



City of Grand Island

Tuesday, April 14, 2015

Council Session

Item E-2

Public Hearing on Adoption of Amendments to Chapter 36 of the Grand Island City Code Relative to Zoning Regulations

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: April 14, 2015

Subject: Amendments to Chapter 36 (Zoning) Changed to §36-8 (F) §36-8 (G), Definitions, and §36-43 Zoning Districts and Appendix A Zoning Matrix

Item #'s: E-2 & F-3

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

Background

Concerning proposed amendments to Chapter 36 of the Grand Island City Code (Zoning) in the following area: §36-8 (F) and §36-8 (G) Definition and §36-43 – Zoning Districts and Appendix A Zoning Matrix. (C-13-2015All)

PROPOSAL:

During the past several months the planning commission has been discussing potential changes to the zoning regulations pertaining to Group Homes within Hall County. The changes were proposed in response to a complaint filed by the Nebraska Equal Opportunity commission against the City of Grand Island and Hall County. The NEOC has reviewed the proposed changes and indicated that they feel these changes as proposed would address their concerns.

Based on prior discussion of this matter and the review by the NEOC the Planning Commission is being asked to consider and make a recommendation to Grand Island, Wood River, Alda, Doniphan, Cairo and Hall County regarding the attached proposed changes.

Changes not associated with Group Homes include changing Guest Room to Guest Building and specifying within the text of Grand Island Zoning Ordinance that the extraterritorial jurisdiction is two miles from the City Limits as shown on the approved zoning map.

OVERVIEW:

Changes to the Definition of Family

Current Definition:

Family shall mean a household head and one or more persons related to the head by blood, marriage or adoption living together in a single dwelling unit.

Proposed Definition:

Group Home shall mean a household head and one or more persons related to the head by blood, marriage, adoption, guardianship or duly authorized custodial relationship living together in a single dwelling, or no more than five (5) unrelated persons living together in a single dwelling.

Addition of a Definition of Group Home with classifications based on size

Group Home shall include both Group Care Home and Group Home for the Disabled. Group homes shall be classified by size as follows:

Group Home (Small) shall mean a home designed to accommodate no more than 5 persons and shall be allowed in all zoning districts that permit dwelling units in the same manner as other dwelling units. These homes shall be built to no less than an R3 residential standard as defined by the International Building Code.

Group Home (Medium) shall mean a facility designed to house between 6 and 16 persons and shall require a conditional use permit in the LLR, R1, R2, R3 and R4 Districts and permitted in the RO, B1, B2, B3 and M3 zoning districts. These facilities shall be built to no less than an R4 residential standard as defined by the International Building Code.

Group Home (Large) shall mean a facility designed to house more than 16 persons and shall be permitted in the RO, B1, B2, B3, and M3 zoning districts. These facilities shall be built to an Institutional standard as defined by the International Building Code

No Change to the following definitions:

Group Care Home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.

Group Home for the Disabled shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education,

and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "disabled" shall mean having:

- (A) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
- (B) A record of having such an impairment; or
- (C) Being regarded as having such impairment.

Handicap shall not include current, illegal use of or addiction to a controlled substance as defined in state statutes.

Current Definition:

~~**Guest Room** shall mean a room which is designed to be occupied by one (1) or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.~~

Guest Building shall mean an accessory building which is designed to be occupied by one (1) or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

Proposed Changes to §36-43

36-43. Zoning Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within ~~one mile~~ **two miles** of the corporate boundaries, the City is hereby divided into zoning districts.

Proposed changes to the Zoning Matrix. The Zoning Matrix is an appendix to Chapter 36 that gives detailed information about which uses are permitted in each zoning district. The following changes as attached are proposed with the changes to the zoning definitions detailed above.

Discussion

At the regular meeting of the Regional Planning Commission, held April 1, 2015 the above item was considered following a public hearing.

O'Neill opened the Public Hearing.

Nabity review the changes Chapter 36 Concerning proposed amendments to Chapter 36 of the Grand Island City Code (Zoning) in the following area: §36-8 (F) and §36-8 (G) Definition and §36-43 – Zoning Districts and Appendix A Zoning Matrix.

O'Neill closed the Public Hearing.

A motion was made by Haskins and seconded by Robb to approve the rezone as presented.

A roll call vote was taken and the motion passed with 10 members present and 10 voting in favor (O'Neill, Connick, Huisman, Bredthauer, Ruge, Maurer, Robb, Heckman, Haskins, and Kjar) and no one abstaining.

The memo sent to the planning commission with staff recommendation is attached for review by Council.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to a future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the proposed changes as recommended.

Sample Motion

Move to approve the proposed changes to Chapter 36 as recommended and shown in Ordinance No. 9534.

GRAND ISLAND LAND USE MATRIX

Addendum "A"
Chapter 36
Grand Island City Code

Land Use Categories	AG-1	AG-2	AG-SC	AG-SE	AG-SI	SRC	TA	LLR	R-1	R-2	R-3	R-4	RO	RD	B-1	B-2	AC	B-3	CD	TD	ME	M-1	M-2	M-3
B																								
Boarding & rooming houses											C	P	P		P	P		P						P
C																								
Convents								P	P	P	P	P	P	P	P	P	P							
D																								
Day care centers							C	C	C	C	C	P	P	C	P	P	P	P	P				C	P
Dude ranches	C	C					C																	
Dwelling, elderly								P																
<i>Dwelling, in nonresidential structure</i>																								
Dwelling, mobile home not on permanent foundation																								
Dwelling, mobile home on permanent foundation																								
Dwelling, multi-family								P	P	P	P	P	P	P	P	P	P	P	P					P
Dwelling, single-family	P	P					P	P	P	P	P	P	P	P	P	P	P	P	P					P
<i>Dwelling, seasonal</i>																								
Dwelling, two-family								P	P	P	P	P	P	P	P	P	P	P	P					P
E																								
Fraternity & sorority houses												P	P	C	P	P	P	P						
G																								
<i>Group care home</i>								C	C	C	C	P	P	C		P	P	P						
<i>Group Home-(Small)</i>								P	P	P	P	P	P	P	P	P	P	P						P
<i>Group Home-(Medium)</i>									C	C	C	C	P	P	C	P	P	P						P
<i>Group Home-(Large)</i>													P	P	C	P	P	P						P
H																								
Hotels, tourist courts, & motels																P	P	P	P	P		C	C	P
M																								
Mobile home parks																								
Manufactured homes on permanent foundation	P	P					P	P	P	P	P	P	P	P	P	P	P	P					P	
N																								
Nursing, convalescent & rest home services											C	C	P	C	P	P	P	P	C					
O																								
Orphanages										C	C	P	P		P	P		P						
P																								
Private Prisons					C																			C
R																								
Rectories								P	P	P	P	P	P	P	P	P	P							
Religious camps & retreats	C	C				C	C	C																
Resorts (general)	C	C					C	C								P	P	P					C	
Rest, nursing, & convalescent home services											C	C	P	C	P	P	P	P	C					
Retirement homes											C	C	P	C	P	P	P	P	C					
Rooming & boarding houses											C	P	P	C	P	P	P	P						P
S																								
Sorority & fraternity houses												P	P	C	P	P	P	P						

P = Permitted Use

C = Conditional Use