



City of Grand Island

Tuesday, January 27, 2009

Council Session

Item F1

#9202 - Consideration of Amendments to Chapter 36 and 26 of the Grand Island City Code to the B2 General Business Zone, AC Arterial Commercial Overlay Zone Regarding Recreation Vehicle Campgrounds and Changes to Section 36-26 Projections from Buildings

This item relates to the aforementioned Public Hearing Item E-4.

Staff Contact: Chad Nabity

ORDINANCE NO. 9202

An ordinance to amend Grand Island City Code Chapter 36 Sections 36-26 and 36-69 regarding projections into required yard or open spaces and campgrounds as a conditional use in Arterial Commercial Overlay Zones; to repeal sections 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 36-26 and 36-69 of the Grand Island City Code are amended to read as follows:

§36-26. Projections from Buildings

(A) Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than one (1) foot into any required yard or into any required open space, except that eaves may encroach three (3) feet into a yard when such yard is ten (10) feet or more in width, provided that such required yard or open space meets the current minimum yard standards.

~~(B) As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:~~

~~———— (1) Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the City's Building Code, except gated fences providing access to the rear yard.~~

~~———— (2) Six (6) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further: (a) that in no event may such porch or deck cover more than 60 square feet of the required front yard or extend beyond the side walls of the building structure, and (b) front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Department, and (c) covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.~~

~~———— (4) Safety railings shall be installed as per the City's Building Code and as approved by the Building Department.~~

~~———— (5) One half (1/2) of the distance into the required rear yard, but in no event closer than five (5) feet to any property line.~~

Approved as to Form	<input type="checkbox"/>	_____
January 21, 2009	<input type="checkbox"/>	City Attorney

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(B) Open, uncovered porches or terraces may extend three feet into any required side yard, ten feet into any required front yard, and any distance into any required rear yard. No railing or other barrier higher than 42 inches shall be placed on such porch or terrace within five feet of any property line except as provided within this ordinance. Any such porch or terrace located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this chapter for fences and hedges. A covered porch or terrace, not exceeding sixty square feet, may extend a maximum of six feet into the required front or rear yard, provided, such porch or terrace shall not be enclosed except by a railing or other barrier as previously mentioned.

(C) Provided further, that no railing or other barrier shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably (more than twenty-five (25) percent) with the passage of light or air shall be constructed within the required front yard or within five (5) feet of any side or rear yard lot line. Any such deck or porch when located on a lot at the intersection of two (2) streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this code for fences and hedges. Any side yard on a corner lot when such yard is twenty (20) feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.

(D) Vertical supports shall meet the City's Building Code.

§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
- (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)

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- (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

(2) Campgrounds including those serving recreational vehicles subject to following conditions:

- a) Developer shall submit a diagram of the proposed camp ground including a plot plan of the pads, landscaping plan, utility plan and interior street plan with the application for a conditional use permit
- b) A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof.
- c) All RV pads shall be provided with a landscape buffer yard or street yard as identified in the landscaping section of this code.
- d) Pads shall not be accessible from any public way.

A)

(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 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)
Permitted Uses	5,000	50	20	0 ¹	0 ²	10	80%	55
Conditional Uses	5,000	50	20	0 ¹	0 ²	10	80%	55

¹ No rear yard setback is required if bounded by an alley, otherwise 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.

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(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 2. Sections 36-26 and 36-69 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 3. 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 4. 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: January 27, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk