



# City of Grand Island

Tuesday, December 21, 2004

Council Session

## Item F3

### **#8947 - Consideration of Amendments to Chapter 36 of the Grand Island City Code**

*This item relates to the aforementioned Public Hearing Item E-2.*

Staff Contact: Chad Nabity

ORDINANCE NO. 8947

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 36-22 pertaining to side yard requirements; to amend Section 36-23 to correct a referenced city code section number; to amend Section 36-25 to allow window wells as a permitted obstruction; to amend Section 36-60 pertaining to the Transitional Agriculture Zone; to amend Section 36-61 pertaining to the Large Lot Residential Zone; to amend Section 36-68 pertaining to the General Business Zone; to amend Section 36-69 pertaining to Arterial Commercial Overlay Zone; to amend Section 36-70 pertaining to Heavy Business Zone; to amend Section 36-72 pertaining to Light Manufacturing Zone; to amend Section 36-73 pertaining to Heavy Manufacturing Zone; to amend Section 36-74 pertaining to Mixed Use Manufacturing Zone; to amend Section 36-97 pertaining to the Schedule of Minimum Off-Street Parking and Loading Requirements; to amend Section 36-99 pertaining to home occupations; to amend Section 36-100 pertaining to fences; to delete Section 36-154 pertaining to building permits; to amend Section 36-155 pertaining to occupancy certificates; to delete Section 36-156 pertaining to Certificates of Occupancy; to amend Section 36-157 pertaining to certificates of occupancy for land; to delete Section 36-158 pertaining to nonconforming use certificates of occupancy; to delete Section 36-160 pertaining to occupancy certificate fees; to repeal Sections 36-22, 36-23, 36-25, 36-60, 36-61, 36-68, 36-69, 36-70, 36-72, 36-73, 36-74, 36-97, 36-99, 36-100, 36-154, 36-155, 36-156, 36-157, 36-158, and 36-160 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:

Approved as to Form	☐ _____
December 15, 2004	☐ City Attorney

ORDINANCE NO. 8947 (Cont.)

SECTION 1. Section 36-22 of the Grand Island City Code is hereby amended to

read as follows:

**§36-22. Yard Requirements**

(A) Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

(B) All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

(C) Front Yard: There shall be a front yard setback as required herein, provided, that where fifty percent or more of the frontage on one street in any block is built up with buildings, no new building setback shall be less than either the required setback or the setback of any existing building which next exceeds the required setback, whichever is greater. This regulation shall not require a setback of more than 50 feet.

(D) Side Yard: Any interior side yard may be reduced to zero; provided, that the opposite side yard meets the required interior side yard setback. Where the zero side yard setback is used, the abutting property must be held under the same ownership at the time of initial construction or the owners of the abutting property must be agreeable to the zero setback. A separation of not less than ten (10) feet shall be provided between adjacent structures on abutting sites where the zero side yard setback is utilized. This requirement shall not apply in an RD Zone or where the same interior property line is utilized for zero side yard construction on both properties.

For the purpose of upkeep and repair of structures located on an interior property line, a four (4) foot maintenance easement shall be recorded between the owner of the property containing said structure and the owner of the property upon which entry must take place in order to perform maintenance activities. Such easement shall be an irrevocable covenant and shall run with the land. Proof of said recorded easement shall be submitted to the Building Department prior to issuance of a building permit.

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

read as follows:

**§36-23. Through Lots**

Through Lots shall follow the following criteria:

(A) Where a through lot abuts a major thoroughfare and access is made from the other frontage street and access along said thoroughfare is restricted, the rear yard setback for fences and screening devices shall be zero feet. The rear yard setback for accessory buildings shall follow the prescribed setback within the zoning district.

(B) Where a through lot is part of a triple frontage lot and abuts a major thoroughfare, the rear yard shall meet the standards of §36-23(A), 4.10.01 (1), while the other two frontages shall be treated as a corner lot with a front yard setback and a street side yard setback.

(C) Where a through lot occurs, other than along a major thoroughfare, the following shall apply:

(1) Where all principal structures in the development face the same frontage, then the rear yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical corner lot.

