant
- (5) Motels and hotels
- (6) Towers

(C) Permitted Accessory Uses:

- (1) Sales of new merchandise when same is manufactured, processed, assembled, fabricated or stored on the premises
- (2) Buildings and uses accessory to the permitted principal use
- (3) A single dwelling unit occupying not more than 50% of the space located within the permitted principal structure on the property and not to exceed 750 square feet. Building shall conform to all building and life safety codes necessary for the mix of uses.

(D) Specifically Excluded Uses:

- (1) ~~Any residential use~~ Residences as a principal use
- (2) Manufactured homes and manufactured home parks
- (3) Churches, schools, institutions and other public and semi-public uses except for trade and vocational schools

(E) Space Limitations:

Uses		A	Minimum Setbacks					
			B	C	D	E		
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	20,000	100	35 ¹	20	10	10	50%	50
Conditional Uses	20,000	100	35 ¹	20	10	10	50%	50

¹with 15 feet adjacent to a street landscaped to satisfaction of the zoning official.

(F) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Landscaping shall be provided and maintained by the owner or developer within the 15 feet adjacent to a street; landscaping shall include but is not limited to, screen planting, lawn area, trees, shrubs, fences and walls; all landscaping shall be planned and maintained to the satisfaction of the zoning official.
- (3) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

§36-73. (M-2) Heavy Manufacturing Zone

Intent: The intent of this zoning district is to provide for the greatest amount of manufacturing, warehousing, wholesaling and business uses. Conditional use permits are required for those uses with more significant health and safety concerns.

(A) Permitted Principal Uses:

- (1) Administrative, executive, professional, research and similar office use having limited contact with the public
- (2) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (3) Agriculture, including the raising of field crops, tree and bush crops, animals and fowl, but not including feed lots, poultry farms, and fur farms
- (4) Concrete or cement products manufacturing and batching plant
- (5) Contractors storage yard or plant
- (6) Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plant
- (7) Manufacture, processing, assembly, fabrication and/or storage of non-hazardous products and materials
- (8) Mortuaries, funeral homes, and funeral chapels
- (9) Parking Lot
- (10) Office and office buildings for professional and personal services as found in the Zoning Matrix [Attachment A hereto]
- (11) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery
- (12) Radio and television stations, private clubs and meeting halls
- (13) Railway right-of-way, including yards and facilities
- (14) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (15) Stores and shops for the conduct of wholesale business, including sale of used merchandise

- (16) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (17) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (18) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (19) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (20) Other uses found in the Zoning Matrix [Attachment A hereto]

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

- (1) Automobile wrecking yard
- (2) Acid or acid by-products manufacture
- (3) Ammonia bleaching powder, chlorine, peroxylin or celluloid manufacture
- (4) Explosives manufacture or storage
- (5) Garbage, refuse, offal or dead animal reduction or disposal area
- (6) Glue manufacture, fat rendering, distillation of bones or by-products
- (7) Meat packing plants, including poultry and animal slaughterhouses and abattoirs
- (8) Milling or smelting of ores
- (9) Petroleum refining
- (10) Motels and hotels
- (11) Petroleum refining
- (12) Stock or feed yards
- (13) Salvage yard
- (14) Tanning, curing, or storage of hides or skins
- (15) Towers

(C) Permitted Accessory Uses:

- (1) Buildings and uses accessory to the permitted principal uses
- (2) A single dwelling unit occupying not more than 50% of the space located within the permitted principal structure on the property and not to exceed 750 square feet. Building shall conform to all building and life safety codes necessary for the mix of uses.

(D) Specifically Excluded Uses:

- (1) Any residential use Residences as a principal use
- (2) Manufactured homes, and manufactured home parks
- (3) Churches, schools, institutions and other public and semi-public uses except for trade and vocational schools

(E) Space Limitations:

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

¹ None when bounded by an alley, otherwise 10 feet

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

(F) Miscellaneous Provisions:

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

Discussion

At the regular meeting of the Regional Planning Commission, held September 5, 2018 the above item was considered following a public hearing.

Ruge opened the Public Hearing.

Nabity explained the proposed changes as shown above. The change to the Districts\Use section is needed to specifically add the R-3SL to that list. The changes to the R-3SL District with regard to lot area and setbacks will clarify the development of the interior 24 foot lots for 3 or more attached single family dwellings. The need for this change was made apparent with the proposed Orchard Subdivision that will be utilizing these lots for row house development. The proposed changes to the M1 and M2 Manufacturing zones are coming about as a result of the enhanced fire inspection program that is discovering a number of buildings in these districts that have dwelling units inside of them. Some of these units are permitted as grandfathered uses from when night watchman's quarters were permitted in these districts and others have been added without any permits. It can be difficult to sort out which is which. The proposed changes would permit the residential quarters in a very limited fashion with the M1 and M2 districts. They would need to be in the principal building on the site and would be limited to either 50% of the space or 750 square feet whichever is smaller. They would also be required to meet all of the building and life safety codes necessary to permit the mix of uses on the property. In most cases that will require that the owner provides fire sprinklers for the entire building. The mix of uses is already allowed in the commercial zoning districts including and the M3 Mixed Use Manufacturing district along the Union Pacific Tracks between the BNSF and Blaine Street/Custer Avenue.

Ruge closed the Public Hearing.

A motion was made by Robb and seconded by Rainforth to approve the proposed changes to Chapter 36 as requested. The motion carried with 8 members voting in favor (Rainforth, Ruge, Robb, Randone, Rubio, Allan and Hendricksen) and no member abstaining or voting against the motion.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to a future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the proposed changes as recommended.

Sample Motion

Move to approve the proposed changes to Chapter 36 as recommended and shown in Ordinance Number _____