



# City of Grand Island

Tuesday, May 23, 2006

Council Session

## Item F4

### **#9047 - Consideration of Amending Chapter 36 of the Grand Island City Code Relative to Zoning**

*This item relates to the aforementioned Public Hearing Item's E-2 and E-3.*

Staff Contact: Dale Shotkoski

ORDINANCE NO. 9047

An ordinance to amend Chapter 36 of the Grand Island City Code; to amend Section 36-60 pertaining to permitted accessory uses in a Transitional Agriculture Zone; to amend Section 36-71 to allow the storage of fuel tanks in a ME-Manufacturing Estates Zone for the purpose of heating a building; to repeal Sections 36-60 and 36-71 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 36-60 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 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.
- (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

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- (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) Guest building
- (2) Customary home occupations
- (3) Buildings, corrals, stables or pens in conjunction with the permitted uses
- (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
- (5) Offices incidental to and necessary for a permitted use
- (6) Other buildings and uses accessory to the permitted principal uses
- (7) Landscape contractor business with limited retail sales when the following conditions are met:
  - (a) The business accessory to a farm, and located on a farm size parcel (20 acres or more), and
  - (b) A sod farm, greenhouse and/or tree farm operation is located on the site, and
  - (c) Total retail floor area within a building on the site does not exceed 1,000 square feet, and
  - (d) Total outdoor retail storage area for items not grown on site does not exceed 20,000 square feet, and
  - (e) Signage for the business shall be regulated by the Grand Island sign code for signs in a residential district, and
  - (f) Offstreet parking spaces shall be provided on site in a manner and number consistent with the requirements of the parking and loading standards included in this chapter for retail establishments.

(D) Space Limitations:

Uses	Minimum Parcel Area (acres)	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>	20	100	30	25	15	20	20%	35 <sup>1</sup>
<b>Conditional Uses</b>	20	100	30	25	15	20	20%	35 <sup>1</sup>

<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.

ORDINANCE NO. 9047 (Cont.)

SECTION 2. Section 36-71 of the Grand Island City Code is hereby amended to

read as follows:

**§36-71. (ME) Industrial Estates Zone**

*Intent:* The intent of this zoning district is to provide for a variety of manufacturing, truck, trailer, and truck/trailer parts retailing, truck, trailer, and truck/trailer parts wholesaling, warehousing, administrative and research uses within an area of comparatively high visibility and having quality standards to promote an industrial park atmosphere.

(A) Permitted Principal Uses: The following principal uses are permitted in the (ME) Industrial Estates Zoning District.

(1) Any industrial/manufacturing use found in the Zoning Matrix [Attachment A hereto] shall be permitted within this zoning district, provided, such use is in compliance with miscellaneous provisions and performance standards listed in this section, or unless specifically excluded, or a conditional use as listed below.

(2) Administrative offices for the wholesale distribution of propane when bottles are filled from a bulk propane tank not to exceed 40,000 gallons and when such tank is installed primarily to provide a source of heat for a building on the lot.

(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 (ME) Industrial Estates Zoning District as approved by the City Council.

- (1) Explosives manufacturing
- (2) Towers (radio, television, satellite, etc.)
- (3) Gravel, sand or dirt removal, stockpiling, processing or distribution and batching plant
- (4) Trade and vocational schools
- (5) Other uses found in the Zoning Matrix [Attachment A hereto]

(C) Permitted Accessory Uses:

- (1) Buildings and uses accessory to the permitted principal uses or approved permitted conditional uses.

(D) Specifically Excluded Uses:

- (1) Automotive wrecking or salvage yards
- (2) Billboards
- (3) Churches, schools, institutions and other similar public and semi-public uses except for trade and vocational schools
- (4) Concrete or cement products manufacturing and batching plants
- (5) Contractor's storage yard or plant
- (6) Milling or smelting of ores
- (7) Petroleum refining
- (8) Residential uses, any
- (9) Stock or feed yards and auction houses for livestock
- (10) Storage, dump, or yard for the collection, salvage or bailing of scrap paper, bottles, iron, rags, junk, or any other materials
- (11) Storage of explosives
- (12) Storage tanks or facilities for fuel oils, petroleum, acids, flammable liquids and chemicals
- (13) Tanning, curing, or storage of hides or skins
- (14) Other uses found in the Zoning Matrix [Attachment A hereto]

(E) 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)
<b>Permitted Uses</b>	2.5	250	50	20	20	50	50%	50
<b>Conditional Uses</b>	2.5	250	50	20	20	50	50%	50

Through Lots shall require that the Front Yard Setback be met on both sides adjacent to streets.

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(F) Miscellaneous Provisions:

- (1) Landscaping shall be provided in the entire area of all required front yards except for necessary paving of walkways and of driveways to reach parking and loading areas in the side or rear yards, provided, that any driveways in the front yard shall not be wider than thirty (30) feet. Landscaping shall include, but is not limited to, screen plantings, lawn area, pools, trees, shrubs, fences, and walls. Crushed rock, gravel, bark chips, etc., shall not substitute for lawn area. Landscaping shall be provided within two years of issuance of the occupancy permit for the principal structure and thereafter be properly maintained.
- (2) Any outside storage of inoperable or unassembled parts or equipment shall be visually screened from the surrounding area by fences, walls, plantings, earth berm or other barrier and such screening shall be opaque.
- (3) No loading facilities shall be located within a required front yard. Loading facilities located between a building and an adjacent street or residential district shall be visually screened to the same standards as any outside storage.
- (4) No galvanized or other raw metal sheeting shall be used for the exterior construction of any principal or accessory building.
- (5) Supplementary regulations shall be complied with as defined herein.
- (6) Only one principal building shall be permitted on one zoning lot except as otherwise provided herein.

SECTION 3. Sections 36-60 and 36-71 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 5. 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: May 23, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk