



City of Grand Island

Tuesday, January 22, 2019

Council Session

Item E-4

Public Hearing on Amendments to the Grand Island City Code Section 36-96 Off Street Parking Requirements and the Addition of Section 36-107 Public Facilities

Council action will take place under Ordinances item F-2.

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: January 22, 2019

Subject: Zoning Changes related to Downtown Parking Requirements and Public Facilities Chapter 36

Presenter(s): Chad Nabity, AICP Planning Director

Background

At the January 8, 2019 Grand Island City Council meeting, Council voted to disband Parking District 1 in Downtown Grand Island. Parking District 1 is referenced in the off street parking regulation section of Chapter 36. The proposed change replaces that reference with the boundary description of the parking district. The second change has been suggested to insure that the City can build city owned and operated facilities in any zoning district.

Discussion

The City of Grand Island has identified two areas where parking requirements are not enforced. The first is within the confines of Parking District No. 1 as defined in Chapter 13 (the Central Business District) of the Grand Island City Code. The second is the 4th Street Business District as defined in Chapter 36 Section 96. The Fourth Street District is defined by a boundary description based on the surrounding streets. The Central Business District is defined the same way in Chapter 13. This change would replace the reference to Parking District No. 1 with an actual description of the boundaries similar to the description use for the Fourth Street District. Staff is suggesting this now because it is likely that Parking District No. 1 will be repealed and replaced with Parking District No. 3 to allow for changes in the way assessments are made.

The Changes proposed for Chapter 36 Section 107 would clarify that the City and other Government entities have the ability to locate government owned and operated facilities in any zoning district unless specifically prohibited. This would not apply to facilities rented or leased by a government entity or to those that they do not operate.

§36-96. Off-Street Parking Requirements

(A) Purposes:

(1) It is the intent of this section that all buildings and uses shall provide off-street parking and loading facilities in a minimum amount as required herein to meet the needs of such buildings and uses on private property and under the same ownership as such buildings or uses. The accommodations may consist of lots, garages, or other buildings, and accessories; they may be surface facilities or facilities above or under the ground.

(2) It is the further intent of this section that all off-street parking and loading spaces and facilities shall be sited and built according to the requirements contained in this section, and shall require an application for and issuance of a building permit pursuant to §8-22.

(B) Application. Each building or use hereafter constructed, and each addition to or altered building or use shall be provided with off-street parking and loading spaces as required herein. Each off-street parking space or loading facility and space hereafter constructed, upon proper application and permit being granted shall be sited and constructed pursuant to the requirements of this section. No application for a building permit for such building, addition, alteration, or use shall be approved unless accompanied by a plot plan showing the location and amount of off-street parking and loading spaces as required herein for the existing or proposed building or use and including all such additions or alterations. No occupancy or use permit shall be issued unless the required parking and loading facilities shall have been provided in accordance with the approved plot plan. Requirements shall be applicable to all zones and districts but not to include the following business districts or tracts of land as identified below:

(1) ~~Central Business District as identified and described in Chapter 13 of this code as the Downtown Improvement and Parking District No. 1.~~ Beginning at the intersection of Sycamore Street and First Street; thence westerly on First Street to Pine Street; thence southerly on Pine Street to the southerly boundary of Courthouse Addition; thence westerly along the southerly boundary of Courthouse Addition to Locust Street; thence westerly on Division Street to Walnut Street; thence northerly on Walnut Street to the alley between Division Street and First Street; thence westerly on said alley to Cedar Street; thence northerly on Cedar Street to the alley between Second Street and Third Street; thence westerly on said alley to Elm Street; thence northerly on Elm Street to a point 40 feet north of the southerly right-of-way line of the Union Pacific Railroad; thence easterly parallel to and 40 feet from said right-of-way line to Walnut Street; thence northerly on Walnut Street to a point 100 feet north of the northerly right-of-way line of South Front Street; thence easterly parallel to and 100 feet from said right-of-way line to Kimball Avenue extended; thence southerly on Kimball Avenue extended and Kimball Avenue to the alley between Third Street and Second Street; thence southerly on Sycamore Street to the point of beginning.