(2) Where principal structures face different directions along both frontages, the rear yard setback for fences and screening shall be the same as any prescribed rear yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical corner lot. All accessory buildings in this condition, shall comply with the minimum rear yard setbacks rather than the reduced setback allowed for accessory buildings.

ORDINANCE NO. 8947 (Cont.)

SECTION 3. Section 36-25 of the Grand Island City Code is hereby amended to read as follows:

**§36-25. Permitted Obstructions in Required Yards**

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

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

(B) Front Yards: Bay windows projecting three (3) feet or less into the yard are permitted.  
*Rear and Side Yards*: Open off-street parking spaces or outside elements of central air conditioning systems.

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

SECTION 4. Section 36-60 of the Grand Island City Code is hereby amended to read as follows:

**§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 livestock up to 300 animals as defined in ~~§Section~~ 5-18 of the city 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.
- (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

ORDINANCE NO. 8947 (Cont.)

- (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~~

~~(1) (2) Guest building~~

~~(2) (3) Customary home occupations~~

~~(3) (4) Buildings, corrals, stables or pens in conjunction with the permitted uses~~

~~(4) (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~~

~~(5) (6) Offices incidental to and necessary for a permitted use~~

~~(6) (7) Other buildings and uses accessory to the permitted principal uses~~

(D) Space Limitations:

Uses	Minimum Setbacks					Maximum Ground Coverage	Maximum Building Height (feet)
	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)	
Permitted Uses	20	100	30	25	15	20	20% <u>35<sup>1</sup></u>
Conditional Uses	20	100	30	25	15	20	20% <u>-35<sup>1</sup></u>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

(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 <sup>1</sup>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

SECTION 5. Section 36-61 of the Grand Island City Code is hereby amended to

read as follows:

**§36-61. (LLR) Large Lot Residential 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 residential dwellings at a maximum density of two dwelling units per acre, as well as other open space and recreational activities.

(A) Permitted Principal Uses: The following principal uses are permitted in the (LLR) Large Lot Residential Zoning District.

ORDINANCE NO. 8947 (Cont.)

- (1) Dwelling units
- (2) Raising of field crops and horticulture
- (3) Country clubs as defined herein
- (4) Public parks
- (5) 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.
- (6) Railway right-of-way, but not including railway yards or facilities
- (7) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (8) 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 (LLR) Large Lot Residential Zoning District.

- (1) Greenhouses and the raising of trees and nursery stock
- (2) Cemeteries, memorial parks, crematories, mausoleums, and columbariums
- (3) Commercial mines, quarries, sand and gravel pits and accessory uses
- (4) Riding academies
- (5) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (6) Towers
- (7) Veterinary clinics and animal hospitals
- (8) 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~~
- ~~(1) (2) Guest building~~
- ~~(2) (3) Customary home occupations~~
- ~~(3) (4) Buildings for the display and sale of products grown or raised on the premises, provided, the floor area does not exceed 500 square feet~~
- ~~(4) (5) Offices incidental to and necessary for a permitted use~~
- ~~(5) (6) Other buildings or uses accessory to the permitted principal uses~~

(D) Space Limitations:

Uses	Minimum Parcel Area (feet)	Minimum Lot Area per Dwelling Unit	Minimum Setbacks					Maximum Ground Coverage	Maximum Building Height (feet)
			A Minimum Lot Width (feet)	B Front Yard (feet)	C Rear Yard (feet)	D Side Yard (feet)	E Street Side Yard (feet)		
<b>Permitted Uses</b>	20,000	20,000	100	30	25	15	20	<del>25%</del> 20%	<del>35-</del>
<b>Conditional Uses</b>	20,000	20,000	100	30	25	15	20	<del>25%</del> 20%	<del>35-</del>

(E) Miscellaneous Provisions

- (1) Supplementary regulations shall be complied with as defined here in
- (2) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein

SECTION 6. Section 36-68 of the Grand Island City Code is hereby amended to read as follows:

## ORDINANCE NO. 8947 (Cont.)

### §36-68. (B-2) General Business Zone

*Intent:* The intent of this zoning district is to provide for the service, retail and wholesale needs of the general community. This zoning district will contain uses that have users and traffic from all areas of the community and trade areas, and therefore will have close proximity to the major traffic corridors of the City. Residential uses are permitted at the density of the (R-4) High Density Residential Zoning District.

(A) Permitted Principal Uses: The following principal uses are permitted in the (B-2) General Business Zoning District.

- (1) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (2) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (3) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (4) Dwelling units
- (5) Board and lodging houses, fraternity and sorority houses
- (6) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (7) Public parks and recreational areas
- (8) Country clubs
- (9) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (10) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (11) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (12) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (13) Public and quasi-public buildings for cultural use
- (14) Railway right-of-way but not including railway yards or facilities
- (15) Nonprofit community buildings and social welfare establishments
- (16) Hospitals, nursing homes, convalescent or rest homes
- (17) Radio and television stations (no antennae), private clubs and meeting halls
- (18) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar use
- (19) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (20) Group Care Home with less than eight (8) individuals
- (21) Elderly Home, Assisted Living
- (22) Stores and shops for the conduct of wholesale business, including sale of used merchandise
- (23) Outdoor sales and rental lots for new and used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (24) Specific uses such as: archery range, billboards, drive-in theater, golf driving range, storage yard (no junk, salvage or wrecking)
- (25) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is used
- (26) Other uses as indicated 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 (B-2) General Business Zoning District as approved by City Council.

- (1) Recycling business
- (2) Towers
- (3) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

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

ORDINANCE NO. 8947 (Cont.)

(D) Space Limitations:

Uses	Minimum Parcel Area (feet)	A Minimum Lot Width (feet)	Minimum Setbacks				Maximum Ground Coverage	Maximum Building Height (feet)
			B Front Yard (feet)	C Rear Yard (feet)	D Side Yard (feet)	E Street Side Yard (feet)		
Permitted Uses	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%	55
Conditional Uses	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%	55

- 1 No rear yard setback is required if ~~unless~~ bounded by an alley, ~~otherwise then~~ a setback of 10 feet is required.
- 2 No side yard setback is required, but if provided, not less than five feet, or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(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 7. Section 36-69 of the Grand Island City Code is hereby amended to

read as follows:

**§36-69. (AC) Arterial Commercial Overlay Zone**

*Intent:* The intent of this zoning district is to provide an overlay of the (B-2) General Business Zoning District in order to require increased front setbacks, landscaping, and the limitation of some uses within areas along entrance corridors of the city. As the name implies, the overlay will be most commonly used along an arterial street corridor.

(A) Permitted Principal Uses: The following principal uses are permitted in the (AC) Arterial Commercial Overlay District

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units
- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes
- (10) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
- (11) Nonprofit community buildings and social welfare establishments
- (12) Office and office buildings for professional and personal service as found in the Zoning Matrix [Attachment A hereto]
- (13) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery, etc.
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use



ORDINANCE NO. 8947 (Cont.)

- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Specific uses such as: archery range, drive-in theatre, golf driving range
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix (Attachment A hereto)
- (22) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (23) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (24) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (25) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (26) Other uses as indicated 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 (AC) Arterial Commercial Overlay District as approved by City Council.

- (1) Towers

(C) Permitted Accessory Uses:

- (1) Buildings and uses accessory to the permitted principal uses
- (2) Automotive body repair may be accessory to new or used automotive sales or rental, provided, no outside storage of parts shall be permitted.

(D) Space Limitations:

Uses	Minimum Parcel Area (feet)	Minimum Setbacks					Maximum Ground Coverage	Maximum Building Height (feet)
		A	B	C	D	E		
	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)			
<b>Permitted Uses</b>	5,000	50	20	0 <sup>1</sup>	0 <sup>2</sup>	10	80%	55
<b>Conditional Uses</b>	5,000	50	20	0 <sup>1</sup>	0 <sup>2</sup>	10	80%	55

- 1. No rear yard setback is required ~~if unless~~ bounded by an alley, ~~otherwise then~~ a setback of 10 feet is required.
- 2. No side yard setback is required, but if provided, not less than 5 feet, or unless adjacent to a parcel whose zone requires a side yard setback, then 5 feet.

(E) Procedure:

- (1) An application for an amendment to the arterial commercial zone on the Official Zoning Map shall follow all procedural requirements as set forth in this Section.

(F) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein.
- (2) Only one principal building shall be permitted on any one zoning lot except as otherwise provided herein.
- (3) Landscaping shall be provided and maintained within the 20 foot front yard setback. Landscaping shall mean lawn areas and may also include trees, shrubs, and flowers. Crushed or lava rock, gravel, bark chips, etc. shall not substitute for lawn area.
- (4) All improvements and uses shall be designed to direct primary vehicular and pedestrian traffic to arterial street access and reduce such traffic on adjacent non-arterial streets and alleys.

SECTION 8. Section 36-70 of the Grand Island City Code is hereby amended to

read as follows:

## ORDINANCE NO. 8947 (Cont.)

### §36-70. (B-3) Heavy Business Zone

*Intent:* The intent of this zoning district is to provide for the multiple uses within the central business district. Residential uses are permitted at the density of the (RO) Residential Office Zone.

(A) Permitted Principal Uses: The following principal uses are permitted in the (B-3) Heavy Business Zoning District.

- (1) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (2) Boarding and lodging houses, fraternity and sorority houses
- (3) Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature
- (4) Colleges offering courses of general instruction, including convents, monasteries, dormitories, and other related living structures when located on the same site as the college
- (5) Country clubs
- (6) Dwelling units
- (7) Elderly Home, Assisted Living
- (8) Group Care Home with less than eight (8) individuals
- (9) Hospitals, nursing homes, convalescent or rest homes
- (10) Hotel and motel uses
- (11) Mortuaries, funeral homes, and funeral chapels
- (12) Nonprofit community buildings and social welfare establishments
- (13) Office and office buildings for professional and personal services as found in the Zoning Matrix [Attachment A hereto]
- (14) Preschools, nursery schools, day care centers, children's homes, and similar facilities
- (15) Public parks and recreational areas
- (16) Public, parochial and private schools having a curriculum equivalent to an elementary or higher educational level
- (17) Public and quasi-public buildings for cultural use
- (18) Radio and television stations (no antennae), private clubs and meeting halls
- (19) Railway right-of-way but not including railway yards or facilities
- (20) Retail activities of a prescriptive service provided it is limited to being secondary to said use. Retail space is limited to 25% of the total floor area
- (21) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (22) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (23) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties
- (24) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses
- (25) Other uses as indicated 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 (B-3) Heavy Business Zoning District as approved by City Council.

- (1) Manufacture, fabrication or assembly uses incidental to wholesale or retail sales wherein not more than 20% of the floor area is so used
- (2) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery
- (3) Stores and shops for the conduct of wholesale business, including sale of used merchandise.
- (4) Towers
- (5) Other uses as indicated in the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

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

ORDINANCE NO. 8947 (Cont.)

(D) Space Limitations:

Uses	Minimum Setbacks							Maximum Ground Coverage	Maximum Building Height (feet)
	A	B	C	D	E				
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)			
<b>Permitted Uses</b>	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%		
<b>Conditional Uses</b>	3,000	30	10	0 <sup>1</sup>	0 <sup>2</sup>	10	100%		

1. No rear yard setback is required if ~~unless~~ bounded by an alley, ~~otherwise then~~ a setback of 10 feet is required.
2. No side yard setback is required, but if provided, not less than five feet or unless adjacent to a parcel whose zone requires a side yard setback, then five feet. When adjacent to a public alley, the setback is optional and may range from 0 feet to 5 feet.

(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

SECTION 9. Section 36-72 of the Grand Island City Code is hereby amended to

read as follows:

**§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) 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

(D) Specifically Excluded Uses:

- (1) Any residential use

ORDINANCE NO. 8947 (Cont.)

(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						Maximum Ground Coverage	Maximum Building Height (feet)
	A	B	C	D	E			
	Minimum Parcel Area (feet)	Minimum Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Street Side Yard (feet)		
<b>Permitted Uses</b>	20,000	100	35 <sup>1</sup>	20	10	<del>10</del> 35	50%	50
<b>Conditional Uses</b>	20,000	100	35 <sup>1</sup>	20	10	<del>10</del> 35	50%	50

<sup>1</sup> 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.

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

SECTION 10. Section 36-73 of the Grand Island City Code is hereby amended to

read as follows:

**§36-73. (M-2) Heavy Manufacturing Zone**

*Intent:* The intent of this zoning district is to provide for the greatest amount 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) Administrative, executive, professional, research and similar office use having limited contact with the public
- (2) Agencies as found in the Zoning Matrix [Attachment A hereto]
- (3) Agriculture, including the raising of field crops, tree and bush crops, animals and fowl, but not including feed lots, poultry farms, and fur farms
- (4) Concrete or cement products manufacturing and batching plant
- (5) Contractors storage yard or plant
- (6) Gravel, sand or dirt removal, stockpiling, processing or distribution, and batching plant
- (7) Manufacture, processing, assembly, fabrication and/or storage of non-hazardous products and materials
- (8) Mortuaries, funeral homes, and funeral chapels
- (9) Office and office buildings for professional and personal services as found in the Zoning Matrix [Attachment A hereto]
- (10) Outdoor sales and rental lots for new or used automobiles, boats, motor vehicles, trailers, manufactured homes, farm and construction machinery
- (11) Radio and television stations, private clubs and meeting halls
- (12) Railway right-of-way, including yards and facilities
- (13) Stores and shops that conduct retail business, provided, all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open, as per the Zoning Matrix [Attachment A hereto]
- (14) Stores and shops for the conduct of wholesale business, including sale of used merchandise
- (15) Truck, bush and tree farming, provided, there is no display or sale at retail of such products on the premises
- (16) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (17) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set

ORDINANCE NO. 8947 (Cont.)

forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall be of such exterior design as to harmonize with nearby properties

(18) Vocational or trade schools, business colleges, art and music schools and conservatories, and other similar uses

(19) 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-2) Heavy Manufacturing Zoning District as approved by City Council.

- (1) Automobile wrecking yard
- (2) Acid or acid by-products manufacture
- (3) Ammonia bleaching powder, chlorine, peroxylin or celluloid manufacture
- (4) Explosives manufacture or storage
- (5) Garbage, refuse, offal or dead animal reduction or disposal area
- (6) Glue manufacture, fat rendering, distillation of bones or by-products
- (7) Meat packing plants, including poultry and animal slaughterhouses and abattoirs
- (8) Milling or smelting of ores
- ~~(9)(8)~~ Petroleum refining
- ~~(10)(9)~~ Motels and hotels
- ~~(11)(10)~~ Petroleum refining
- ~~(12)(11)~~ Stock or feed yards
- ~~(13)(12)~~ Salvage yard
- ~~(14)(13)~~ Tanning, curing, or storage of hides or skins
- ~~(15)(14)~~ Towers

(C) Permitted Accessory Uses:

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

(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:

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)
<b>Permitted Uses</b>	6,000	50	10 - <sup>1</sup>	0 <sup>1</sup>	0 <sup>2</sup>	10 - <sup>3</sup>	65%	-
<b>Conditional Uses</b>	6,000	50	10 -	0 <sup>1</sup>	0 <sup>2</sup>	10 - <sup>3</sup>	65%	-

<sup>1</sup> None when bounded by an alley, otherwise 10 feet

<sup>2</sup> No required Side Yard Setback, 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.

(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 11. Section 36-74 of the Grand Island City Code is hereby amended to

read as follows:

**§36-74. (M-3) Mixed Use Manufacturing Zone**

*Intent:* To provide for a mix of light manufacturing, warehousing, wholesaling, retail, and residential uses. This zoning district is reflective of the mix of uses historically present along the Union Pacific Railroad tracks through the central city.

ORDINANCE NO. 8947 (Cont.)

(A) Permitted Principal Uses:

- (1) Churches
- (2) Residential dwellings at the same density as the (R-4) High Density Residential Zoning District
- (3) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities
- (4) Animal hospital and veterinary clinic
- (5) Arena or athletic field or track
- (6) Automobile body repair
- (7) Automobile service station
- (8) Bakery
- (9) Bottling plant
- (10) Blueprinting
- (11) Brewery or distillery
- (12) Café or restaurant
- (13) Cannery
- (14) Carpenter or woodworking shop
- (15) Carpet cleaning
- (16) Casting of lightweight or nonferrous metals
- (17) Crating and hauling depot
- (18) Dairy products distribution
- (19) Dry cleaning and laundry plant
- (20) Feed and seed processing and storage
- (21) Furniture repair and warehousing
- (22) Garage
- (23) Laboratories
- (24) Lapidary
- (25) Printer
- (26) Publisher or lithographer
- (27) Sign painting or manufacture
- (28) Stone and monument works
- (29) Storage yards or buildings for lumber, gas, oil and similar materials; but not explosives, vitreous ware, pottery and porcelain manufacture
- (30) Warehouse
- (31) Manufacture, processing, assembly, fabrication or storage of products and materials similar to the above
- (32) Railway right-of-way, including yards and facilities
- (33) Other uses as permitted in the Zoning Matrix [Attachment A hereto]

