



# City of Grand Island

Tuesday, January 10, 2012

Council Session

## Item F1

**#9349 - Consideration of Amending Previously Adopted Ordinance No. 9349 Relating to Chapter 36-69 of the Grand Island City Code Regarding Campgrounds**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Chad Nabity, AICP  
**Meeting:** January 10, 2012  
**Subject:** Changes to Chapter 36 (Zoning)  
**Item #'s:** F-1  
**Presenter(s):** Chad Nabity, Regional Planning Director

## Background

*Concerning proposed amendments to Chapter 36 of the Grand Island City Code (Zoning) in the following area: §36-69 - (AC) Arterial Commercial Overlay Zone. (C-03-2012GI*

Changes were made at the last City Council meeting on December 20, 2011 to the AC Arterial Commercial Overlay Zone regulations to allow the development of RV Parks and Campgrounds by conditional use permit. These changes established the following minimum requirements for an RV Park or Campground.

(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 shall be provided for each sex up to the first 25 sites. For each additional 25 sites or fraction thereof not provided with sewer connections, an additional toilet for each sex shall be provided.

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.

During the discussions regarding these changes Council discussed if these were clear enough that anyone applying for the conditional use permit would know that they would be required to put in a toilet and a lavatory as the previous regulations required both a toilet and a lavatory. The discussion during the meeting was that the plumbing code requires both a lavatory and a toilet and that Council could add the additional language during the issuance of the conditional use permit. Staff upon reflection of the discussion is recommending that Council amend the ordinance passed on December 20, 2011 to specify that a toilet and lavatory are required for each sex for the first 25 sites and every 25 sites or fraction thereof not provided with sewer connections. We feel that this clarification now will avoid confusion

later and are recommending that Council pass an amended ordinance with the following language

(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 shall be provided for each sex up to the first 25 sites. An additional toilet and lavatory for each sex shall be provided for each additional 25 sites or fraction thereof not provided with sewer connections

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.

### **Discussion**

The Planning Commission held a public hearing on the proposed changes at their meeting on December 7, 2011. No members of the public spoke in favor or against the proposed changes. A motion was made by Haskins and seconded by Bredthauer to approve the amendments to Chapter 36 of the Grand Island City Code. The motion carried with 8 members present and all voting in favor (O'Neill, Ruge, McCarty, Bredthauer, Reynolds, Haskins, Hayes and Snodgrass) and no members abstaining.

Council made minor modifications to the regulations as recommended by the Planning Commission and Staff is recommending that Council make additional minor changes based on the discussion at the December 20, 2011 City Council meeting.

### **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 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 Amended Ordinance Number 9349

ORDINANCE NO. 3949 Amended

An ordinance to amend for the purposes of clarifying the language and intent of the previously adopted Ordinance No. 3949 amending Chapter 36 of the Grand Island City Code specifically, to amend Section 36-69 pertaining to the AC Arterial Commercial Overlay Zone; to repeal Sections 36-69 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 36-69 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
- (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

Approved as to Form	☐ _____
January 6, 2012	☐ City Attorney

**ORDINANCE NO. 9349 Amended (Cont.)**

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

(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 shall be provided for each sex up to the first 25 sites. An additional toilet and lavatory for each sex shall be provided for each additional 25 sites or fraction thereof not provided with sewer connections

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.

(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)
<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

<sup>1</sup> No rear yard setback is required if bounded by an alley, otherwise a setback of 10 feet is required.

<sup>2</sup> 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.

ORDINANCE NO. 9349 Amended (Cont.)

(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.

Amended by Ordinance No. 8947, effective 1-5-2005

Amended by Ordinance No. 9202, effective 02-15-09

SECTION 2. Section 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 February 1, 2012.

Enacted: January 10, 2012.

---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk