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SEP 23 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY
CLERK

COUNTY CHANGE OF ZONE NO. 09018:)
TEXT AMENDMENT TO THE LANCASTER)
COUNTY ZONING RESOLUTION,) RESOLUTION NO. R-09-0076
TO ALLOW EXPANDED HOME OCCUPATION)

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 et seq. (Reissue 2007), the Board of County Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission (Planning Commission); and

WHEREAS, the Director of Planning has requested, at the request of the Lancaster County Board of Commissioners, text amendments to Article 2, Definitions, Section 2.067; Article 4 "AG" Agricultural District, Section 4.0007; Article 13, Special Permit, Section 13.001; and Article 15, Additional Use Regulations, Section 15.001, of the Lancaster County Zoning Resolution; and

WHEREAS, the proposed text amendment would adjust and add provisions to Article 2, Definitions, Section 2.067; Article 4 "AG" Agricultural District, Section 4.0007(cc); Article 13, Special Permit, Section 13.001 and Section 13.001(27); and Article 15, Additional Use Regulations, Section 15.001(b), (c), (d), and (e), to allow expanded home occupation; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommends approval of the proposed text amendments, concluding that said text amendment would adjust the current home occupation language and add provisions for expanded rural business in the County AG zoned areas through the mechanism of a special permit for an expanded home occupation; and

WHEREAS, on August 26, 2009, after public hearing, the Lincoln-Lancaster Planning Commission recommended approval of said text amendments; and

WHEREAS, on September 29, 2009, the Board of Commissioners of Lancaster County

conducted a public hearing regarding said text amendment; and

WHEREAS, on September 29, 2009, the Board of Commissioners voted to approve said text amendment, as provided in Attachment "A," attached hereto and incorporated by this reference .

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the application to amend Article 2, Definitions, Section 2.067; Article 4 "AG" Agricultural District, Section 4.0007(cc); Article 13, Special Permit, Section 13.001 and Section 13.001(27); and Article 15, Additional Use Regulations, Section 15.001(b), (c), (d), and (e), of the Lancaster County Zoning Resolution, as described in Attachment "A," is hereby approved.

BE IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendment.

DATED this 29 day of September, 2009, at the County-City Building, Lincoln, Nebraska.

APPROVED AS TO FORM

this 29 day of
September, 2009.



for GARY E. LACEY
County Attorney

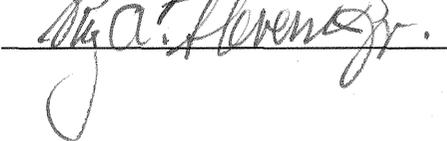
BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA











PROPOSED LANGUAGE:

ARTICLE 2

DEFINITIONS

2.067. Home Occupation. Home occupation shall mean 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 and by non-family members as allowed by this Resolution; and 2) which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in Articles 13 and 15.

ARTICLE 4

"AG" AGRICULTURAL DISTRICT

4.007 Permitted Special Uses. A building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of Article 13:

cc) Expanded home occupations

ARTICLE 13

SPECIAL PERMIT

13.001 Special Permit. 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. The County Board may also grant special permits for variances from the provisions of Article 11 of this resolution.

27) Additional percentages of floor area for home occupations; Expanded home occupations; 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 be limited to,

(1) Farm-related, maintenance and repair of agricultural equipment, including those serving non-farm customers with equipment and skills applied to agricultural uses;

(2) vehicle repair and body work (including non farm vehicles). Vehicle repair and body work shall not include junk yards and inoperable vehicles. Vehicles being repair and reconditioned must be moved inside or off the property within 30 days,

(3) Trucking,

(4) Welding.

(5) Blacksmithing

(6) Heat treating or machine shop

(7) Landscaping

(8) Boarding of horses and other animals

(9) Bed-and-breakfasts

(10) Conference centers

(11) Outside storage of vehicles, motor homes, watercraft and camper trailers, boats,

(12) Manufacturing or assembly; including assembly of small mechanical or electrical devices or components.

(13) Household dining establishments in the main dwelling (by reservation only and limited to seating for no more than 16 patrons at a time)

(14) Contractors' storage of vehicles, equipment, and materials

(15) Custom butchering, meat curing and processing

(16) Manufacturing of ceramic products

(17) Production, processing, packing or treatment of food-related products

(18) Production, fabrication or assembly of small implements used in homes, shops, garages, lawn, garden and farm

(19) Use of accessory buildings for non-agricultural storage

b) On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.

c) No more than two (2) 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 floor area of the residence may be used for said 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.
- l) 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. Said visual screening shall be approved as part of the special permit
- 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) Building permits will be obtained as required for all new construction and remodeling of existing buildings under this permit.
- l) Only one vehicle/truck over 2.5 tons (gross weight) is permitted on the site. No more than four (4) business vehicles shall be parked or stored outside on the site at any one time.
- m) There is no sign other than one non-animated, non-illuminated, non-reflecting nameplate not more than twenty (20) square feet in area, which name plate designates the home occupation carried on within.
- n) A site plan for this special permit shall be approved and followed

The Planning Commission/County Board may establish additional conditions such as hours of business operation, maximum daily non-resident trips to and from the business, as deemed appropriate for compatibility, health safety and welfare relative to this use and activity.

ARTICLE 15

ADDITIONAL USE REGULATIONS

15.001. Home Occupations. A home occupation may be carried on within a dwelling unit or accessory building under the following conditions:

- a) 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;
- b) There is no commodity sold upon the premises except that which is prepared, 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;
- c) ~~There is no~~ 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;
- d) 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;
- e) There is are ~~no~~ chemical, mechanical or electrical materials or equipment used which will cause noise, vibration, or odors, electrical interference, smoke or particulate matter in excess of the ordinary and unusual conditions in the general area, ~~disturbing to the residents of surrounding property or interference with television or radio~~ reception;
- f) No more than twenty (20) percent of the total floor area of all buildings on the premises is utilized in conducting such home occupation.