



City of Grand Island

Tuesday, January 25, 2022

Council Session

Item F-4

#9871 - Consideration of Approving Changes 36 of the Grand Island City Code Relative to 36-26; Permitted Obstruction in Required Yards, 36-76; Commercial Development Zone, 36-77; TD Travel Development, 36-78; RD Residential Development Zone and 36-96; Off Street Parking

This item relates to the aforementioned Public Hearing item E-6.

Staff Contact: Chad Nabity

ORDINANCE NO. 9871

An ordinance to amend Chapter 36 of the Grand Island City Code specifically, to amend Sections 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication in pamphlet form and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Sections 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking of this ordinance, of Grand Island City Code are hereby amended to read as follows:

§36-25. Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

(A) All Yards: Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys and window wells projecting twenty-four (24) inches, window wells for escape windows thirty-six (36) inches or less into the yard; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.

(B) Front Yards: Bay windows projecting three (3) feet or less into the yard are permitted.

Rear and Side Yards: Open off-street parking spaces or outside elements of central air conditioning systems.

(C) Building Groupings: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

§36-76. (CD) Commercial Development Zone

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

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

(C) Limitations:

(1) In a (CD) Commercial Development Zoning District, 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 employees', visitors', and users' vehicles, and such parking, loading or service areas that shall be used for motor vehicles shall be located within the boundary lines of the (CD) Commercial Development Zoning District 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 along the exterior of the (CD) Commercial Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(5) No building or other permanent structure, nor parking lot, shall be located within 30 feet of any public street, right-of-way, or property line along the exterior of the (CD) Commercial Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(6) The maximum ground coverage shall not exceed 50% of each site within the (CD) Commercial Development Zoning District.

(7) The minimum off-street parking requirement shall be provided as defined in this chapter of the city code.

(D) Ownership: A (CD) Commercial Development Zoning District shall require a tract of land which is developed as a unit under single ownership or control, or which is under single designated control by a common ownership at the time it is certified as a (CD) Commercial Development Zone.

(E) Permitted Uses:

(1) Public and quasi-public buildings for cultural use

(2) Nonprofit community buildings and social welfare establishments

(3) Radio and television stations (no antennae), and meeting halls

(4) Offices and office buildings

(5) Stores and shops for the conduct of retail business, provided, all activities and displays of goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open.

(6) Retail uses as found in the Zoning Matrix [Attachment A hereto]

(7) Agencies as found in the Zoning Matrix [Attachment A hereto]

(8) Shops as found in the Zoning Matrix [Attachment A hereto]

(9) Motel and hotel uses.

(10) Residential uses with the largest percentage at least 75% above the ground level.

(11) Other uses as found in 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 (CD) Commercial Development Zoning District as approved by City Council.

(1) Towers

(G) Permitted Accessory Uses:

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

(H) Procedure:

(1) An application to amend the Official Zoning Map to establish a CD-Commercial 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 service, private or dedicated drives or streets, etc.

ORDINANCE NO. 9871 (Cont.)

- (b) Preliminary drawings or renderings in sufficient detail so that the character of the development may be so 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, 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 development 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 CD-Commercial 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 as considering an amendment to a (CD) Commercial Development Zoning District as in Article X of this chapter.
- (I) Miscellaneous Provisions:
- (1) It is intended that plans required for review and approval must be in a form that will satisfy the requirements of the subdivision regulations 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; the initial building permit shall include as a minimum 50% of the main building or structure; free-standing subordinate buildings shall not be included in the initial permit and shall not receive a permit until the initial permit phase is over 50% constructed; 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 number of buildings shall 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 (CD) Commercial Development Zoning District, 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 (6) 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 (CD) Commercial Development Zoning District 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 shall be authorized by the Planning ~~Director Commission~~ 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 for amendment of the Official Zoning Map; 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 commercial development, or unless they are found

ORDINANCE NO. 9871 (Cont.)

by the city council to be required by changes in conditions that have occurred since the final plan was improved or by changes in the comprehensive planning and development policy of the City.

§36-77. (TD) Travel Development Zone

Intent: The intent of this zoning district is to provide for only those trade and service uses in connection with federal interstate highway interchanges as are needed and considered appropriate to the location.

(A) Permitted Principal Uses:

- (1) Motels and/or hotels
- (2) Restaurants and cafes, with or without drive-in facilities
- (3) Lounges and/or taverns
- (4) Automobile service stations and truck service centers
- (5) Automobile and truck wash
- (6) Billboards
- (7) Other uses as 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 (TD) Travel Development Zone as approved by City Council.

- (1) Utility substations
- (2) Motor home and travel trailer parks and camping facilities
- (3) Recreational uses such as amusement parks, miniature golf courses, exhibition halls and centers, recreation centers and sports fields
- (4) Towers

(C) Permitted Accessory Uses:

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

(D) Specifically Excluded Uses:

- (1) Any residential use except quarters for management within the principal building

(E) Space Limitations:

Uses	Minimum Setbacks					Maximum Ground Coverage	Maximum Building Height (feet)	
	A	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)		
Permitted Uses	40,000	200	50	20	10	50	60%	50
Conditional Uses	40,000	200	50	20	10	50	60%	50

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

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

§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.

ORDINANCE NO. 9871 (Cont.)

(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 along the exterior of the (RD) Residential Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(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 along the exterior of the (RD) Residential Development Zone. The buffer strip is not required if such public street, right-of-way or property line is also adjacent to other properties zoned either (CD) Commercial Development Zone or (RD) Residential Development Zone. Setbacks from property lines will be review with the development plan and plat.

(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 buffer compliant with the installation requirements with plantings of at least 2 understory or ornamental trees and 3 shrubs per 100 foot or fraction thereof of exterior street frontage or property line approved as part of the development plan, 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 (LLR) Large Lot Residential Zone~~, (R-1) Suburban Residential Zone, (R-2) Low Density Residential Zone, (R-3) Medium Density Residential Zone, (R3-SL) Medium Density Small Lot 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) 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) Nursing, convalescent & rest home services
- (3) Residential assisted living, retirement or assisted living
- (4) 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.
- (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.

ORDINANCE NO. 9871 (Cont.)

- (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.

ORDINANCE NO. 9871 (Cont.)

(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.

§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.

(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 **except as provided below**, 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

ORDINANCE NO. 9871 (Cont.)

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.

Exceptions:

The total number of commercial parking spaces in a collective lot may be reduced by 25% at the time of construction if the following qualifications are met:

The overall development is planned for at least 20 acres and the commercial property is primarily intended to serve the neighborhood and occupies no more than 25% of the development not to exceed 10 acres.

All spaces required for residential units must be provided at the time of occupancy.

Provisions are made in the development for hike/bike trails through the development with connections to the commercial node.

Adequate property exists to within the parking area to add the required spaces if it is determined that they are needed in the future.

(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.

ORDINANCE NO. 9871 (Cont.)

SECTION 2. Sections 36-26 Permitted Obstructions in Required Yards, 36-76 Commercial Development Zone, 36-77 TD Travel Development Zone, 36-78 RD Residential Development Zone and 36-96 Off Street Parking as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within 15 days according to law.

Enacted: January 25, 2022

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk