



City of Grand Island

Tuesday, September 10, 2002

Council Session

Item F5

#8766 - Consideration Concerning Changes to the Grand Island Zoning Ordinance to Define and Allow Self-Storage Facilities within the TA Transitional Agriculture and B2 General Business Zone

This item relates to the aforementioned Public Hearing. This item would change the Grand Island Zoning Ordinance to define and allow self-storage facilities within various zoning districts as presented, as requested by Bryce Bartu. At the regular meeting of the Regional Planning Commission on August 7, 2002, they voted to recommend approval of this item with 6 members present voting for, 2 members voting against, and 1 member abstaining. Approval is recommended.

Staff Contact: Chad Nabity

ORDINANCE NO. 8766

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Sections 36-12, 36-23, 36-30, and 36-34 pertaining to self-storage facilities; to repeal Sections 36-12, 36-23, 36-30, and 36-34 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 36-12 of the Grand Island City Code is hereby amended to read as follows:

§36-12. Definitions

Certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the future tense; the word "*building*" includes the word "*structure*"; the word "*shall*" is mandatory; the word "*may*" is permissive; the word "*person*" includes a firm, association, corporation, partnership, or natural person; the word "*used*" includes the words "*designed*", "*arranged*", or "*intended to be used*". Words not defined herein but which are defined in the Building Code of the City of Grand Island are to be construed as defined therein.

The following definitions apply:

Accessory Building. A subordinate building, on the same lot as the principal building, the use of which is incidental to the principal building and not connected to the principal building in any manner whatsoever.

Accessory Use. A subordinate use of land, which is incidental in area, extent, or purpose to the principal building or to the principal use of land.

Adjacent Land. Any land or portion of land that is contiguous to a parcel or lot, or that would be contiguous if not for a public roadway or alley.

Alley. A tract of land, dedicated to public use, which affords a secondary means of the vehicular access to the back or the side of properties otherwise abutting on a street, and which is not generally used as a thoroughfare by both pedestrians and vehicles.

Automobile Service Station. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oils or grease, tires, batteries, or automobile accessories. Services offered may include the installation of tires, batteries, and automobile accessories, automobile repairs, and greasing or washing of automobiles. Automobile service stations shall not include premises offering automobile wrecking or automobile body repair.

Automobile Wrecking Yard. The dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

Basement. The portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

Billboard. An outdoor advertisement sign which directs attention to a business commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Board. The Board of Adjustment.

Boarding House (Lodging House, Fraternity, Sorority). A building, other than a hotel or motel, where lodging and meals are provided for three or more guests for compensation.

Approved as to Form	<input type="checkbox"/>	_____
September 6, 2002	<input type="checkbox"/>	City Attorney

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Building. Any structure built for the support, shelter, or enclosure of persons, animals, or chattels, or property of any kind, including a modular home, but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Building, Height. The vertical distance measured from the curb level to the highest point of a roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Building, Nonconforming. (See "Nonconforming Building or Use")

Building, Principal. A nonaccessory building in which is conducted a principal use of the zoning lot on which it is located.

Building, Setback. The minimum horizontal distance between the property line and the nearest portion of a building on the property.

Club. A voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization of premises the chief activity of which is a service or activity customarily carried on as a business.

Conditional Use. A use which is not allowed in a zone as a matter of right but which is permitted upon approval of the city council as provided for in Article VIII of this chapter.

Country Club. This shall include golf courses, par 3 golf courses, swimming pools, tennis clubs, and neighborhood clubhouses. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated solely as restaurants, cocktail lounges, card rooms, taverns, bowling alleys, pool and billiard parlors, and similar activities normally carried on as a business shall be excluded from the definition of a country club.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

Drive-in. May be used as a noun or adjective and shall refer to a business designed to serve patrons while they are within an automobile by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office dropboxes, or laundry or cleaning drop boxes.

Dwelling Unit. One or more habitable rooms that are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating purposes, including a modular home. It does not include a manufactured home unless such manufactured home is a factory-built manufactured home that bears the seal that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, et. seq., promulgated by the United States Department of Housing and Urban Development (H.U.D.), and meets the following standards:

- (1) The home shall have no less than nine hundred square feet of floor area;
- (2) The home shall have no less than an eighteen-foot exterior width;
- (3) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
- (4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built single family construction;
- (5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock;
- (6) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed; and
- (7) The home shall be attached to a permanent foundation system and utility connections.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons who need not be related in any manner, living together in a dwelling unit; provided further, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Garage. A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

Ground Coverage. The area of a zoning lot occupied by principal and accessory buildings expressed as a percentage of the gross area of the zoning lot.

Guest Building. A structure occupying an accessory position on a lot, which contains no cooking facilities, and is used exclusively for housing members of a single family or their nonpaying guests.

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Home Occupations, Customary. A business, occupation, or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

- (a) there shall be no external or externally visible evidence of the occupation, business or profession whatsoever;
- (b) there shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line;
- (c) the activity shall employ only members of the immediate family of the resident of the dwelling;
- (d) there shall be no machinery other than that normally found in a home;
- (e) 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;
- (f) said occupation may include the caring of children for hire, provided:
 - (1) the total number of children in the home at one time shall not exceed eight children of mixed ages (infant, preschool, and/or school age), including the caregiver's own children under eight years of age. No more than two children may be under the age of 18 months. The caregiver may overlap two (2) more school age children beyond the eight (8) for specified periods during the day if the total time does not exceed four (4) hours. The caregiver may continue overlapping care during school breaks and holidays.
 - (2) the premises must be suitable and meet all applicable codes for day care facilities.
 - (3) the facility must have all licenses, permits, and registrations required by law.
- (g) there shall be no signs, radio, television, newspaper, handbill, or similar types of advertising linking the address of the premises with the home occupation;
- (h) room or board, but not for more than two persons;
- (i) further, shall not utilize more than twenty-five (25) percent of the actual floor area of any one story of any structure.

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.

Any business, occupation, or profession, the operation of which does not meet the aforesaid characteristics of a home occupation shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

Hotel. Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests, with provisions for individual bath facilities for each guest room and no provisions made for cooking in any individual room.

Junk Yard. A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase, or storage of used cars or trucks in operable condition, boats, or trailers in operable condition, and used furniture and household equipment in usable condition, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

Lot. A recorded piece, tract, or parcel of land occupied or to be occupied by a single principal building and accessory buildings, together with such open spaces as required under this chapter, and having its principal frontage upon a public street or officially approved place.

Lot, Corner. A lot at the junction of two or more streets.

Lot, Interior. A lot other than a corner lot with frontage on one street only.

Lot, Through. An interior lot having frontage on two streets. Such lots may be referred to as "double frontage" lots.

Lot, Depth. The distance between the front and rear lot lines measured in a mean direction of the side lot lines.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. The boundary line between a lot and a street. For a corner lot, it is the boundary line between the lot and a street with the least dimension. For a through lot, it is the boundary line between the lot and a street which is so designated by the property owner at the time he takes out his building permit for the principal building.

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Lot Line, Rear. The boundary line which is opposite and most distant from the front lot line.

Lot Line, Side. The boundary line or lines connecting the front lot line and rear lot line.

Lot, Minimum Area. The minimum square foot of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

Lot Width. The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lines.

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and forty body feet or more in length, or when erected on site is three hundred twenty or more square feet in size and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

Manufactured Home Park. Any plot of ground zoned and licensed as such by the City within which two or more manufactured home spaces are located.

Modular Home. A structure whose construction consists entirely of, or the major portions of its construction consists of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. A modular home shall meet all codes applicable to a site-built home. The term modular home shall not include a manufactured home.

Motel. A group of attached or detached rooms with individual bath facilities operated for transient occupants and so constructed that occupants' automobiles may be parked at or near the room.

Nonconforming Building or Use. A building or portion thereof or use of building or land, lawfully existing at the time of the adoption of this ordinance that does not conform to the use regulations of the zone in which it is located.

Planning Commission. The Commission empowered to recommend for and on behalf of the City of Grand Island in accordance with state and local laws.

Self-Service Storage Facility. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or small businesses for self-service storage of personal property.

Stock or Feed Yard. The confined feeding of food, fur, or pleasure animals in buildings, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. For the purpose of this chapter, confined feeding would mean the feeding of more animals on the property than normally associated with a farming operation on the property involved.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Street. A tract of land, dedicated to public use, which affords a primary means of access to the abutting property.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the soil, or attached to something having a permanent location on the soil, including a modular home but not a manufactured home unless such manufactured home meets the definition and standards as specified under the definition of a *Dwelling Unit*.

Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams, or girders.

Yard. An open space unoccupied and unobstructed from the ground to the sky except as provided herein on a zoning lot which a building, or manufactured home, if permitted, is situated.

Yard, Front. A yard across the full width of a zoning lot extending from the front lot line to a principal building, or manufactured home, if permitted.

Yard, Rear. A yard across the full width of a zoning lot extending from the rear line of the lot to the rear line of a principal building, or manufactured home, if permitted.

Yard, Side. A yard extending from the front yard to the rear yard of a zoning lot, extending from the side line of the lot to the side of a principal building, or manufactured home, if permitted.

Zoning, Lot. A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building, or structure, for which the building permit and certificate of occupancy are issued, and including such area of land as may be required by the provisions of this chapter for such use, building, or structure.

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Zoning Official. The zoning official shall be the director of the Planning Commission of the City of Grand Island who shall administer this chapter.

SECTION 2. Section 36-23 of the Grand Island City Code is hereby amended to read as follows:

§36-23. TA-Transitional Agriculture Zone

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

(A) Permitted Principal Uses:

- (1) Dwelling units
- (2) Raising of field crops, and horticulture
- (3) Country clubs as defined herein
- (4) Recreational camps, public parks, and recreational areas
- (5) Greenhouses and the raising of trees and nursery stock
- (6) 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.
- (7) Railway right-of-way, but not including railway yards or facilities
- (8) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature.

(B) Permitted Accessory Uses:

- (1) Living quarters for persons regularly employed on the premises but not including labor camps or dwellings for transient labor
- (2) Guest building
- (3) Customary home occupations
- (4) Buildings, corrals, stables or pens in conjunction with the permitted uses
- (5) Buildings for the display and sale of products grown or raised on the premises, provided, the floor area does not exceed 500 square feet
- (6) Offices incidental to and necessary for a permitted use
- (7) Other buildings and uses accessory to the permitted principal uses

(C) Permitted Conditional Uses: The following uses, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Quarters for transient labor
- (2) Cemeteries, memorial parks, crematories, mausoleums, and columbariums
- (3) Commercial mines, quarries, sand and gravel pits and accessory uses
- (4) Public and quasi-public buildings and uses of an administrative, educational, religious, cultural, or public service facility, but not including hospitals, sanitoriums or corrective institutions
- (5) Riding academies
- (6) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (7) Towers
- (8) Veterinary clinics and animal hospitals

(9) Self Service Storage

- (a) When located adjacent to a railroad mainline or primary state highway; and
- (b) If no single unit is larger than 624 square feet; and
- (c) If no building is greater than 18 feet in height; and
- (d) When a minimum ten (10) foot landscaping buffer yard (including grass and trees or shrubs) is installed and maintained around the site. A plan for the landscaping buffer shall be presented in the conditional use permit application and approved as a condition of the permit.
- (e) Outside storage of vehicles, trailers, boats, and other material is not allowed.

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(f) When the building envelopes for all storage units are located within three hundred (300.0) feet of public or railroad property.

(D) Space Limitations:

- (1) Minimum lot area per dwelling unit: 20,000 square feet
- (2) Minimum lot width: 100 feet
- (3) Maximum height of building: 35 feet
- (4) Minimum front yard: 30 feet
- (5) Minimum rear yard: 25 feet
- (6) Minimum side yard: 15 feet; a corner lot shall have a minimum setback of 20 feet adjacent to the side street
- (7) Maximum ground coverage: 25%

(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

SECTION 3. Section 36-30 of the Grand Island City Code is hereby amended to

read as follows:

§36-30. B2 - General Business Zone

Purpose: To provide for the service, retail and wholesale needs of the general community. This zone will contain uses that have users and traffic from all areas of the community and trade areas, and therefor will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the R4 Zone.

