



City of Grand Island

Tuesday, September 22, 2020

Council Session

Item E-3

Public Hearing on Changes to Chapter 36-61 of the Grand Island City Code Relative to (LLR) Large Lot Residential Zone

Council action will take place under Ordinances item F-3.

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: September 22, 2020

Subject: Concerning proposed amendments to Chapter 36 Large Lot Residential (LLR) Zone Section **§36-61**

Presenter(s): Chad Nabity, AICP Planning Director

Background

Recently issues have come up with larger tracts of land in the Large Lot Residential Zoning (LLR) district specifically how to allow certain uses on tracts of more than 5 acres. The LLR Zoning District was adopted in 2004 with the updated zoning regulations and comprehensive development plan to separate lower density acreage developments. Some examples of this would be the half acre lots and single family residence which were developed around the East Lakes and Northwest Grand Island. Most of these were developed in the late 60's, 70's and early 80's with lots served by rural sections roads and individual well and septic systems. Some of these areas, though, have lots or parcels of up to and over 10 acres or properties that can be subdivided into smaller tracts some of which are still larger than 5 acres.

Discussion

The Planning Department and Building Department have recently had some issues with owners of large (more than 5 acres) properties that are zoned LLR wanting an electric service to provide a well for animals, or building a large picnic shelter of a size that would require a building permit on a lots without a house or other principal use. These uses, keeping livestock or recreation, are generally accessory to a permitted principal use on the property but the owners would like to have them classified as a principle use.

In general our regulations prohibit accessory units without a principle use. As an example, a detached garage on the same lot as a house is permitted as an accessory to the house. The garage would not be permitted without the house on the lot. In the case of the garage this is done to keep people from building what are essentially warehouse buildings without any relationship to the residential nature of the neighborhood on residential lots.

The requests to keep animals on a larger lot that is zoned LLR without a house or other principal use or to build a shade structure on a large lot adjoining a lake are not unreasonable they just

don't fit the regulations as they are currently drafted. The building and planning departments are offering the following changes to this zoning district to accommodate these requests.

§36-61. (LLR) Large Lot Residential Zone

Intent: To provide for a transition from rural to urban uses, and is generally located on the fringe of the urban area. This zoning district permits residential dwellings at a maximum density of two dwelling units per acre, as well as other open space and recreational activities.

(A) Permitted Principal Uses: The following principal uses are permitted in the (LLR) Large Lot Residential Zoning District.

- (1) Dwelling units
- (2) Raising of field crops and horticulture
- (3) Country clubs as defined herein
- (4) Public parks
- (5) Utility substations necessary to the functioning of the utility (but not including general business offices, maintenance facilities) when located according to the yard space rules set forth in this section for dwellings and having a ten foot landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties. Installation shall not be subject to minimum area or width regulations.
- (6) Railway right-of-way, but not including railway yards or facilities
- (7) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (8) All other Permitted Principal Uses indicated as permitted within 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 conditions relating to the placement of said use on a specific tract of ground in the (LLR) Large Lot Residential Zoning District.

- (1) Greenhouses and the raising of trees and nursery stock
- (2) Cemeteries, memorial parks, crematories, mausoleums, and columbariums
- (3) Commercial mines, quarries, sand and gravel pits and accessory uses
- (4) Riding academies
- (5) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (6) Towers
- (7) Veterinary clinics and animal hospitals

(8) Private recreational areas subject to the following minimum conditions:

Size of property is at least 5.0 acres

All buildings requiring a building permit are identified on the application

All services such as water, sewer, natural gas and electric are identified on the application whether provide privately or publicly.

Additions of services or buildings accessory to this approved use will require an additional hearing for a conditional use permit to review the proposed additions.

(9) Keeping of Livestock subject to the following minimum conditions:

Size of property is at least 5.0 acres

All buildings requiring a building permit are identified on the application

All services such as water, sewer, natural gas and electric are identified on the application whether provide privately or publicly.

Number and/or type of animal is consistent with the limitations of the Grand Island Animal Ordinance Chapter 5 of the City Code.

Additions of services or buildings accessory to this approved use will require an additional hearing for a conditional use permit to review the proposed additions.

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

(C) Permitted Accessory Uses:

- (1) Guest building
- (2) Customary home occupations
- (3) Buildings for the display and sale of products grown or raised on the premises, provided, the floor area does not exceed 500 square feet
- (4) Offices incidental to and necessary for a permitted use
- (5) Other buildings or uses accessory to the permitted principal uses

(D) Space Limitations:

Uses			Minimum Setbacks						
			A	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	20,000	20,000	100	30	25	15	20	25%	35
Conditional Uses	20,000	20,000	100	30	25	15	20	25%	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

From the September 2, 2020 Regional Planning Commission Meeting Minutes:

3. Public Hearing – Zoning Text Amendments – Grand Island – Concerning changes to sections §36-8 Definitions and §36-61. (LLR) Large Lot Residential Zone (C-20-2020GI)

O’Neill opened the public hearing.

Nabity asked the board not to take action on the definitions as of yet. The potential changes will be brought back next month. The specific definition that Nabity explained staff would like to amend is Street Frontage. The proposal is to amend Street Frontage in the zoning regulations, to eliminate issues where subdivided lots do not provide any possibility of actual vehicular access to the property. Nabity explained due to the conflict with “Street Frontage Access”, he is proposing moving the definition and placing it under “Street” and a subset of a general definition of streets (types of streets).

Nabity explained the proposed changes to LLR Large Lot Residential Zoning Districts. He stated issues have come up with owners wanting to add shade structures and use their property for recreational uses. However because there is not a principal use it is not permitted. Changes to the zoning regulation will allow for such uses with a conditional use permit. Nabity explained that the changes will require owners to identify all building being place upon the property and every addition to the property must go through a new conditional use permit process.

Nabity then went on to explain that changes to this zoning district will allow for animals on property of more than 5 acres with the use of a conditional use permit. Nabity recommended that the planning commission make a motion on the changes to the LLR Large Lot Residential Zoning District and that the changes pertaining the definition will be revised and be brought forward at a later date.

O'Neill closed the public hearing.

A motion was made by Ruge and second by Rainforth recommend approval of the language change of (LLR) Large Lot Residential Zone.

The motion carried with nine members voting in favor (O'Neill, Ruge, Nelson, Allan, Monter, Maurer, Rubio, Randone and Rainforth) and no members voting no.

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.