

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 17, 2009, 11:45 a.m.
Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Michael Cornelius, Dick Esseks, Wendy Francis, Leirion Gaylor Baird, Roger Larson, Jim Partington and Lynn Sunderman. Tommy Taylor absent.

OTHERS IN ATTENDANCE: Fred Hoke, Terry Kathe, Chuck Zimmerman of Building and Safety; Marvin Krout, Steve Henrichsen, Mike DeKalb, and Michele Abendroth of the Planning Department; other interested parties.

STATED PURPOSE OF MEETING: Rural home occupations

The meeting was called to order at 11:45 a.m. The Nebraska Open Meetings Act was acknowledged.

Mike DeKalb stated that last year staff began studying modifications in the rural business district. We had a prior Planning Commission session and received feedback from the Commissioners. Staff also met with the surrounding towns and the County Board. The towns and County Board were supportive of expanding business in rural Lancaster County as long as it is small and home-based. Staff anticipates going to Commons in August.

DeKalb then presented a working document on the rural business initiative and would like to get input on the document from the Commissioners today.

Proposed changes in Article 2, Definitions, include defining home occupation as any occupation or activity which: 1) is carried on within a dwelling unit or accessory building by a member of the family residing on the premises or by non-family members as allowed by this Resolution; and 2) is incidental and secondary to the residential occupancy and does not change the residential character thereof.

In Article 15, Additional Use Regulations, proposed changes include the following:

- There is no commodity sold upon the premises except that which is grown, manufactured, processed, or treated on the premises in connection with such occupation or activity or which is sold in relation and incidental to such occupation or activity.
- No more than one person may be engaged in the home occupation who is employed on the premises other than a member of the family residing on the premises; any activities carried on outdoors in the "R" Residential District in connection with the home occupation is screened from view of a public street or adjacent property, and

there is no outdoor storage of any equipment, machinery, parts, or other articles of any nature used in connection with such home occupation.

- There are no materials or equipment used which will cause noise, vibration, or odors, electrical interference, smoke or particulate matter in excess of the ordinary and usual conditions in the general area.
- No more than twenty (20) percent of the total floor area of all buildings on the premises is utilized in conducting such home occupation.

Proposed language in Article 13, Special Permit is as follows: In addition to uses allowed under other districts, the County Board may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this resolution, or as limited in this section, and may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution, and may modify or waive or add conditions of approval to the listed conditions in this Article as deemed appropriate to maintain the health, safety, and general welfare of the surrounding properties.

Expanded home occupations may be allowed by special permit in the AG zoning district under the following conditions:

- a) The expanded home business may include such uses as, but not limited to, maintenance and repair of agricultural equipment; assembly of small mechanical or electrical devices or components; auto repair and body work; Bed & Breakfast facilities; perhaps household dining establishments in the main dwelling (by reservation only and limited to 16 patrons at a time); blacksmithing; welding; heat treating or machine shop; contractors' storage of vehicles, equipment, and materials; custom butchering, meat curing and processing; manufacturing of ceramic products; production, processing, packing or treatment of food-related products; production, fabrication or assembly of small implements used in homes, shops, garages, lawn, garden and farm; use of accessory buildings for non-agricultural storage; and outside storage of vehicles, motor homes, watercraft and camper trailers.
- b) On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.
- c) No more than four (4) persons, who are not members of the family residing on the premises, may be employed to carry out the occupation or activity on the premises.
- d) The lot area shall be 10 acres or larger.
- e) Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust and mud.
- f) No more than 50% of the residence may be used for said home business.
- g) The total floor area for all buildings used for said business shall not be more than 10,000 square feet.
- h) Outside area used for work area, storage or other business activity (of vehicles, equipment, or materials used in the business) and parking shall not exceed 15,000 square feet.

- i) All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines.
- j) Health Department regulations and all other County, State, and Federal rules and regulations shall apply. The Health Department may require dust control of nearby unpaved roads to mitigate the impact of traffic approaching and leaving the premise.
- k) Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) vehicles shall be parked or stored outside on the site at any one time.
- l) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than two (2) square feet in area, which name plate designates the home occupation carried on within, in letters not to exceed two (2) inches in height and attached to the building wherein the home occupation is conducted.
- m) There are no materials or equipment used which will cause noise, vibration, odors, electrical interference, smoke or particulate matter in excess of the ordinary and usual conditions in the general area.

The final provision is that the Planning Commission/County Board may establish additional conditions as necessary.

DeKalb then asked the Commissioners for their thoughts on the proposed changes.

Larson asked for clarification on the limitations. DeKalb stated that there are three measurements in terms of limitations. For 10 acres or bigger, under the existing language, no more than 20% of the square footage of all the buildings can be used. Of the residence, no more than 50% of the residential building can be used. They have added language to state that in a special permit, you can go up to 10,000 square feet for total floor area. The outside storage would be an additional 15,000 square feet.

Larson asked if there was some way of screening the parking. DeKalb stated that there is a provision which requires screening.

Gaylor Baird stated that she believes a large sign is not needed as there is not as much competing with the signs visually.

Partington questioned why this language is in Article 2 and not in Article 4. DeKalb stated that it could have been in Article 4 as a permitted use with a list of conditions. However, staff felt that there needed to be public notice so the neighbors are aware of what is happening, and therefore the approach was to add it as a special permit. Partington then asked about the screening requirements. DeKalb stated that farm houses tend to cluster together, and it may easily be that the operation may not be too far from the neighbor. He added that it was the consensus of the Planning Commissioners that a buffer is an appropriate regulation to have.

Esseks expressed a concern with having four non-family employees. We are encouraging a commercial business in rural areas. This will make a difference in the quality of life in

much of the rural parts of the county. He believes the guiding principle should be there can be little or no negative impact on surrounding properties. He feels some of the protections need to be strengthened. He wonders when it ceases to be a home occupation and becomes a business. DeKalb agreed that this is a big change. The County Board has said they want to be able to have small rural business in the county.

Krout stated that the job of the Commissioners is to come up with some rules that are a reasonable starting point. This is written in a way to give the County Board ways to modify the standards. However, the Planning Commission may decide they do not agree with that.

Cornelius asked the number of employees. DeKalb stated that the proposed language states that at any one time, there should only be four employees on site. Larson questioned that provision because an operation could be running three shifts a day, and he doesn't believe we want that. Sunderman asked why they picked the number four. DeKalb stated that in looking at other county's regulations, four was the largest number they saw. He also noted that enforcement could be an issue.

Esseks stated that the City of Lincoln could lose in terms of property taxes and sales tax, and Lincoln taxpayers will end up paying for paving these roads. One way around that is to set up special taxing districts. He believes we want to improve conditions for entrepreneurs, but do not forget the costs.

Partington stated that it would make more sense to address this under Article 4. DeKalb stated that a key piece that the County Board and Planning Commission wanted is notification of neighbors and the ability to revoke. Krout stated that this helps to stress that there is a resident on site, and the primary purpose of that property is a residential property. DeKalb added that by having a resident living there it would give more assurance that it is run more properly as opposed to a free-standing business.

Cornelius asked if there are a lot of people who are wanting to use this. DeKalb stated that he is not aware of a long line of people wanting to do this. However, there are two cases of non-compliance that he is aware of in the county. Cornelius asked why we are doing this instead of pursuing the non-compliance. DeKalb stated that the County Board wants to provide more accommodations to rural county businesses.

Sunderman stated that he would like to see the number of employees changed from four to two. He believes this is an opportunity for start-up businesses. If they do grow, then it is time for them to move into a town.

Esseks suggested calling other counties who have this regulation in place and ask about their experiences.

Esseks believes that if we are going to limit this to 10 acres or more, they should have a farm-based business.

DeKalb asked the Commissioners to let staff know if they have any other concerns or suggestions regarding these regulations.

The meeting was adjourned at 12:55 p.m.

Respectfully submitted,

Michele Abendroth
Planning Department

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