(A) Permitted Principal Uses:

- (1) Uses as listed under permitted principal uses of the B1 Zone.
- (2) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (3) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (4) Specific uses within a building such as: Animal hospital area, aquarium, auction house or store, automobile repair (no body repair), automobile sales and rental, aviary, bath house, blueprinting, book bindery, bottling plant (juices and soft drinks), building supply, canvas shop, carpet cleaning, chickens (sale of chicks), dance hall, dyeing of yarns, engraver, express office, extermination, fumigation and sterilization services, feed and grain retail sales, film exchange, food lockers, furniture storage and repair, glass cutting and staining (with retail sales), gymnasium, laboratory (experimental or scientific), lapidary, leather goods (sale and incidental manufacture), lithographer, laundry, dry cleaning and dyeing plant, massage parlor, medical appliances retail sales, motel and/or hotel, newspaper printing office, office machines sales and service, optical glass grinding, pawn shop, photo finishing, plumbing shop, poultry hatchery, printer or publisher, sign painting shop, service enterprises of all kinds, sports arena, storage garage, tavern, bar or cocktail lounge, taxidermist, tire shop (repair and vulcanizing only), towel and linen service, trade or vocational school, upholstery shops, self-service storage.
- (5) Specific uses such as: Archery range, billboards, drive-in theater, golf driving range, storage yard (no junk, salvage or wrecking).
- (6) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used.

(B) Permitted Accessory Uses:

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

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (1) Recycling business
- (2) Towers

(D) Space Limitations:

- (1) Minimum lot area: 3,000 square feet
- (2) Minimum lot width: 30 feet

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- (3) Maximum height of building: 55 feet
- (4) Minimum front yard: 10 feet
- (5) Minimum rear yard: None, if bounded by an alley, otherwise 10 feet.
- (6) Minimum side yard: None, but if provided, not less than five feet, or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. In the case of a corner lot adjacent to the side street, the setback shall be 10 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.
- (7) Maximum ground coverage: 100%
- (D) 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.

SECTION 4. Section 36-34 of the Grand Island City Code is hereby amended to read as follows:

§36-34. M1 - Light Manufacturing Zone

Purpose: To provide for light fabrication, service, warehousing, administrative and research uses within a zone having generally limited public contact and requiring some minimal landscaping standards.

(A) Permitted Principal Uses:

- (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 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) Specific uses such as: animal hospital, automobile service station, bakery, bottling plant, blueprinting, brewery or distillery, cafe or restaurant, cannery, carpenter or woodworking shop, carpet cleaning, casting of lightweight or nonferrous metals, cemetery, dairy products distribution, dry cleaning and laundry plant, enameling, japanning, lacquering, galvanizing or plating of metals, feed and seed processing and storage, furniture repair and warehousing, garage, glass manufacture, laboratories, lapidary, printer, publisher or lithographer, pulp paper, cardboard or building board manufacture, sign painting, or manufacture, signs or billboards, stone and monument works, synthetics and plastic manufacture, tire recapping or retreading, trade or vocational school, vitreous ware, pottery and porcelain manufacture, warehouse, self-service storage.
- (7) Manufacture, processing, assembly, fabrication or storage of products and materials similar to the above
- (8) Other uses which are, in the opinion of the Board of Adjustment, similar to the above

(B) 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

(C) Permitted Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with the procedures set forth in Article VIII and X of this chapter:

- (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

(D) Specifically Excluded Uses:

- (1) Any residential use
- (2) Manufactured homes and manufactured home parks

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- (3) Churches, schools, institutions and other public and semi-public uses except for trade and vocational schools
- (E) Space Limitations:
- (1) Minimum lot area: 20,000 square feet
 - (2) Minimum lot width: 100 feet
 - (3) Maximum height of buildings: 50 feet
 - (4) Minimum front yard: 35 feet, with 15 feet adjacent to a street landscaped to satisfaction of the zoning official
 - (5) Minimum rear yard: 20 feet
 - (6) Minimum side yard: 10 feet
 - (7) Maximum ground coverage: 50%
- (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.
 - (3) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

SECTION 5. Sections 36-12, 36-23, 36-30, and 36-34 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 6. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 10, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk