



City of Grand Island

Tuesday, March 28, 2023

Council Session

Item E-4

Public Hearing on Text Amendment to 36-72 M-1 Light Manufacturing Zone; 36-76 Commercial Development Zone and 36-99 Home Occupations

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

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: March 28, 2023

Subject: Concerning proposed amendments to Sections 36-72 M-1 Light Manufacturing Zone, 36-76 Commercial Development Zone, and 36-99 Home Occupations

Presenter(s): Chad Nabity, AICP Planning Director

Background

Staff has been reviewing the Grand Island Zoning Regulations and is suggesting changes to several sections as outlined below and in the ordinance that will provide better direction to both staff and the general public dealing with these section of the code. The changes in the M1 Light Manufacturing zone and CD Commercial Development Zone are intended to reduce confusion regarding landscaping requirements in those districts. The changes to the Home Occupation section may provide an incremental increase in the capacity of home day care providers to provide day care services throughout the community.

Discussion

The proposed changes are attached with the memo sent to the planning commission. ~~Strikeouts~~ will be removed from the regulation and underlined will be added to the regulations. All changes are shown in red typeface in the proposed ordinance. The proposed changes to 36-71 remove language in the M1 zoning district that appears to have been carried over in this district after the adoption of comprehensive landscaping regulations. This language is confusing and somewhat contradictory to the landscaping section of the regulations. The changes to 36-76 clarify that landscaping plans are needed with any new or amended commercial development zone. The current regulations require a landscape buffer yard but there are no specific landscaping requirements. The changes to 36-99 would allow for up to 2 offsite employees at In Home Daycare facilities. This would allow in home daycares to care for more infants and allow additional children at each facility that is licensed as a Family Child Care Home II with the State of Nebraska. All Family Child Care Home II facilities need to have at least 2 care givers at all times.

A complete copy of the proposed changes is included in the attached directors recommendation to the planning commission as an attachment to this memo and in the ordinance.

From the March 1, 2023 Regional Planning Commission Meeting Minutes:

O'Neill opened the public hearing.

Nabity stated the proposed amendments to changes to three section to the city code. The proposed changes to 36-72 M-1 Light Manufacturing pertain to specific landscaping requirements in the front yard setbacks. The buffer yard changes to 36-72 Commercial Development Zone are intended to clarify how to determine what additional planting besides grass are required in the buffer yard.

The changes to 36-99 Home Occupations are in direct response to concerns from Central Nebraska Health Department about the need for additional daycare operations within the City. Nabity stated this change would allow In Home Daycare II as an in home daycare. The changes to 36-99 are specific to Grand Island's Home Occupation standards as they apply to in Home Daycare Providers as defined and licensed by the State of Nebraska. Nabity stated Nebraska has two classes of In Home Daycare referred to as Family Child Care Home I and II. Under our current regulations Family Child Care Home I is permitted without any question as long as the person providing care owns/rents and lives in the house. Family Child Care Home II requires that two caregivers are present and under the current regulations both caregivers would have to live at the residence. Based on the licensing standards up to 10 children can be cared for in a Family Child Home I and up to 12 Children can be cared for in a Family Child Care Home II.

Teresa Anderson – 1137 S. Locust – Teresa, the director of The Central Health District Health Department – stated through a community assessment they found the three main concerns were 1) access to care, 2) cultural, behavioral , health 3) quality childcare. Teresa went on to talk about the shortage of daycare. In talking to parents and daycare providers they are for supporting Family Child Care Home II.

O'Neill closed the public hearing.

A motion was made by Rainforth and second by Doane to approve the changes to the proposed amendments to 36-72 M-1 Light Manufacturing Zone 36-76 Commercial Development Zone and 36-99 Home Occupations.

The motion was carried with eight members voting in favor (Nelson, O'Neill, Ruge, Robb, Monter, Rainforth, Goplin and Doane), no members voting no or abstaining, (Allan, Stevenson, Hendrickson, and Randone were absent).

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 # 8

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

COMMISSION:

February 16, 2023

SUBJECT:

Concerning proposed amendments to changes to 36-72 M-1 Light Manufacturing Zone 36-76 Commercial Development Zone and 36-99 Home Occupations. (C-16-23GI)

PROPOSAL:

The proposed changes to 36-72 are clean up language to remove specific landscaping requirements from the M-1 zoning district that appear to be from prior to 1996 when overall landscaping regulations were adopted. This will reduce confusion and eliminate inconsistencies. The changes to 36-76 would further define the buffer yard requirements in the CD zone relative to landscaping and the required number of plantings. The changes to 36-99 are specific to Grand Island's Home Occupation standards as they apply to In Home Daycare Providers as defined and licensed by the State of Nebraska.

OVERVIEW:

The proposed changes to all sections of the code are attached. Additions to the code are identified as **highlighted and underlined italics print** and deletions are shown as **strikethrough highlighted print**.

The changes to 36-72 M-1 Light Manufacturing District pertain to specific landscaping requirements in the front yard setback. It appears from a review of old regulations that required landscaping was included this district prior to the adoption of the landscaping regulations found later in the code that apply to all commercial and manufacturing districts. The references in this section of the code are not the same as the requirements later in the code and in order to harmonize the regulations staff is suggesting that we remove these references from 36-72.

The buffer yard changes to 36-76 Commercial Development Zone are intended to clarify how to determine what additional planting besides grass are required in the buffer yard. This will eliminate confusion when implementing these developments.

The changes to 36-99 Home Occupations are in direct response to concerns from the Hall County Health Department about the need for additional day care operations within the City. In Home Daycare has always been interpreted as allowed under our home based is specifically allowed as a home based business in our current regulations. The State of Nebraska has two classes of In Home Daycare referred to as Family Child Care Home I and II. Under our current regulations Family Child Care Home I is permitted without any question as long as the person providing care owns/rents and lives in the house. Family Child Care Home II requires that two caregivers are present and under our current regulations both caregivers would have to live at the residence. The proposed changes would allow up to two non-resident employees to work at an In Home Daycare which would open them up to being able to apply for a license as a Family Child Care Home II. Based on the licensing standards up to 10 children can be cared for in a Family Child Home I and up to 12 children can be cared for in a Family Child Care Home II. The addition of a non-resident employees will expand the number of children allowed by two but will have a greater impact on the number of infants that can be cared for. The breakdown allowed by age is attached.

1-006.08B Staff-to-Child Ratio: The appropriate staff-to-child ratio must be met at all times, as follows.

1. **Infants only.** If the program provides care to infants only, the following ratios apply:

Number of Infants in Care	Number of Staff Required
4	1
5-8	2

2. **Mixed ages.** If the program provides care to children of mixed ages, the following ratios apply:

Number of Children in Care	Number of Staff Required
1-8	1
9-10 (9 th and 10 th children must be school-age)	1

- a. Programs serving children of mixed ages of may provide care for up to three infants if no more than two of the infants are under 12 months of age.
 - b. Programs may provide care for up to two additional school-age children during non-school hours if no more than two of the other children in care are under 18 months of age.
3. **School-age only.** If the program provides care to school-age children only, the following ratio applies:

Number of Children in Care	Number of Staff Required
1-10	1

1. **Infants only.** If the program provides care to infants only, the following ratios apply:

Number of Infants in Care	Number of Staff Required
4	1
5-8	2
9-12	3

2. **Mixed ages.** If the program provides care to children of mixed ages, the following ratios apply:

Number of Children in Care	Number of Staff Required
1-10	1
11-12	2

- a. Programs serving children of mixed ages may provide care for up to three infants if no more than two of the infants are under 12 months of age.
- b. Programs serving ten children with one staff are limited to two infants and the ninth and tenth children must be school-age.
3. **School-age only:** If the program provides care to school-age children only, the following ratio applies:

Number of Children in Care	Number of Staff Required
1-12	1

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 Nability AICP, Planning Director

§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) 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		Minimum Setbacks						
		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)	Maximum Ground Coverage	Maximum Building Height (feet)
Permitted Uses	20,000	100	35 ⁺	20	10	10	50%	50
Conditional Uses	20,000	100	35 ⁺	20	10	10	50%	50

⁺with 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.~~

~~(23)~~ Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

Amended by Ordinance No. 8947, effective 1-5-2005

Amended by Ordinance No. 9256, effective 4-7-2010

Amended by Ordinance No. 9706, effective 10-2-2018

36-76 (CD) Commercial Development Zone

1. *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.
2. *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.
3. *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. **Trees shrubs, and other plantings may be included in the buffer strip. The number of trees and shrubs shall not be regulated by the landscaping section of this code.** 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. **Landscaping plans will be reviewed with the development plan and plat.** Setbacks from property lines will be reviewed 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.
4. *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.

5. 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]
6. 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
7. Permitted Accessory Uses.
 1. Buildings and uses accessory to the permitted principal use.
8. 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:
 1. 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.
 2. Preliminary drawings or renderings in sufficient detail so that the character of the development may be so determined.

3. Evidence as to the methods of retaining, maintaining, and protecting the open space, green areas, recreational facilities, etc.
 4. Development schedule as to construction phases of buildings, open space, recreational areas, parking facilities, etc., and estimated completion time.
 5. 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.
 6. 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:
 1. 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.
 2. That adequate, safe, and convenient pedestrian and vehicular trafficways and facilities are provided.
 3. 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.
9. 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:
 1. 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.
 2. 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.
 3. 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:
 1. Any minor extensions, alterations, or modifications of existing buildings or structures shall 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.
 2. 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 (3) hereof.
 3. 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 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.

(Amended by Ordinance No. 9871, effective 02-9-2022)

§36-99. Home Occupations

The following are the minimum standards required for a Home Occupation:

(A) There shall be no external or externally visible evidence of the home occupation, business or profession whatsoever. There shall be no signage or advertising, linking the residential property with the home occupation.

(B) No more than 25% of the floor area of any one story can be used for the home occupation

(C) There shall be no machinery other than that normally found in a home

(D) There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction may be given to four pupils at one time and children may be dropped off at an In Home Daycare.

(E) No one other than the resident(s) can work from that site except that up to two non-resident employees may be present on the site for In Home Daycare operations as permitted and defined by the State of Nebraska

(F) No retail sales are permitted from the site other than incidental sales related to services provided

(G) No exterior storage (including storage within detached buildings/garage) is permitted

(H) No offensive noise, vibration, smoke, odor, heat or glare shall be noticeable at or beyond the property line

(I) The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902.

Amended by Ordinance No. 8947, effective 1-5-2005