



City of Grand Island

Tuesday, September 10, 2002

Council Session

Item F6

#8767 - Consideration Concerning Revisions to the Grand Island Zoning Ordinance Pertaining to Salvage Yards and Conditional Use Permits

This item relates to the aforementioned Public Hearing. This item would change the Grand Island Zoning Ordinance chapter 36 pertaining to salvage yards, and conditional use permits. At the regular meeting of the Regional Planning Commission on August 7, 2002, they unanimously voted to approve these changes. Approval is recommended.

Staff Contact: Chad Nabity

ORDINANCE NO. 8767

An ordinance to amend Chapters 17 and 36 of the Grand Island City Code; to amend Section 17-1 to add a definition for salvage yard; to amend Section 17-41 pertaining to storage of junked vehicles; to amend Section 36-12 to remove the definition of automobile wrecking yard and to add a definition for salvage yard; to amend Section 36-35 to amend permitted conditional uses in M2-Heavy Manufacturing Zone; to amend Section 36-45 pertaining to the physical appearance of salvage yards; to amend Section 36-119 pertaining to authorized conditional uses; to amend Section 36-120 pertaining to conditional use procedures; to add Section 36-122 pertaining to conditional uses for salvage yards; to add Section 36-127 pertaining to annual inspection of salvage yards; to repeal Sections 17-1, 17-41, 36-12, 36-35, 36-120, 36-122, and 36-127 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. The Mayor and City Council do hereby find that the public interest will be served by the following amendments to the Grand Island City Code, that no existing property shall have or retain rights of any nature to own and/or operate a salvage yard based on the prior provisions of the code and that all salvage yards within the City of Grand Island and its extra territorial jurisdiction shall apply for and obtain a conditional use permit in conformity with this ordinance by April 1, 2003 or cease operation.

SECTION 2. Section 17-1 of the Grand Island City Code is hereby amended to read as follows:

§17-1. Definitions

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Approved as to Form	?	_____
September 6, 2002	?	City Attorney

ORDINANCE NO. 8767 (Cont.)

City Solid Waste Disposal System. The City solid waste disposal system shall mean and include the City-operated sanitary landfill, the City-operated transfer station, and the City-operated compost site.

Compost. Compost shall mean the end product of an aerobic degradation process of yard and garden waste. Approved backyard composting site shall mean one which uses only composting materials as defined herein.

Construction and demolition waste. This shall mean waste which results from land clearing, the demolition of buildings, roads or other structures, including but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums and fuel tanks.

Dead Animals. These words shall mean all small animals such as cats, dogs, and rabbits, which die from any cause. They shall in no way mean large animals such as goats, horses, mules and cows which shall die from any cause.

Detachable container. A detachable container is a container of the size approved by the Department of Health that can be lifted and dumped by a collection truck mechanism.

Garbage. This word shall be held to include every accumulation of animal, fruit or vegetable food waste generated by or resulting from the decay, deterioration, storage, preparation or handling of any animal and vegetable matter in any place or at any point where food is prepared for human consumption, including all kitchen and dining room refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, schools, stores, warehouses, cold storage plants, creameries, bakeries, or any other source whatsoever existing in the City.

Litter. Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

Minimum Service Collection. A minimum service collection in a residential district shall mean not more than one full 32 gallon garbage can or any number of full baskets, boxes, sacks, or bundles equal in volume to but not exceeding one 32-gallon garbage can. The weight of such collection shall not exceed 50 pounds. Such minimum service collection shall be on a once-a-week basis.

Refuse. This word shall be held to include the waste material from normal households or living conditions and business operations other than garbage, but the term shall not include waste materials from building construction or repair, factory wastes, or refuse from industrial plants of any character. In general, the kinds of materials classified as refuse are paper, rags, bottles, tin cans, bottle caps, cardboard, wornout clothing or furniture, household appliances, excelsior, garden or tree trimmings, and similar materials.

Regular Collection. A collection in a residential district shall mean not more than three full thirty-two gallon garbage cans, or two full thirty-two gallon cans and any number of full baskets, boxes, sacks, or bundles equal in volume to not exceeding one thirty-two gallon garbage can. A regular collection shall be on a twice-a-week basis.

Salvage Yard. ~~Any building, lot, yard or premise used for the collection, processing, salvage, storage, bailing, or shipping of junked vehicles, vehicle parts, paper, cardboard, glass, plastic, metals, rags, scrap materials, junk, or any material similar to those listed herein.~~

Special Waste. A solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general household, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

Waste material. This word shall be held to include all items, objects, or material not included within the definition of garbage, litter, dead animals, yard waste, or refuse as well as petroleum oils, greases, solvents, and fuels, insecticides, herbicides, chemical waste, hazardous materials, or any materials similar to those listed herein.

