



# City of Grand Island

Tuesday, October 27, 2020

Council Session - Updated

## Item E-4

### **Public Hearing on Changes to Chapter 36 of the Grand Island City Code Relative to Definitions, Yard Requirements and Off Street Parking Requirements**

*Council action will take place under Ordinances item F-5.*

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Regional Planning Commission

**Meeting:** October 27, 2020

**Subject:** Concerning proposed amendments to Chapter 36 §36-08(S) Definitions' §36-22 Yard Requirements and Section §36-96 Off Street Parking

**Presenter(s):** Chad Nabity, AICP Planning Director

## Background

Planning Department and Building Department Staff are suggesting changes to the following sections of the Zoning Regulations: section of the 36-108 (S) Definitions to harmonize the definition of Street Frontage and to rearrange other Street Definitions to eliminate confusion between Chapter 33 and 36 of the City Code; and sections 36-22 Yard Requirements and 36-96 Off Street Parking Requirements to by repealing changes made in June of 2018.

## Discussion

More than 20 years ago after approval of the Heavenly Haven Subdivision on Blaine Street south of U.S. Highway 30 the Grand Island Subdivision regulations were amended to define Lot Street Frontage as:

(4) Street Frontage: Each lot shall have frontage (minimum width of twenty (20) feet) on a street that will allow for practical, physical vehicular ingress/egress, and allow for the proper provision of present or future municipal services to the lot.

The purpose of this change was to avoid situations created by the Heavenly Haven Subdivision where the street frontage along Blaine Street while technically present did not provide any possibility of actual vehicular access to the property without either a bridge or ferry.

The definition of Street Frontage was not, however, changed in the Zoning regulations. This can result in a situation where unsubdivided parcels (greater than 10 acres in size) may be created with frontage on a public right of way that does not provide physical vehicular access to the property. Staff is suggesting that the following change be considered to the definition of Street Frontage in Chapter 36 to harmonize these sections of the code:

**Street Frontage** shall mean the distance for which a lot, *tract or parcel* line of a zone lot adjoins and *is parallel to* a public *or approved private* street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street. *Additionally each lot, tract or parcel shall provide access to said street that will allow and provide access to the lot, tract or parcel for municipal services (eg. Fire,*

**Emergency Medical Services and Utilities) and land-based vehicular ingress/egress. (Suggested minimum of 20 feet).**

While examining the definition of Street Frontage as discussed above staff also discover that the Definition of Street, Frontage Access was placed immediately above Street Frontage in the definitions section of the code. To eliminate confusion staff is suggesting that this be added to the sub-definitions of Street and that those sub-definitions be changed as follows:

**Street** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this chapter.

**Street, Arterial Street** shall mean a street of considerable continuity connecting various sections of the City, designated as an arterial street on the official street plan of the City.

**Street, Collector Street** shall mean a street or highway that is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development as designated in the Comprehensive Development Plan.

**Street, Curvilinear Street** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

**Street, Frontage Access Street** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

**Street, Local Street** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

**Street, Looped Street** shall mean a continuous local street without intersecting streets and having its two (2) outlets connected to the same street.

**Streets, Major Street** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Development Plan.

**Street, Private Street** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."

**Street, Side Street** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

Staff is hopeful that the combination of indentation of the sub-definitions and a complete listing of the types of streets in this section in alphabetical order will eliminate any confusion.

In June of 2018 changes were made to §36-22 Yard Requirements and §36-96 Off-Street Parking Requirements relative to the setbacks of residential structures with overhead doors for garages. The intent of these changes was to make sure that there was adequate space between the overhead garage door and the property line for a car to park in front of the garage. While the intent of this was good this has resulted in lots, especially in the older parts of town that are very difficult to build on or add a detached garage on. This impacts every corner lot or between 40% and 50% of the lots in the older parts of town. Staff is recommending that we roll back the change that were made in 2018 and allow these lots to develop based on the setbacks in each zoning district as we had for decades prior to the 2018 change.

#### **§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, as otherwise specified. **Residential Garages with overhead doors facing the street shall provide a 25 foot setback between the garage door and the property line.**

(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 01-05-2005  
Amended by Ordinance No. 9294, effective 05-31-2011  
Amended by Ordinance No. 9689, effective 06-12-2018

### **§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* 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  
Amended by Ordinance No. 9720, effective 02-06-201

### **From the October 7, 2020 Regional Planning Commission Meeting Minutes:**

#### **Public Hearing – Zoning Text Amendments – Grand Island – Concerning changes to sections §36-8 Definitions and §36-22. Yard Requirements and §36-96 Off Street Parking Requirements (C-01-2021GI)**

O’Neill opened the public hearing.

Nabity explained the changes to the definitions will harmonize the definition of Street Frontage between the subdivision regulations and the zoning regulations. The changes to the Yard Requirements and Off-Street Parking will repeal changes made 2 years ago regarding setbacks for residential garages with overhead doors facing the street.

O’Neill closed the public hearing

A motion was made by Hendricksen and second by Rainforth recommend approval of changes to sections §36-8 Definitions and §36-22. Yard Requirements and §36-96 Off Street Parking Requirements.

The motion carried with nine members voting in favor (O’Neill, Ruge, Nelson, Monter, Hendricksen, Rubio, Robb, 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.