



City of Grand Island

Tuesday, July 13, 2004

Council Session

Item E2

**Public Hearing Concerning the City's Proposed Zoning
Regulations and Revised Zoning Map**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity AICP
Hall County Regional Planning Director

Meeting: July 13, 2004

Subject: Zoning Regulations

Item #'s: E-2 & F-5

Presenter(s): Chad Nabity, AICP Hall County Regional Planning Director

Background

In March of 2002 the Hall County Regional Planning Department began working with JEO Consulting Inc. of Wahoo Nebraska to update the comprehensive development plans, zoning and subdivision regulations for Grand Island, Hall County, Wood River, Alda, Doniphan and Cairo.

The process for Grand Island, over the course of the last two years, included four town hall meetings, eight subcommittees that comprised of over 130 citizens suggesting goals, objectives and policies for their committee, as well as monthly meetings with a steering committee. The steering committee was made up of more than 25 citizens and city of Grand Island staff.

In March of 2004 the new plan and regulations were submitted to the Grand Island City Council for approval. After testimony by citizens council directed staff to make some changes to the Transitional Agriculture zone regarding livestock and send the regulations back to the planning commission.

In June of 2004 the Hall County Regional Planning Commission reviewed the changes to the proposed regulations and the regulations in their entirety in Grand Island City Code format. They held a public hearing, no members of the public spoke at the hearing or brought any concerns about the new regulations and map forward. The Planning Commission recommended that the City Council adopt the regulations.

Discussion

The Comprehensive Plan and updated regulations are not significantly different from the plan and regulations currently in place for Grand Island. Definitions have been modernized and language in some of the districts has been clarified to make it consistent with interpretation and enforcement of the current regulations.

Per instructions from the Grand Island City Council the TA Transitional Agriculture district has been modified regarding animal agriculture in the is zoning district.

The proposed regulations still allow animal agriculture in the TA Transitional Agriculture district but will limit it as follows:

The raising of livestock up to 300 animals as defined in Section 5-18 of this code provided that the owner has one-half (1/2) acre for each animal, and provided that the shelters, pens, enclosures for such animals are located no closer than 300 feet to a neighboring residential structure. The acres used for calculating the maximum number of animals must be capable of supporting pasture for grazing said animal.

This is a merger of what would be allowed farther out in the jurisdiction in the AG1 and AG2 Agricultural Zones and what we allow within the city limits. These changes are designed to address the concerns expressed by Council and the community at the meeting in March.

The document has been reformatted and is in city code format. It will replace the current version of chapter 36 and go into effect August 1, 2004 if adopted by council. We have expanded the TA zone to include areas around all of the outlying residential. This will provide a buffer for any of our outlying residential uses from intensive animal agriculture.

All other changes since March were in formatting and clarification to avoid contradictions with other parts of City Code. These changes have been reviewed and recommended for approval by the Hall County Regional Planning Commission.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the zoning regulations as presented.
2. Discuss the proposed regulation and direct staff to make specific modifications to the zoning regulations and bring the modified regulations forward for approval at a future date.

3. Discuss the proposed plan and regulation and direct staff to make specific modifications to the regulations and send the modified regulations back to the planning commission for a new hearing and recommendation.

Recommendation

City Administration recommends that the Council approve the proposed regulations as presented.

Section 36-60 from Proposed Chapter 36 of Grand Island City Code

§36-60. (TA) Transitional Agriculture Zone

Intent: To provide for a transition from rural to urban uses, and is generally located on the fringe of the urban area. This zoning district 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. The intent of the zoning district also would allow the raising of livestock to a limit and within certain density requirements.

(A) Permitted Principal Uses. The following principal uses are permitted in the (TA) Transitional Agriculture Zoning District.

- (1) Dwelling units
- (2) Raising of field crops, and horticulture
- (3) Country clubs as defined in §36-8 of this chapter
- (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) The raising of live stock up to 300 animals as defined in Section 5-18 of this code provided that the has one-half (1/2) acre for each animal, and provided that the shelters, pens, enclosures for such animals are located no closer than 300 feet to a neighboring residential structure. The acres used for calculating the maximum number of animals must be capable of supporting pasture for grazing said animal.**
- (9) All other Permitted Principal Uses indicated as permitted within 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 conditions relating to the placement of said use on a specific tract of ground in the (TA) Transitional Agriculture Zoning District.

- (1) Cemeteries, memorial parks, crematories, mausoleums, and columbariums
- (2) Commercial mines, quarries, sand and gravel pits and accessory uses
- (3) 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
- (4) Riding academies
- (5) Recreational Vehicle Parks
- (6) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (7) Towers
- (8) Veterinary clinics and animal hospitals
- (9) All other Conditional Uses indicated as conditional within the Zoning Matrix [Attachment A hereto]

(C) 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

(D) Space Limitations:

Uses		Minimum Setbacks						
		A	B	C	D	E		
	Minimum Parcel Area (acres)	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	100	30	25	15	20	20%	-
Conditional Uses	20	100	30	25	15	20	20%	-

(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
- (3) The following requirements are allowed in specific situations within the jurisdiction of Grand Island:
 - (i) Any person or persons who:
 - (1) owns a tract of 80 acres or more may sell one tract per 80 acres for a single family dwelling, providing such sale has not been previously exercised on the large tract; and/or
 - (2) owns an existing ranch or farm dwelling that is ten years old or more may sell a tract containing such dwelling;
 - (3) providing the following space limitations are complied with:

Min Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
		Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
20,000	100	30	25	15	25%	35 ¹

¹ for structures intended for human occupancy, all others no restrictions.

Planning Commission Agenda Memo

From: Chad Nabity AICP

Meeting: June 2, 2004

Subject: New Zoning and Subdivision Regulations and Zoning Map

Item #'s: 4

Presenter(s): Chad Nabity, Regional Planning Director

Background

In February of 2004, the Regional Planning Commission recommended that the Grand Island City Council adopt new zoning and subdivision regulations and a new zoning map as presented by staff and JEO Consulting Inc. Council held a hearing on the new regulations and directed staff to send them back to planning commission with some changes to the regulations and zoning map. One suggested change included extension of the Transitional Agriculture (TA) District around residential areas. Another request was to change the way animals are dealt with on farm properties in the TA District. Other changes included map corrections.

Staff has made the requested changes to the zoning regulations and is presenting these regulations in Grand Island City Code format.

Discussion

Enclosed you will find a complete copy of the zoning and subdivision regulations and the new proposed zoning map. The consultants and staff have extended the TA zoning district around residential areas throughout the jurisdiction and made corrections to the map.

Language changes have been made to the TA district involving raising animals on farm ground in those districts. Staff has attempted to provide for a transition from the AG1 and AG2 agricultural districts (allowing more intensive agricultural uses including confined feeding) into the animal regulations that are in effect for properties in the municipal limits of Grand Island (allowing animals but not at a scale that could be considered confined feeding). These limitations allow a maximum of 300 animals on a farm based on the amount and character of the property owned, (1 animal per ½ acre of

property capable of supporting pasture for grazing). All pens and enclosures would have to be located at least 300 feet from a neighboring residence. This would impact new operations but would not impact those operations already in existence.

There are a number of hand written notes and strikeouts throughout the proposed code. These notes and strikeouts will be incorporated into the final version of the code to be sent to City Council. Planning Commission should review these changes and feel free comment on any these changes. Staff from the legal, planning, building and public works departments have spent a great deal of time reviewing the proposed regulations to minimize conflicts within the Grand Island code.

Alternatives

It appears that the Planning Commission has the following alternatives concerning the issue at hand. The Commission may:

1. Recommend that Council Approve the regulations and map as presented
2. Recommend that Council Disapprove or /Deny the proposed regulations and map
3. Recommend that Council approve the proposed regulations and map to meet with suggested modifications
4. Table the issue

Recommendation

Planning Commission staff recommends that the Commission recommend approval of the regulations and map as presented.

Sample Motion

Move to recommend that the Grand Island City Council approve the regulations and map as presented.