Yard Waste. Yard waste shall mean grass and leaves and shall not include other yard debris such as tree limbs and brush.

ORDINANCE NO. 8767 (Cont.)

SECTION 3. Section 17-41 of the Grand Island City Code is hereby amended to read as follows:

§17-41. Storage of Junked Vehicles

Junked vehicles and vehicle parts, whether junked, salvaged, or new, may be stored:

(1) On any tract being used as a ~~junk or auto~~ salvage yard, which is in full compliance with all city code sections pertaining to such businesses, including zoning.

(2) On any tract being lawfully used for a business activity related to junked vehicles, such as an automotive body shop, so long as the junked vehicles and parts are stored in an area that is screened from adjoining property and the public right-of-way by a sight-obscuring fence at least six feet in height, or such junked vehicles and junked parts are removed from the premises within fourteen days of becoming junked; provided, that junked vehicles being displayed for sale as whole units by a licensed automobile dealer are not subject to this screening requirement.

(3) On any other tract, so long as such junked vehicles and such vehicle parts are placed within a building.

SECTION 4. 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.

ORDINANCE NO. 8767 (Cont.)

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.

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.

ORDINANCE NO. 8767 (Cont.)

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.

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

ORDINANCE NO. 8767 (Cont.)

and a street which is so designated by the property owner at the time he takes out his building permit for the principal building.

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.

Salvage Yard. ~~Any building, lot, yard or premise used for the collection, processing, salvage, storage, bailing or shipping of junked vehicles, vehicle parts, paper, cardboard, glass, plastic, metals, rags, scrap materials, junk, or any material similar to those listed herein.~~

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

ORDINANCE NO. 8767 (Cont.)

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.

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 5. Section 36-35 of the Grand Island City Code is hereby amended to

read as follows:

§36-35. M2 - Heavy Manufacturing Zone

Purpose: To provide for the widest variety of manufacturing, warehousing, wholesaling and business uses. Conditional use permits are required for those uses with more significant health and safety concerns.

(A) Permitted Principal Uses:

- (1) Uses as listed under permitted principal uses of the B1, B2, B3, and M1 Zones except as listed under specifically excluded uses
- (2) Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plant
- (3) Concrete or cement products manufacturing and batching plant
- (4) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (5) Contractors storage yard or plant
- (6) Specific uses such as: Animal pound or kennel, arena or athletic field or track, automobile body repair, boiler and tank works, cemetery, cesspool cleaning yard, crating and hauling depot, egg candling, felt manufacturing, house movers yard, sauerkraut manufacture; storage yards or buildings for lumber, coal, coke, gas, or similar uses except explosives.
- (7) Railway right-of-way, including yards and facilities
- (8) Other uses which are, in the opinion of the Board of Adjustment, similar to the above.

(B) Permitted Accessory Uses:

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

(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) Automobile wrecking yard~~
- ~~(1)(2) Acid or acid by-products manufacture~~
- ~~(2)(3) Ammonia bleaching powder, chlorine, peroxylin or celluloid manufacture~~
- ~~(3)(4) Explosives manufacture or storage~~
- ~~(4)(5) Garbage, refuse, offal or dead animal reduction or disposal area~~
- ~~(5)(6) Glue manufacture, fat rendering, distillation of bones or by-products~~
- ~~(6)(7) Meat packing plants, including poultry and animal slaughterhouses and abattoirs~~
- ~~(7)(8) Milling or smelting of ores~~
- ~~(8)(9) Petroleum refining~~
- ~~(9)(10) Stock or feed yards~~
- ~~(10)(11) Salvage yard Storage, dump, or yard for the collection, salvage, or bailing of scrap paper, bottles, iron, rags, junk, etc.~~
- ~~(11)(12) Tanning, curing, or storage of hides or skins~~
- ~~(12)(13) Motels and hotels~~
- ~~(13)(14) Towers~~

(D) Specifically Excluded Uses:

- (1) Any residential 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:

- (1) Minimum lot area: 6,000 square feet
- (2) Minimum lot width: 50 feet

ORDINANCE NO. 8767 (Cont.)

- (3) Maximum height of building: None
- (4) Minimum front yard: None
- (5) Minimum rear yard: None, when bounded by an alley, otherwise 10 feet
- (6) Minimum side yard: None, but if provided, not less than 5 feet or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.
- (7) Maximum ground coverage: 65%
- (F) 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 6. Section 36-45 of the Grand Island City Code is hereby amended to read as follows:

§36-45. General Non-Residential Provisions

(A) Residential Use in Business Zone: Dwelling units shall be permitted in Business Zones, provided, that the minimum lot area per dwelling unit and zoning lot area requirement for the R4 Zone shall apply in the B1 and B2 Zones, and the requirement for the RO Zone shall apply in the B3 Zone.

(B) Fire Hazards: Any operation which involves the use of heating fuels, motor fuels, acids, liquids or grinding processes, welding gases or other highly flammable gases shall be in accordance with rules and regulations of the State of Nebraska and the City of Grand Island.

(C) Noise: No operation shall emit a noise level detectable at the exterior property line that is in excess of the traffic noise of the adjacent street at the time of daily peak hour traffic volume. All noises shall be muffled so as not to be objectionable due to intermittence, beat, frequency or shrillness.

(D) Liquid or Solid Waste: No operation shall discharge from any source whatsoever into a sanitary or storm sewer, water course, or the ground, liquid or solid wastes of a radioactive nature or of a chemical nature that is detrimental to normal water pollution control plant operations, corrosive or damaging to pipes and installations, or may tend to be injurious to human, plant, or animal life or otherwise be considered as a contaminant or hazardous material.

(E) Air Pollution: No operation shall discharge from any source whatsoever into the atmosphere any material, contaminant, or any combination thereof, in such quantities or of such duration which are or may tend to be injurious to human, plant, or animal life, or property, or which interferes with the normal enjoyment of life, property, or the conduct of business.

(F) Gases: No operation shall discharge from any source whatsoever any gases of any kind in such quantities or of such duration which are or may tend to be injurious to human, plant, or animal life, or property, or which interferes with the normal enjoyment of life, property, or the conduct of business.

(G) Odor: No operation shall discharge from any source whatsoever any odor detectable at the exterior property line that is generally agreed to be obnoxious by the public, or which interferes with the normal enjoyment of life, property, or the conduct of business.

(H) Glare and Heat: No operation shall emit any glare or heat from any source whatsoever that shall be detectable at the exterior property line.

(I) Physical Appearance: ~~Junk yards, salvage yards, auto wrecking~~ and other similar operations shall be effectively enclosed or shielded from adjacent properties on all sides by means of a sight-obscuring fence at least eight (8) feet in height, in good repair, and constructed of conventional fence building materials and techniques as of similar screening approved by the chief building official. No inventory or salvage materials of any nature may be stacked within fifty (50.0) feet of the fence to a height greater than said fence.

ORDINANCE NO. 8767 (Cont.)

SECTION 7. Section 36-119 of the Grand Island City Code is hereby amended to

read as follows:

§36-119. Authorized Conditional Uses

The following uses may be granted by the city council as a permitted conditional use in accordance with the procedure as set forth in this article:

(A)~~(1)~~ To permit uses as listed under the permitted conditional uses within the respective zoning districts as specified in this chapter;

(B)~~(2)~~ To permit the appropriate use of a lot less in area by not more than ten percent of the area required by this chapter;

(C)~~(3)~~ To reduce the applicable off-street parking or loading facilities required by not more than two parking spaces or one loading berth or twenty percent of the required number, whichever is greater;

(D)~~(4)~~ To permit the same off-street parking facilities to qualify as required spaces for two or more uses, provided, the substantial use of such spaces by each user does not take place at approximately the same hours of the same days of the week;

(E)~~(5)~~ To permit temporary buildings and uses for periods not to exceed two years in undeveloped areas of the City, and for periods not to exceed six (6) months in developed areas;

(F)~~(6)~~ To permit the placement and operation of wind turbines, solar energy collectors, or other energy saving devices that would not be in conformance with the space limitations as specified in this chapter.

(G)~~(7)~~ To permit the construction and operation of a private wastewater treatment system for any use within the zoning jurisdiction of the City of Grand Island, excepting those small systems consisting of a septic tank and drainfield having a design capacity of less than 2,000 gallons per day. The design capacity shall be based on the table of estimated waste/sewerage flow rates in the currently adopted plumbing code of the City of Grand Island.

(H)~~(8)~~ To permit the keeping of livestock on residential property with less than a half acre of outdoor enclosure area per animal for periods not to exceed three (3) years in accordance with requirements set out in §5-16 of this code.

(I) To permit operation of a salvage yard where allowed under the permitted conditional uses within the respective districts; provided, that salvage operations conducted entirely within a building as an accessory use to a permitted principal use of land shall not require compliance with this article.

SECTION 8. Section 36-120 of the Grand Island City Code is hereby amended to

read as follows:

§36-120. Conditional Uses; Procedure

(A) After receipt of a conditional use application, the city clerk shall schedule a public hearing before the city council to consider such application. Notice of such application shall be placed in a newspaper of general circulation in the city at least one time ten days prior to such hearing. In addition to the publication, the city clerk shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. The hearing shall be held at which all interested parties shall be heard.

(B) The city council may grant, grant with any conditions or safeguards upon the property benefitted by a conditional use, or deny the application. Violation of any such conditions or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a misdemeanor. No conditional use permitting the erection or alteration of a building or other use shall be valid for a period longer than one year unless the building is

ORDINANCE NO. 8767 (Cont.)

erected or altered or the use established within that period. Any act in violation of a permitted conditional use or any condition or safeguard which is made part of the terms under which a conditional use is granted, shall render such conditional use voidable and subject to revocation by the city council upon notice and hearing as provided herein.

(C) The city administrator or any department director having personal knowledge of any violation of a permitted conditional use or a condition or safeguard which is made part of the terms under which a conditional use is granted, may deliver a written request to the building department director asking that the director issue a notice of violation and demand for compliance to the person owning the property subject to the permitted conditional use. Upon receipt of said written request, the building department director shall investigate the alleged violation and if it is determined that a violation exists, the building department director shall send a notice of violation and demand for compliance to the last known address of said person, one copy each, by ordinary first class mail and certified mail, return receipt requested, demanding that the premises be brought into compliance with the conditional use by a date certain and advising said person that in the event violations continue after said date, that a request for revocation of the conditional use will be forwarded to the city council for a public hearing and determination. The written notice shall include a description of the violations and the underlying facts supporting such allegations.

(D) If the violations stated in the foregoing notice and demand are not eliminated and the property brought into compliance with the city code and the permitted conditional use, by the date certain, the building department director shall send such person a notice of hearing before the city council to consider revocation of the conditional use permit. The public hearing shall be conducted informally. The building department director, city attorney or their respective designees shall present oral or written statements or reasons supporting revocation of the permitted conditional use. The property owner(s) or designee(s) shall present oral or written statements or reasons opposing the revocation of the permitted conditional use. Statements by each side shall be limited to a total time of one hour or less. Any interested person may be heard following presentations on behalf of the city and the property owner. Upon conclusion of the hearing, the city council may affirm, revoke, or modify the permitted existing use.

SECTION 9. Section 36-122 is hereby added to the Grand Island City Code as

follows:

§36-122. Conditional Uses; Salvage Yards

All salvage yards shall be subject to the following conditions as part of their permitted conditional use:

(A) In addition to the information required pursuant to §36-118, an application for a conditional use for a salvage yard shall include a site plan for the premises showing the layout of the proposed operation, building and infrastructure locations, property dimensions, drainage, and landscaping.

(B) All structures located or constructed on the salvage yard premises shall comply with the Grand Island City Code and all applicable building, electrical, plumbing and fire codes.

(C) All hazardous materials and regulated waste shall be received, stored, and disposed of in accordance with state and federal laws and the rules and regulations of the U.S. Environmental Protection Agency and the Nebraska Department of Environmental Quality.

(D) All operations of a salvage yard, including those which are ancillary or indirectly related to the salvage yard such as administration, parking, equipment and/or container storage shall be conducted on the premises subject to the permitted conditional use.

(E) All premises on a salvage yard shall be kept and maintained in a clean and orderly manner, using the best practices of the industry, with no loose garbage, litter, refuse or waste materials on the premises except those kept in short term storage for processing. The persons operating the salvage yard shall on a regular and routine basis inspect all areas adjacent to the salvage yard and clean up any materials which originated from the salvage yard.

SECTION 10. Section 36-127 is hereby added to the Grand Island City Code as

follows:

ORDINANCE NO. 8767 (Cont.)

§36-127. Salvage Yards; Annual Inspection

The building department director or his/her designee shall inspect all salvage yards annually to confirm compliance with the terms and conditions of each yards' conditional use permit.

SECTION 11. Sections 17-1, 17-41, 36-12, 36-35, 36-45, 36-119, 36-120, 36-122, and 36-127 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 12. That this ordinance shall be in force and take effect from and after its passage and publication, in pamphlet form, 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