(2) *Fourth Street Business District*. Beginning at the intersection of Eddy Street and the alley in the block between Fourth and Fifth Streets; thence easterly on the alley to the intersection of the alley with Sycamore Street; thence southerly on Sycamore Street to 100 feet south of the south right-of-way line of North Front Street; thence westerly on the aforesaid line to its intersection with Eddy Street; thence northerly on Eddy Street to the point of beginning.

(3) Tracts of land ten acres or more used for seasonal events (one event every three months) of not more than fourteen consecutive days in duration and a minimum of fourteen days between events.

(C) Area and Computation: An off-street parking space shall be of appropriate dimensions of not less than 180 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than seven feet. An off-street loading space shall be of appropriate dimensions of not less than 360 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than fourteen feet. When determination of the number of off-street parking or loading spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(D) Location: All off-street parking spaces shall be on the same lot as the building or within 300 feet of the lot. Permanent off-street parking spaces shall not be permitted within the required front yard setback, provided, however, that for a building containing three dwelling units or less, one space per unit may be placed within the front yard setback if such space is not directly in front of the building excluding garages or carports. *Residential Garages with overhead doors facing the street shall provide a 25 foot setback between the garage door and the property line.*

(E) Collective Facilities: Off-street parking facilities for separate or mixed buildings or uses may be provided collectively so long as the total number of spaces is not less than the sum of the separate required spaces, and provided further, that the requirement concerning location of such facility with respect to distance from the building or use served shall be complied with. In order to eliminate a multiplicity of entrances and exits and diminish traffic hazards to conserve space where space is at a premium and to promote orderly development generally, the city council is hereby authorized to plan and group parking facilities collectively for a number of businesses in a given area, and especially in the central business district, in such a manner as to obtain a maximum of efficiency and capacity in parking and traffic movement.

(F) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty on the premises at any one time.

(G) Design Standards. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or alley and contain adequate and safe maneuvering areas. Detailed plans shall be submitted to the public works director for approval of all curb cuts or driveway openings before a permit may be obtained therefor. No signs shall be displayed except such signs as required for the orderly use of the facilities. All facilities shall be provided with a permanent type, dust-free surface meaning asphaltic cement concrete, Portland cement concrete, or paving brick.

All parking lots containing five or more parking spaces, which are within 30 feet of property occupied by a residential use in a Large Lot Residential Zoning District or of property within a Suburban Residential Zoning District, Low Density Residential Zoning District, Medium Density Residential Zoning District, High Density Residential Zoning District or Residential Development Zoning District, shall provide a sight-obscuring fence or screen not less than six feet nor more than eight feet in height along the boundary of the parking lot adjacent to such districts. No fence or screen shall be required

between abutting parking lots or adjacent to an alley. The height of any fence or screen shall be subject to other restrictions provided by the City Code.

(H) Maintenance: The parking and loading facilities required by this section shall be provided and maintained so long as the use exists which the facilities are designed to serve. Reasonable precautions must be taken by the owners of particular uses to assure the use of the parking facilities only by the employees or the social or business visitors of the premises for which the facilities are provided. The facilities must be so designed and maintained as not to constitute a nuisance at any time and must not be used in such a manner as to constitute a hazard or unreasonable impediment to traffic.

(I) Reduction of Number of Spaces: Off-street parking or loading facilities shall not be reduced in total extent, after their provision required hereunder, except upon the approval of the Board of Adjustment, and then only after proof that the parking or loading spaces are no longer required by reason of a change in use of the premises of which the facilities are adjunct.

(J) Requirement for Uses Not Listed: For any use not listed, the Board of Adjustment shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment.

(K) Administration and Enforcement: The off-street parking and loading provisions of this section shall be administered by the zoning official and enforced by the chief building official, who shall also serve in advisory capacity to the city council on matters relative to any phase of such provisions.

(L) Penalty for Violation: The provisions of parking and loading facilities as required by this section shall be a continuing obligation of the owner or sponsor of a given building or use so long as the building or use is in existence and so long as parking and loading facilities are required hereunder in connection therewith, and it shall be unlawful to discontinue, change, or dispense with such facilities without establishing alternate facilities that meet the requirements herein. Penalty provisions applicable to this chapter as a whole shall apply to the violations of these provisions. In addition, at such time as the facilities required hereunder shall fail to continue to be available for the purpose, the building permit for the structures to which the facilities are adjunct and the use or occupancy permits issued for the premises shall be canceled and become null and void.

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

Amended by Ordinance No. 9151, effective 12-18-2007

Amended by Ordinance No. 9229, effective 09-09-2009

Amended by Ordinance No. 9574, effective 03-15-2016

Amended by Ordinance No. 9689, effective 06-12-2018

§36-107. Reserved Public Facilities:

Unless specifically prohibited, public facilities (eg. schools, fire stations, police stations, government offices) owned and operated by a government entity are permitted in all zoning districts subject to the setbacks and rules for that district.

From the January 2nd Regional Planning Commission Meeting Minutes:

O'Neill opened the public hearing.

Nabity stated the proposal of some amendments. Council is going to consider a proposal next week to disband Parking District 1. It is the area that the businesses are taxed specifically on their public space to help maintain the downtown parking lot. These businesses were exempt from having to put in parking. They are recreating district 3 to match district 1. Language that is used in Chapter 13 will also be used in Chapter 36. The last change is adding Public Facilities to Chapter 36-107.

No members of the public asked to speak during the hearing.
O'Neill closed the public hearing.

A motion was made by Robb and second Rubio proposed amendments to Section 36-96 Off Street Parking Requirements relative to Definition of the Central Business District and the addition of Section 36-107 Public Facilities.

Motion carried with all seven members voting in favor (O'Neill, Ruge, Robb, Rubio, Hedricksen, Randone and Kjar).

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 future date
4. Take no action on the issue

Recommendation

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

Sample Motion

Move to approve as recommended.

Agenda Item # 7

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

December 21, 2018

SUBJECT:

Concerning proposed to and Section 36-96 Off Street Parking Requirements relative to the definition of the Central Business District and Section 36-107 Reserved relative to the construction of Public Facilities in all zoning districts. (C-10-2019GI)

PROPOSAL:

To Define the Central Business District Parking Exemption by the actual description of the boundaries of the area instead of by reference to Chapter 13 and Downtown Parking District No. 1. A map of the proposed Parking District 3 is attached and the boundaries are identical to those used for Parking District 1.

To specify that public facilities owned and operated by a government entity are permitted in all zoning districts unless specifically prohibited.

OVERVIEW:

The City of Grand Island has two identified areas where parking requirements are not enforce. The first is within the confines of Parking District No. 1 as defined in Chapter 13 (the Central Business District) of the Grand Island City Code. The second is the 4th Street Business District as defined in Chapter 36 Section 96. The Fourth Street District is defined by a boundary description based on the surrounding streets. The Central Business District is defined the same way in Chapter 13. This change would replace the reference to Parking District No. 1 with an actual description of the boundaries similar to the description use for the Fourth Street District. Staff is suggesting this change, at this time, because it is likely that Parking District No. 1 will be repealed and replaced with Parking District No. 3 to allow for changes in the way assessments are made.

The Changes proposed for Chapter 36 Section 107 would clarify that the City and other Government entities have the ability to locate government owned and operated facilities in any zoning district unless specifically prohibited. This would not apply to facilities rented or leased by a government entity or to those that they do not operate.

The proposed changes are attached with strike outs and highlights.

RECOMMENDATION:




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

_____ Chad Nabity AICP, Planning Director



Parking District 3 Assesment

Legend

-  City of Grand Island Owned Lots
-  Parking District 3
-  Parcels