(B) Conditional Uses: The following uses may be permitted, if approved by the city council, in accordance with procedures set forth in Article VI of this chapter.

- (1) Salvage yards except those dealing primarily with hazardous or regulated waste
- (2) Towers

(C) Permitted Accessory Uses:

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

(D) Specifically Excluded Uses:

- (1) Manufactured home parks

ORDINANCE NO. 8947 (Cont.)

(E) Space Limitations:

Uses	Minimum Parcel Area (feet)	A Minimum Lot Width (feet)	Minimum Setbacks				Maximum Ground Coverage	Maximum Building Height (feet)
			B Front Yard (feet)	C Rear Yard (feet)	D Side Yard (feet)	E Street Side Yard (feet)		
<b>Permitted Uses</b>	6,000	50	10 <sup>1-</sup>	0 <sup>2+</sup>	0 <sup>3+</sup>	10 <sup>35</sup>	65%	-
<b>Conditional Uses</b>	6,000	50	10 <sup>1-</sup>	0 <sup>2+</sup>	0 <sup>3+</sup>	10 <sup>35</sup>	65%	-

<sup>1</sup> Shall be zero feet when located in Central Business District and Fourth Street Business District

<sup>2</sup> None when bounded by an alley, otherwise 10 feet

<sup>3</sup> No required Side Yard Setback, 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.

(F) Miscellaneous Provisions:

- (1) Supplementary regulations shall be complied with as defined herein
- (2) Only one (1) principal building shall be permitted on each zoning lot except as otherwise provided herein.

SECTION 12. Section 36-97 of the Grand Island City Code is hereby amended to

read as follows:

**§36-97. Schedule of Minimum Off-Street Parking and Loading Requirements**

Uses	Parking Requirements	Loading Requirements
<b>Adult entertainment establishments</b>	One (1) space per 2 persons of licensed capacity	None required
<b>Bowling Alleys</b>	Four (4) spaces per alley	One (1) space per establishment
<b>Churches, Synagogues, and Temples</b>	One (1) space per 4 seats in main worship area	None required
<b>Clubs, including fraternal organizations</b>	One (1) space per 500 s.f. of net floor area	None required
<b>College/University</b>	One (1) spaces per every two (2) students of occupancy plus one (1) per employee.	Two (2) spaces per structure
<b>Commercial Uses</b>		
<b>Agricultural Sales / Service</b>	One (1) space per 500 s.f. of net floor area	One (1) per establishment
<b>Automotive Rental / Sales</b>	One (1) space per 500 s.f. of net floor area	One (1) per establishment
<b>Automotive Servicing</b>	Three (3) spaces per repair stall	None required
<b>Bars, Taverns, Nightclubs</b>	Parking equal to 30% of licensed capacity	Two (2) spaces per establishment
<b>Body Repair</b>	Four (4) spaces per repair stall	None required
<b>Equipment Rental / Sales</b>	One (1) space per 500 s.f. of net floor area	One (1) Space
<b>Campground</b>	One (1) space per camping unit	None required
<b>Commercial Recreation</b>	One (1) space per 4 persons of licensed capacity	One (1) per establishment
<b>Communication Services</b>	One (1) space per 500 s.f. of net floor area	One (1) per establishment
<b>Construction Sales / Service</b>	One (1) space per 500 s.f. of net floor area	One (1) per establishment
<b>Food Sales (limited)</b>	One (1) space per 300 s.f. of net floor area	One (1) per establishment
<b>Food Sales (general)</b>	One (1) space per 200 s.f. of net floor area	Two (2) per establishment
<b>General Retail Sales establishments</b>	One (1) space per 200 s.f. of net floor area	One (1) per establishment
<b>Laundry Services</b>	One (1) space per 200 s.f. of net floor area	None required
<del>Restaurants w/ drive thru</del>	<del>One (1) space per 150 s.f. of net floor area</del>	<del>One (1) per establishment</del>
<b>Restaurants (General)</b>	Parking equal to 40% of seating licensed capacity	Two (2) spaces per establishment
<b>Convalescent and Nursing Home Services</b>	One (1) space per 3 beds plus 1 per employee on the largest shift	Two (2) space per structure
<b>Day Care</b>	One (1) space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
<b>Educational Uses, Primary facilities</b>	Two (2) spaces per classroom	Two (2) spaces per structure
<b>Educational Uses, Secondary facilities</b>	Eight (8) spaces per classroom plus 1 space per employee on largest shift	Two (2) spaces per structure
<b>Funeral Homes and Chapels</b>	Eight (8) spaces per reposing room	Two (2) spaces per establishment
<b>Group Care Facility</b>	One (1) space per 4 persons of licensed capacity	Two (2) space per structure
<b>Group Home</b>	One (1) space per 4 persons of licensed capacity	Two (2) space per structure
<b>Guidance Services</b>	One (1) space per 300 s.f. of net floor area	None required
<b>Hospitals</b>	One and one-half (1 1/2) spaces per 2 licensed beds;	Three (3) spaces per structure

ORDINANCE NO. 8947 (Cont.)

	plus, .75 times the maximum number of employees during the largest shift.	
<b>Hotels and Motels</b>	One (1) space per rental unit	One (1) space per establishment
<b>Housing (Congregate)</b>		
<b>Assisted-living facilities</b>	One (1) space per dwelling unit plus 1 space per employee on the largest shift	One (1) per structure
<b>Duplex</b>	Two (2) spaces per dwelling unit	None required
<b>Multi-family / Apartments</b>	One (1) space per sleeping unit– spaces to be sited in the general proximity of where the sleeping units are located, plus, one (1) additional space per apartment (for 1- and 2-sleeping units), and 1 ½ spaces per apartment (for 3-sleeping units) to accommodate guest parking.	None required
<b>Industrial Uses</b>	.75 times the maximum number of employees during the largest shift	Two (2) spaces per establishment
<b>Libraries</b>	One (1) space 500 s.f. of net floor area	One (1) per structure
<b>Boarding Houses / Bed and Breakfasts</b>	One (1) space per rental units	None required
<b>Medical Clinics</b>	Five (5) spaces per staff doctor, dentist, chiropractor	None required
<b>Manufactured Home Park</b>	Two (2) per dwelling unit	None required
<b>Offices and Office Buildings</b>	One (1) space per 200 s.f. of net floor area	None required
<b>Residential (Single-family, attached and detached)</b>	Two (2) spaces per dwelling unit with 1 required to be enclosed	None required
<b>Roadside stands</b>	Four (4) spaces per establishment	None required
<b>Service Oriented Establishments</b>	One (1) space per 200 s.f. of net floor area	One (1) per establishment
<b>Theaters, Auditoriums, and Places of Assembly</b>	One (1) space per 4 persons of licensed capacity	One (1) space per establishment
<b>Veterinary Establishments</b>	Three (3) spaces per staff doctor	None required
<b>Wholesaling / Distribution Operations</b>	One (1) space per 2 employees on the largest shift	Two (2) spaces per establishment

SECTION 13. Section 36-99 of the Grand Island City Code is hereby amended to

read as follows:

**§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. Advertising displays and advertising devices displayed through a window of the building shall not be permitted

(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

(E) No one other than the resident(s) can work from that site

(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.



ORDINANCE NO. 8947 (Cont.)

SECTION 14. Section 36-100 of the Grand Island City Code is hereby amended

to read as follows:

**§36-100. Fences and Hedges; Corner Visibility**

(A) There shall be no fences, hedges, or other continuous foliage higher than 36 inches above roadway surface except that trees of a greater height may be permitted if all foliage is removed to a height of five feet above the base of such tree within the sight triangle.

(B) Fences and Hedges; Other Visibility. On portions of a lot not covered by the corner visibility restriction, the height of fences, hedges, and foliage, continuous five feet or more, shall be limited in the following manner:

(1) Maximum front yard fence height of thirty-six (36) inches for solid/opaque fences (including picket, palisade, fabric weave chain link, "good neighbor", solid planking fencing styles).

(2) Maximum front yard fence height of forty-eight (48) inches for open transparent fences (including chain link, split rail, or wrought iron, where spacing/thickness of fence construction materials allows for an essentially unobstructed view).

(3) Maximum front yard hedge/foilage height of thirty-six (36) inches.

(4) On all other portions of lot lines, fences, hedges and other foliage, barriers may not exceed a height of ninety-six (96) inches.

(C) Fences and Hedges; Height. Fences, hedges, and other continuous foliage erected within the building portions of a zoning lot may conform with the height limits of such buildings but shall be subject to any building code provisions which may be applicable for buildings.

(D) Fences and Hedges; Measurement. Height of fences, hedges or other continuous foliage shall be measured from the nearest top of roadway surface or the official established grade thereof, whichever is the higher.

(E) Fences and Hedges; Exceptions. The city council may direct as a condition for granting a conditional use that fences, hedges, or other continuous foliage of a height and location in excess of these regulations be placed; provided, that no such approval shall have the effect of reducing corner visibility as provided for herein.

SECTION 15. Section 36-154 of the Grand Island City Code is hereby deleted:

**§36-154. Building Permits**

~~\_\_\_\_\_ The following shall apply to all new construction and all applicable renovations and remodels within Grand Island's Zoning Jurisdiction:~~

~~\_\_\_\_\_ (A) It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Department has issued a building permit for such work.~~

~~\_\_\_\_\_ (B) Issuance of a building permit. In applying to the Building Department for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Building Department for determining whether the provisions of this chapter are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this code, the Building Department shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Department shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Building Department shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this chapter. A building or zoning permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.~~

ORDINANCE NO. 8947 (Cont.)

SECTION 16. Section 36-155 of the Grand Island City Code is hereby amended

to read as follows:

**§36-155. Certificate of Occupancy; General**

No vacant land shall be occupied and used ~~and no building hereafter erected or structurally altered shall be occupied or used~~ until a certificate of occupancy has been issued by the chief building official.

SECTION 17. Section 36-156 of the Grand Island City Code is hereby deleted:

~~**§36-156. Certificate of Occupancy; Building**~~

~~\_\_\_\_\_ Certificate of occupancy of a new building or the structural alteration of any existing building shall be applied for coincident with application for a building permit and shall be issued within ten days after the erection or alteration of such building shall have been completed in conformity with the provisions of this Code. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.~~

SECTION 18. Section 36-157 of the Grand Island City Code is hereby amended

to read as follows:

**§36-157. Certificate of Occupancy; Land**

Certificate of occupancy for the use of vacant land or the change in the use of land shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued ~~within ten days~~ after the application has been made, provided, such use is in conformity with the provisions of this Code.

SECTION 19. Section 36-158 of the Grand Island City Code is hereby deleted:

~~**§36-158. Certificate of Occupancy; Nonconforming Use**~~

~~\_\_\_\_\_ Certificate of occupancy for a nonconforming use existing as of August 1, 2004, shall be issued by the chief building official and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this Code. The chief building official shall notify the owner or owners of property being used as a nonconforming use and said owner or owners shall, within thirty days after receipt of such notice, apply to the office of the chief building official for a certificate of occupancy.~~

SECTION 20. Section 36-160 of the Grand Island City Code is hereby deleted:

~~**§36-160. Certificate of Occupancy; Fee**~~

~~\_\_\_\_\_ No fee shall be charged for an original certificate applied for coincident with the application for a building permit; for all other certificates or for copies of the original certificate there shall be a fee of one dollar (\$1.00) charged for each.~~

SECTION 21. Sections 36-22, 36-23, 36-25, 36-60, 36-61, 36-68, 36-69, 36-70, 36-72, 36-73, 36-74, 36-97, 36-99, 36-100, 36-154, 36-155, 36-156, 36-157, 36-158, and 36-160

ORDINANCE NO. 8947 (Cont.)

as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 22. 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: December 21, 2004.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk