

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, September 20, 2022 at 4:00 PM in the City Building, 220 North Hastings Avenue.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 9, 2022. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of August 16, 2022
 - b. Worksession of September 8, 2022
7. Special Order of Business
 - a. Presentation from Randy Chick of the Community Redevelopment Authority on the 2021 Tax Increment Financing Annual Report
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - i. **2022-031.** Public hearing to consider an Ordinance to amend Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care.

Motion to recommend approval for an ordinance to amend the Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care.
 - c. Postponed Applications - None
9. Public Hearings.
10. Subdivisions
11. Reports
 - a. Committee Reports
 - b. Chairman Comments

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c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, August 16, 2022

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, Hastings, Nebraska on August 16, 2022.

The meeting was called to order at 4:00 p.m. in Regular Session by Chair Sinner with the following members present: LaDaun Schoenhals, Ann Hinton, Michelle Lewis, Rakesh Srivastava, Jody Stutzman, Brian Hoffman, Jacque Cranson, Greg Sinner, Shawn Rossi. Absent: Lou Kully.

The Chair led the Commission in recital of the Pledge of Allegiance to the United States of America.

Chair Sinner stated as to the agenda, he would like to move the Plan Modification as the first public hearing, and move the Home Occupation as the second public hearing.

Moved by Hoffman, seconded by Stutzman, to adopt the current agenda as amended for the Planning Commission meeting. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

Chair Sinner stated that each Commissioner had received an amended version of the Minutes prior to the meeting.

Moved by LaDaun Schoenhals, seconded by Ann Hinton, to approve the minutes as amended of the July 19, 2022 Planning Commission meeting. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

9. Public Hearings

b. 2022-052. Public hearing to recommend a request for Randy Chick regarding Plan Modification No. 2022-2 to Redevelopment Area Number #1, Corner Building Project, for the following collective property, to wit: Lot 1-3, Block 27, Original Town, Hastings, Adams County Nebraska

Lisa Parnell-Rowe explained the item agenda.

Corner Building LLC wants to amend the Redevelopment Plan for Area #1. The developer intends to redevelop the existing buildings at 701-709 W 1st Street into main level retail space and second level office/commercial space.

Corner Building LLC will utilize Tax Increment Financing to aid in site acquisition, site preparation, interior demolition, rehabilitation of the structure, façade enhancements, architectural, engineering and planning costs, capitalized interest, and legal fees, public parking and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan. Total anticipated project costs are approximately \$1,000,000 for construction and installation of the project. Cost of TIF eligible public improvements is estimated to be \$212,000. The redevelopment project area currently has an estimated valuation of \$178,423. The proposed redevelopment will create an additional valuation of \$770,886.

Future Land Use for this area is Mixed Use – Downtown. The *Imagine Hastings* Comprehensive Plan stated a desire for a land use pattern that is supportive of similar uses. This area is currently zoned C-2 and will not require rezone to accommodate this use.

Randy Chick, Community Redevelopment Authority. He spoke about the Tax Increment Financing for the redevelopment areas. The project must fit the Comprehensive Plan. We come before the Planning Commission for your approval to see if it fits. Every time a project is being developed, a site-specific Plan Modification is brought before you. State Statute requires a cost benefit analysis, timeframe and

justification be provided for your review. Projected is 15 years of tax increment financing. He asked for the Commission's support on this application.

Moved by LaDaun Schoenhals, seconded by Rakesh Srivastava, to recommend approval to the Mayor and City Council Plan Modification No. 2022-2 to Redevelopment Area Number #1, Corner Building Project, for the following collective property, to wit: Lot 1-3, Block 27, Original Town, Hastings, Adams County Nebraska. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

Chair Sinner asked Randy Chick to put together a presentation explaining the TIF program.

Randy Chick stated annually we are required to do a TIF report for the State completed by the end of April. It identifies current projects and total amount of TIF area. He would present it at a future meeting.

2022-031. Public hearing to consider an Ordinance to amend Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care and drop shipping.

This code change was originally presented last month on 7/19; we have made changes based on feedback from the commissioners.

City Staff is trying to be proactive with the City Zoning Code; one necessary amendment would be to the home occupation section. Remote work and small businesses within a home have increased over the last few years with changes to the labor market. The recent event of COVID showed us that many businesses are choosing to close their storefront and continue business from home in a home-based business fashion. City wants to be sensitive to this change and adapt this code to better fit these situations. This will also lend value to our code enforcement processes and procedures. By better vetting each home occupation here forward in a more formal permit fashion and approving with appropriate conditions that meet our code here forward, there is less burden on code enforcement to decide what can be done after it has already occurred. This code change will ultimately make those that have occurred to this point in time legal nonconforming home-based businesses and allow code enforcement to focus on those that are new or expand and grow.

One of the significant changes is introducing language to have an actual permitting process that people can apply for administratively. Currently there is no permitting process or tracking of any kind. This means that when we are approached about a home-based business, we give them the code requirements and leave it to them to comply; we do not assess a site plan or inspect the use to ensure it meets the codes. This has led to difficulties to enforcing uses that do not comply when there are code complaints.

Another one of the major changes is allowing certain types of retail to be allowed as a home occupation. The intent is to open it to people selling things online that are drop-shipped or things that they are able to make within their home and still meet home occupation square footage limitations; some examples of this might be crafts or jewelry.

Another change is to provide more clarity to the code. Currently, one of the provisions states that "Permitted home occupations shall be for the following uses or substantial uses similar in impact and extent as determined by the Development Services Director." Unfortunately, there are no uses listed in the current code. In the proposed code, we have listed several uses that will work as well as some uses that are prohibited. There is a provision to allow the Development Services Director to determine "uses similar in impact and extent".

Overall, the intent of the code change is to relax the restrictions to allow for things we feel meet the intent of the home occupation section, as well as provide some much needed clarity for people trying to set one of these businesses up in their home.

After our discussion with Planning Commission last month on July 19, 2022, staff have made additional changes as shown in the attached home occupations. Proposed 8.10.22 document. We have also

included some proposed definitions based on this feedback, that will be necessary to better clarify some of the uses that we have amended and added to be permitted. A summary of these changes follows:

1. Parameters to add for employees were added. This was benchmarked from the Kearney Home Occupation codes.
2. Removed language limiting premises to one home occupation.
3. Altered the language to include accessory structures and opened up the signage requirements to not be limited to principal building.
4. Clarified Item #7, making the type of retail that is permitted by administrative permit more specific and added a definition for this type of retail.
5. Removed times allowable for businesses
6. Clarified Item #16f and 16h with language changes regarding child care and retail types, and ensured that it would comply to State directives.
7. Clarified nonconformity language Item #18 and ensured that it would comply to State directives.

No one from the public spoke for or against.

Moved by LaDaun Schoenhals, seconded by Shawn Rossi, to approve a Motion to recommend to the Mayor and City Council approval for an ordinance to amend the Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care and drop shipping.

Chair Sinner explained this is expanding the code from few guidelines to a lot. He felt a work session in early September may be necessary for further discussion among the Commission members.

Brian Hoffman. The hours were discussed at length. He is unsure of a fee schedule and is not in favor of charging for knitting wash clothes and selling them at a craft fair and charge them \$40.00. No one is going to pay that fee. Business models change all the time. He is against charging a fee for something the city is not going to provide a service for.

Jackie Cranson. It's good to be proactive but wants specific examples from residents in Hastings of issues with home occupations before she is willing to pass this ordinance. She is not willing to support the changes.

Jodi Stutzman. She does not see a problem with the \$40.00 fee. She said the Commission needs to look forward because of what could have happened with the proposed Legislative bill and the department being more fee supported.

LaDaun Schoenhals. She does not have a problem with the \$40.00 fee. What happens if someone does not have a permit?

Lisa Parnell-Rowe. Staff would work through the home occupation process with the applicant from a code enforcement standpoint, we could do a fine/ticket, however, that is not a good approach. We are not saying we do not want home occupations, we just want to have more control over signage, how much parking is being used.

Chair Sinner: Discussed a potential work session.

Brian Hoffman. What you explained, Lisa, I do not understand with the fee how the City is going to have a softer approach to these home businesses.

Lisa Parnell-Rowe. The fee is related to staff time. We have never worked with the public on home occupations.

Brian Hoffman. I do not see how the fee is related with what you are proposing. You can go up to a house and tell them you need a permit and you need to conform to certain things.

Lisa Parnell-Rowe. It is not about the money. It is to pay for staff time. Taylor Smith, Code Enforcement Officer, could explain some of the issues he sees in the City.

Chair Sinner. Does not like the fee, but does like the process.

LaDaun Schoenhals. When I moved to town I wanted to be a dog groomer. The first thing was to come to City Hall and ask what are the regulations.

Brian Hoffman. What we are talking about here is the ability to go inside someone's home and tell them the issues they might have. Going into a property and saying you are not up to Code. We need to get this up to Code. If you could go to the library and find out how you could start a business in your home, that's proactive.

Rakesh Srivastava. The permit or fee is the topic. As far as the permit goes, we probably need to postpone and have a work session. Being a small business, there is a difference between a hobby and a marketing or business plan. Post Covid, a lot of homes have started businesses.

Ann Hinton. I see the benefit of a permit. I agree with Brian. If we assess a fee, people are not going to apply for a permit. This leads to issues with the Fire Marshal and parking. I see several hinderances to doing the fee at all, but do agree with the permit and we would get a better response.

Jodi Stutzman. The growth of a home occupation is what is affecting neighborhoods.

Anthony Murphy, Fire Marshal: With the way I read the proposed code changes, that would not trigger me from going into someone's home.

Lisa Parnell-Rowe. It does depend on the use.

Chair Sinner: I would ask for a Motion to table and with the understanding that I would work with Staff and put together a work session. Hearing from the inspectors might clear up some of the questions we have had.

Moved by Rakesh Srivastava, seconded by Jackie Cranson, to table the matter until the Commission can meet for a work session. Roll Call: Ayes: Rakesh Srivastava, Shawn Rossi, Ann Hinton, Greg Sinner, Michelle Lewis, Jody Stutzman, Brian Hoffman, LaDaun Schoenhals, Jacque Cranson. Nays: None. Absent: Lou Kully. The motion carried.

11. Reports

a. Committee Reports

None

b. Chairman Comments

Chair Sinner stated he was pleased with the attendance on the bus trip. A lot of good discussion. He thanked Lisa for putting the tour together. How many would be in favor of lunch and learns?

c. Staff Reports

Clint Schukei stated there is some funding in the budget that goes to the Hastings Chamber of Commerce and to Hastings Economic Development Corporation. State statute allows for money to be given to enhance growth in the community. The contract provides for an annual report before the budget. Both the Chamber and HEDC reported on some of the things they are doing.

Chair Sinner asked about the trail system and what updates are coming?

Lisa Parnell Rowe. This is really a Park and Recreation area. Jeff Hassenstab has a plan of action. The Parking and Transportation Plan does discuss the trail needs to be completed on the south side of town.

Chair Sinner asked about the car wash on North Burlington.

Lisa Parnell-Rowe. Last time I called the owner, one of the conditions was the platting and he said they were working on the plat. That will go through Planning Commission and Council.

Chair Sinner asked about Berts.

Kevin Kubo, Chief Building Official. Scott DeWitt is waiting for bids to repair the façade. The insurance company has the right to accept or refuse the bids.

Chair Sinner thanked Tony Hermann for joining the Commission on the bus trip and for the continued good articles on the Comp Plan.

c. Staff Comments

Lisa Parnell-Rowe. We do have the official Comprehensive Plan link on the web site. The public can take part in that tool. An executive summary of the Parking and Transportation Plan will be handed out at Kool-Aid Days. The Nebraska Planning & Zoning Conference is coming up in September. Any commissioners that want to attend can do so. Brian mentioned having a young ambassador on City Planning. The article is about a community that has done this. Someone that would come to the meeting and/or work sessions and learn.

Lisa also stated that she was a finalist for the town of Buena Vista, Colorado. She has accepted the offer and will be the new Town Administrator.

Moved by Brian Hoffman, seconded by Ann Hinton to adjourn the meeting.

Chairman

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION WORKSESSION
September 8, 2022

Pursuant to due call and notice thereof, a Worksession Meeting of the Planning Commission of the City of Hastings, Nebraska was conducted in the Council Chambers of City Hall, 220 N. Hastings Avenue, Hastings, Nebraska on September 8, 2022.

The Worksession Meeting was called to order at 11:35 a.m. by Planning Commission Chair Greg Sinner with the following members present: Greg Sinner, Ann Hinton, Michelle Lewis, LaDaun Schoenhals, Lou Kully. Brian Hoffman (entered meeting at 11:43 a.m.) Absent: Rakesh Srivastava, Shawn Rossi, Jacque Cranson, Jody Stutzman.

Chair Sinner led the members of the Planning Commission in recital of the Pledge of Allegiance to the United States of America.

Moved by Lou Kully, seconded by LaDaun Schoenhals, to adopt the current agenda for the Worksession Meeting of the Planning Commission. The voice vote was unanimous. The motion carried.

Official Notice of the Worksession was published in the Hastings Tribune on Friday, August 26, 2022. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

Chair Sinner stated the home occupations discussion is the agenda item for discussion. The minutes from the August 16, 2022 were provided to the members present.

Brian gave the background. No recommendations were given from the last meeting.

Chair Sinner asked Taylor Smith, Code Enforcement Officer, has encountered three home occupations issues, two were called by the neighbors/public. Of the three, one is a retail store, one a bait shop, a construction/roofing company parking issue, and a lawn mower repairing business. Contact is made with the owner and have a conversation with them. Asked them not to park on the street. They have been compliant with cleaning up items off front porch and lawns. Just working with people that were just complaints before going further. The original code didn't provide any leniency. It doesn't allow me to work with people. This opens up the avenue to work with people. By having a permit process, it would allow me to not just tell them they cannot do their home occupation.

Chair Sinner stated it is pretty much complaint driven.

Taylor Smith concurred. The third complaint was out in the public.

Chair Sinner asked Taylor if he sees this as a complaint driven situation?

Taylor Smith concurred. Unless there is a complaint, I would have no idea they have a home occupation.

Brian Hoffman entered the meeting at 11:43.

Chair Sinner asked if there is anything in the proposal that should be deleted. Just to let the commissioners know what your thoughts are on these changes.

Taylor Smith stated the changes open up the avenue and does not restrict the code as much. The permit process may be used if there is a problem.

Michelle Lewis: Do you feel you need the permit process to make this work?

Taylor Smith: It's another avenue. Maybe not everyone would get a permit, but if there is a problem, you would apply for a permit. This would be on an individual basis.

Chair Sinner – So you are not going to actively tell people they need a permit, until you run into a situation in which you need to examine the home occupation closer.

Taylor Smith: The permit process may be an extra step in regulating the problematic home occupations.

Ann Hinton: I like the idea of it being a reactive permit. We do have this in the code and you do need a permit. Who is going to make the determination of a legitimate home occupation?

Brian Hurskainen: As determined by the Development Services Director. If they did not agree with the DSD, they are entitled to an appeal. Cannot list every home occupation.

Greg Sinner: Any appeal would go to the Board of Adjustment?

Brian Hurskainen: Concurred.

Brian Hoffman: Everything listed are home occupations that are not ruining our residential neighborhoods. The south violation is one to be concerned about.

Chair Greg Sinner: I take that as examples. Let's not use specific examples.

Brian Hurskainen: Do we want to just list all that are prohibited?

Greg – Stay away from examples.

Ann Hinton: Could we reword 16. Permitted home occupations that were approved by the Development Services Director.

Chair Greg Sinner: You could do the approval in house.

Lou Kully: Most should be handled by staff.

Chair Greg Sinner: We leave the old 16 in that is struck with some changes, but gives the authority to the Development Services Director.

Ann Hinton: That makes it consistent. 16 needs to be in to create a permitted use. We talked about this and it is in our minutes, Lisa said parameters for adding employees, however, that means it did not get changed. This was benchmarked from the Kearney occupation code. It did not get changed.

Brian Hoffman: It was based around permitted parking around the home for the home occupation.

Brian Hurskainen: However, many employees you have that is the number of parking spaces you need.

Taylor Smith: Complaints with parking on the street makes it hard to enforce. I don't know whose car belongs to who.

Chair Greg Sinner: Since this is complaint driven, Taylor will check into the complaint, fill out the permit, look at the home occupation more closely, including parking.

Taylor Smith: Concurs. If it's a complaint, I can look at it more closely.

Greg: If there is a parking issue, then the police go out to make the determination.

LaDaun Schoenhals: The fee for the permit. Do you think \$40 is good or do we need one at all.

Brian Hurskainen: If it's going to be a big deal with the city council and the public, we do not need it.

Chair Greg Sinner: Let's go down the line. Fee or no fee –

Chair Sinner: No charge

Michelle Lewis: No charge

Ann Hinton: No charge

Lou Kully: No charge

Brian Hoffman: No charge

Michelle Lewis: No fee

Ann Hinton: No fee

Lou Kully: No fee, maybe a 2nd time

Taylor Smith: If they are not going to be compliant, that could be cause for a citation.

LaDaun Schoenhals: The people that are grandfathered in, there are people that have home occupation in accessory buildings in a residential area.

Chair Greg Sinner: Grandfathered in means everything they are doing is allow. I do not believe we are talking about that. If we are complaint driven, we should have the ability to go out and use the tools at hand to remedy it. If a guy has gone under the radar for 20 years and making their neighbors mad, they need to be remedied.

Chair Greg Sinner: You are working with them and they are responding. We are getting things done in a timely matter.

Brian Hoffman: I'm not in favor of the fee. All the code enforcement we are creating today, you could enforce?

Taylor Smith: Yes. It gives more clarity. More businesses are in this list. If we do a permit it would give another avenue.

Brian Hoffman: if it is a no fee permit, we should enforce the code without having a permit in place. If you are constantly reviewing that documentation, it is stopping you from doing code enforcement. No body is going to file for a permit. If you use the permit as an enforcement tool, it opens a can of worms, and gives credence to the city going into a home.

Taylor Smith: Permits would be on a complaint basis. I could look at that permit individually, only on a complaint basis as needed.

Brian Hoffman: If you get a noise complaint, an inspection deemed by the city would allow the city to come in and inspect that home occupation.

Chair Greg Sinner: You can call on the departments for their expertise.

Brian Hoffman: I would just like to give you the authority. I would rather you write a citation rather than having a permitted situation.

Taylor Smith: At this time, I can give them a notice and order.

Ann Hinton: The permit as described here is a lot of paperwork.

Brian Hurskainen: They are allowed to go to the Board of Adjustment, and the Board has a lot of rules from State Statute to get those approved. Typically, the City does not endorse a lot of BOA cases.

Michelle Lewis: Taylor can either go out and give them a citation. He is asking for more flexibility.

Taylor Smith: I am always going to try and work with people.

Chair Greg Sinner: Do you feel if we put the non fee permit tool in here, it would be good going forward.

Taylor Smith: Yes. It would give me another avenue.

Ann Hinton: We need to look at #15.

Chair Greg Sinner: I do not want to impose things on your job. I want you to achieve compliance in the neighborhood.

Taylor Smith: As long as they have a sufficient setup, the home occupation should be acceptable.

Chair Greg Sinner: I don't like inspectors going into private homes. We are going to do our best to prepare a document for you and on to the city council. We want you to come back to the Planning Commission in 6 months to a year and see how things are working. Let us know do we need to fine tune the ordinance.

Brian Hoffman: Is it easier to pass the ordinance to change codes? If you add the permit in their that is the bone of contention. I totally expect revisions from citizens or from you Taylor. We need to give you the proper tools.

Taylor Smith: I get complaints everyday. There are always two sides to every story.

Chair Greg Sinner: I think you have the right approach. I want to give you the tools to do your job, however, protect the rights of the citizens. The one thing we have decided is a no fee permit. I want a poll on the need for a permit.

Chair Greg Sinner: Yes, permit process in the ordinance.

Michelle Lewis: Yes, permit process in the ordinance.

Ann Hinton: I agree with the permit, do not agree with the conditions under #15.

Lou Kully: I agree with the permit process.

LaDaun Schoenhals: I agree with the permit process.

Brian Hoffman: No permit necessary.

Chair Greg Sinner: Taylor needs broad discretionary powers. He needs to determine what is contained on the permit.

Ann Hinton: What is on that permit needs to added and decided by Taylor.

Brian Hurskainen: For this reactive permit what are we really getting out of regular code enforcement. We are not asking you to hire an engineer.

Taylor Smith: Case by case, complaint driven.

Chair Greg Sinner: If they voluntarily come down to City hall, fill out the permit, you go on record and it gives you legitimacy. No required, however, recommended.

Taylor Smith: I go in an say you are fine.

Brian Hurskainen: Why wouldn't we have that for everyone? Case by case, or codified.

Taylor Smith: The few I've had are complain driven. Neighbor to neighbor disputes.

Brian Hoffman: I agree with the retroactive. I agree with the City. I can have my business here. That gives justification.

Brian Hurskainen: We give them a letter of approval. That's why a lot of those items with the floor plan is important.

Chair Greg Sinner: I think you two can work this out – justify it at our next meeting. We need to move forward as a Commission.

Thank you for coming today. Get us a document that we can look at and push onto the City Council at next meeting. Council liked the work session. I plan on calling more work sessions, however, only when needed.

In anticipation of the September 20th meeting, we will review this document, Taylor be at meeting on the 20th and Randy Chick will give a presentation on TIF.

Brian Hoffman – we need to understand what that TIF is doing for the city.

Greg – Brian look at north and south Burlington and see how the zoning is now and how it has evolved between north and south Burlington.

Brian Hoffman: We also need to look at zoning north. The Comprehensive Plan is a big overhaul and a great deal of detail into the project.

Brian Hurskainen: Clint Schukei looks at all of these.

Moved by LaDaun, seconded by Brian Hoffman, to adjourn. Unanimously approved.

Chair Greg Sinner

Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 9/20/2022
File No: 2022-2021996
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Presentation from Randy Chick of the Community Redevelopment Authority on the 2021 Tax Increment Financing Annual Report

Names of People/Business affected by this action:

Why Planning Commission action is required:

Type of action requested:

No Action Required

Suggested motion:

Deadlines associated with action:

Department head comments:

Recommendation:



Community Redevelopment Authority

TAX INCREMENT FINANCING - 2021 ANNUAL REPORT

Introduction

The City of Hastings Community Redevelopment Authority (CRA) accepts Tax Increment Financing (TIF) applications and negotiates contracts for the redevelopment of property in fifteen (15) blighted and substandard areas within the City of Hastings and one (1) former defense site area outside of City limits. The CRA, Development Services Department, Planning Commission, Mayor and City Council all play a role in the evaluation and approval of TIF projects in the community. Redevelopment Projects are evaluated based on zoning regulations, land utilization, compliance with the City's Comprehensive Plan, criteria prepared by the CRA and Nebraska Community Development Law.

Nebraska Community Development Law (18-2101 thru 18-2154) requires that each year the CRA compile information related to the approval and progress of TIF redevelopment projects and report such information to the governing body of the city and to the governing body of each county, school district, community college area, educational service unit, and natural resources district whose property taxes are affected by such division of taxes. At the end of 2021 there were 30 active projects that were being financed in part by the division of taxes as provided in section 18-2147. A listing of these projects and information regarding the taxes being divided is provided in Exhibit A on the next page. The following is a summary of the data provided in Exhibit A:

- 30 – Total number of projects being financed in part by the division of taxes (prior to projects approved in 2021).
- \$4,215,489 – the total base value of the projects.
- \$41,851,322 – the total increased value of the projects.
- \$950,183.41 – the amount of excess taxes being divided in 2021 to fund these projects.
- \$69,853,521 – the estimated project costs for all the existing projects being financed.
- \$1,598,486,814 – the total valuation of the City.
- 2.62% - the percentage of the total valuation of the City of Hastings being utilized to fund TIF projects.

TOTAL NUMBER OF ACTIVE TIF PROJECTS

Exhibit A

#	PROJECT NAME	START DATE	AREA	TAX RATE	BASE VALUE	TIF BASE TAX	EXCESS VALUE	TIF EXCESS TAX	TOTAL EST. PROJECT COSTS
1	801 Building Condo	2016	#1	0.02300454	\$50,120	\$1,152.99	\$503,881	\$11,591.55	\$ 427,000
2	B&R Stores	2015	#6	0.02300454	\$773,645	\$17,797.35	\$7,922,021	\$182,242.45	\$ 6,000,000
3	Boys 3 MCP	2021	#14	0.02302740	\$173,804	\$4,002.25	\$1,013,930	\$23,348.17	\$ 1,600,000
4	Brant Rentals	2021	#1	0.02300454	\$88,999	\$2,047.38	\$265,798	\$6,114.56	\$ 2,500,000
5	Carmichael Limited	2010	#1	0.02300454	\$76,335	\$1,756.05	\$492,817	\$11,337.03	\$ 500,000
6	Cicada Properties	2007	#7	0.02300454	\$43,740	\$1,006.22	\$434,599	\$9,997.75	\$ 826,000
7	Diecker Construction	2015	#2	0.02300454	\$18,445	\$424.32	\$246,944	\$5,680.83	\$ 177,500
8	Dietrich/Stein Bros.	2017	#1	0.02300454	\$252,495	\$5,808.53	\$1,163,829	\$26,773.35	\$ 1,500,000
9	DJ&R Investments	2019	#14	0.02302740	\$17,520	\$403.44	\$2,339,569	\$53,874.19	\$ 3,850,000
10	Eastside Estates	2018	#7	0.02300454	\$38,835	\$893.38	\$695,420	\$15,997.82	\$ 5,210,514
11	Emerson Estates	2016	#3	0.02300454	\$64,680	\$1,487.93	\$698,739	\$16,074.17	\$ 3,775,000
12	Faris, Tim & Shellie	2020	#1	0.02300454	\$57,125	\$1,314.13	\$134,618	\$3,096.83	\$ 600,000
13	Hastings Lodging 2	2020	#14	0.0230274	\$476,568	\$10,974.12	\$4,700,190	\$108,233.16	\$ 8,000,000
14	HEDC West Laux Ph. 1	2021	#14	0.0230274	\$11,390	\$262.28	\$128,624	\$2,961.88	\$ 400,000
15	Mesner North Phase 1	2020	#14	0.01753088	\$18,274	\$320.36	\$926,996	\$16,251.06	\$ 1,350,000
16	Mesner North Phase 2	2021	#14	0.01753088	\$294,998	\$5,171.57	\$1,441,090	\$25,263.58	\$ 1,350,000
17	Midland Corp	2009	#1	0.02300454	\$42,885	\$986.55	\$499,265	\$11,485.36	\$ 604,000
18	Nebraska Truck Center	2020	#5	0.02300454	\$460,007	\$10,582.25	\$381,321	\$8,772.11	\$ 1,000,000
19	NPC Phase 1	2020	#14	0.0230274	\$14,246	\$328.05	\$8,226,144	\$189,426.71	\$ 9,000,000
20	On Top LLC	2017	#4	0.02300454	\$68,985	\$1,586.97	\$167,354	\$3,849.90	\$ 320,000
21	Redline Properties	2017	#7	0.02300454	\$113,570	\$2,612.63	\$1,578,773	\$36,318.95	\$ 1,800,000
22	Shabri LLC	2021	#13	0.02300454	\$154,393	\$3,551.74	\$455,602	\$10,480.91	\$ 650,000
23	Southern Bell Heartland	2020	#1	0.02300454	\$108,760	\$2,501.97	\$1,211,826	\$27,877.50	\$ 2,200,000
24	Southwood Estates	2012	#5	0.02300454	\$25,850	\$594.67	\$649,476	\$14,940.90	\$ 4,600,000
25	The Listening Room	2014	#1	0.02300454	\$94,355	\$2,170.59	\$325,433	\$7,486.44	\$ 1,200,000
26	THOAR LLC, 713 W. 1st	2017	#1	0.02300454	\$62,855	\$1,445.95	\$384,252	\$8,839.54	\$ 450,000
27	THOAR LLC, 723 W. 1st	2019	#1	0.02300454	\$98,745	\$2,271.58	\$701,265	\$16,132.28	\$ 900,000
28	THOAR LLC, 737 W. 1st	2020	#1	0.02300454	\$105,830	\$2,434.57	\$1,112,032	\$25,581.78	\$ 1,200,000
29	Uptown Experience	2013	#1	0.02300454	\$88,155	\$2,027.97	\$620,304	\$14,269.81	\$ 936,000
30	Village Gardens	2012	#11	0.02300454	\$319,880	\$7,358.69	\$2,429,210	\$55,882.86	\$ 6,927,507
TOTALS					\$4,215,489	\$95,276.49	\$41,851,322	\$950,183.41	\$ 69,853,521
Total City Valuation		\$1,598,486,814		Increased Value					
Total TIF Value		\$41,851,322		Area #1		\$7,415,320			
% of TIF to Valuation		2.62%		Area #2		\$246,944			
				Area #3		\$698,739			
				Area #4		\$167,354			
				Area #5		\$1,030,797			
				Area #6		\$7,922,021			
				Area #7		\$2,708,792			
				Area #11		\$2,429,210			
				Area #13		\$455,602			
				Area #14		\$18,776,543			
				Total		\$41,851,322			

Project Valuation Comparison – Active Projects

Nebraska Statutes require the CRA to provide a comparison of the initial projected value of each TIF project and the assessed value as of January 1st of each year. This comparison is provided for all active TIF projects in the table below (Exhibit B). While the results indicate that the final assessed value is significantly less than the original projected value, this is due largely in part to;

- 1) a change in the way County Assessors are required to value Low Income Housing Tax Credit projects (LIHTC). By statute, the county assessor is required to value these types of housing projects by the income method rather than cost or sales comparison approach to value.
- 2) projects under development that may not have reached their full value at the time they were assessed. The aforementioned projects are highlighted in the table below.

Exhibit B

#	PROJECT NAME	START DATE	AREA #	INITIAL PROJECTED VALUE	2021 ASSESSED VALUE	COMPARE +/-
1	801 Building Condo	2016	#1	\$ (427,000)	\$ 554,001	\$ 127,001
2	B&R Stores	2015	#6	\$ (6,000,000)	\$ 8,695,666	\$ 2,695,666
3	Boys 3 MCP	2021	#14	\$ (1,600,000)	\$ 1,187,734	\$ (412,266)
4	Brant Rentals	2021	#1	\$ (1,700,000)	\$ 354,797	\$ (1,345,203)
5	Carmichael Limited	2010	#1	\$ (500,000)	\$ 569,152	\$ 69,152
6	Cicada Properties	2007	#7	\$ (826,000)	\$ 478,339	\$ (347,661)
7	Diecker Construction	2015	#2	\$ (177,500)	\$ 265,389	\$ 87,889
8	Dietrich/Stein Bros.	2017	#1	\$ (1,000,000)	\$ 1,416,324	\$ 416,324
9	DJ&R Investments	2019	#14	\$ (2,100,000)	\$ 2,357,089	\$ 257,089
10	Eastside Estates	2018	#7	\$ (5,210,514)	\$ 734,255	\$ (4,476,259)
11	Emerson Estates	2016	#3	\$ (3,775,000)	\$ 763,419	\$ (3,011,581)
12	Faris, Tim & Shellie	2020	#1	\$ (350,000)	\$ 191,743	\$ (158,257)
13	Hastings Lodging 2	2020	#14	\$ (4,430,000)	\$ 5,176,758	\$ 746,758
14	HEDC West Laux Dr.	2021	#14	\$ (400,000)	\$ 128,624	\$ (271,376)
15	Mesner North Ph. 1	2020	#14	\$ (1,350,000)	\$ 945,270	\$ (404,730)
16	Mesner North Ph. 2	2021	#14		\$ 1,736,088	
17	Midland Corp	2009	#1	\$ (604,000)	\$ 542,150	\$ (61,850)
18	Nebraska Truck Cen.	2020	#5	\$ (1,500,000)	\$ 841,328	\$ (658,672)
19	NPC Phase 1	2020	#14	\$ (7,212,500)	\$ 8,240,390	\$ 1,027,890
20	On Top LLC	2017	#4	\$ (320,000)	\$ 236,339	\$ (83,661)
21	Redline Properties	2017	#7	\$ (1,800,000)	\$ 1,692,343	\$ (107,657)
22	Shabri LLC	2021	#13	\$ (650,000)	\$ 609,995	\$ (40,005)
23	Southern Bell Heart.	2020	#1	\$ (1,600,000)	\$ 1,320,586	\$ (279,414)
24	Southwood Estates	2012	#5	\$ (4,600,000)	\$ 675,326	\$ (3,924,674)
25	The Listening Room	2014	#1	\$ (1,200,000)	\$ 419,788	\$ (780,212)
26	THOAR LLC	2017	#1	\$ (450,000)	\$ 447,107	\$ (2,893)
27	THOAR 723 W. 1st	2019	#1	\$ (900,000)	\$ 800,010	\$ (99,990)
28	THOAR 737 W. 1st	2019	#1	\$ (1,200,000)	\$ 1,217,862	\$ 17,862
29	Uptown Experience	2013	#1	\$ (936,000)	\$ 708,459	\$ (227,541)
30	Village Gardens	2012	#11	\$ (6,927,507)	\$ 2,749,090	\$ (4,178,417)
	TOTALS			\$ (59,746,021.00)	\$ 46,055,421	\$ (15,426,688)
	Significant Value Change Due To Final Tax Credit Project Value					\$ (15,590,931)
	New projects may not have reached their full value					\$ (2,179,566)

Paid Off TIF Projects

Four TIF projects were paid off during 2021. It is anticipated that four projects will be paid off in 2022 or will reach the maximum 15-year term of capture of excess taxes allowed by Community Development Law.

#	PROJECT NAME	AREA #	PROJECT TYPE	YEARS TIF COLLECTED	FINAL BASE VALUE	FINAL EXCESS VALUE	FINAL TOTAL VALUE
1	CI Properties Burl.	#1	Commercial	8	\$59,630	\$356,022	\$415,652
2	Pathways Plaza	#5	Residential	15	\$83,825	\$255,922	\$339,747
3	Steve Johnson	#5	Commercial	8	\$6,250	\$89,142	\$95,392
4	Smitty's Enterprises	#5	Commercial	4	\$5,310	\$393,539	\$398,849
	TOTALS				\$155,015	\$1,094,625	\$1,249,640

Approved 2020 Projects – No Division of Taxes

In 2020 five (5) total projects were approved which were still under construction in 2021. These projects will be active and begin dividing taxes in 2022. See Exhibit C below.

EXHIBIT C

#	PROJECT NAME	AREA #	PROJECT TYPE	TIF LOAN AMOUNT	EST. TOTAL COSTS	PROPERTY ADDRESS
1	THOAR - Cameron Bldg	#1	Mixed Use	\$295,000	\$2,500,000	105 N. Hastings
2	ABBC Restorations	#1	Mixed Use	\$90,000	\$455,000	615 W. 1st
3	Abegglen Hirschfeld	#14	Commercial	\$326,000	\$1,226,000	3016 Osborne Dr. East
4	Luckee LLC	#1	Mixed Use	\$45,000	\$455,000	529 W. 2nd
5	Theatre District	#13	Mixed Use	\$4,150,000	\$14,700,000	3001 W. 12th
	TOTALS			\$4,906,000	\$19,336,000	

Approved 2021 TIF Projects

During 2021, five (5) new redevelopment projects were approved for TIF funding and will result in the following activities;

- Two downtown preservation & rehab projects creating 3 residential condos for sale, one 4,000 sq ft retail space, 5,500 sq ft of indoor storage space and 4,500 sq ft of renovated medical office space.
- Construction of a 9,000 sq. ft. industrial building with 9 workshop spaces for small businesses.
- Renovation of the former Imperial Theatre into a 3-screen modern theatre complex.
- Construction of a 7,000 sq ft medical/commercial/office building. PROJECT DELAYED

The approved projects were as follows;

1. Redline Properties 2 – Construction of a 7,000 sq ft medical/commercial/office building. THIS PROJECT HAS BEEN PUT ON HOLD BY THE DEVELOPER.

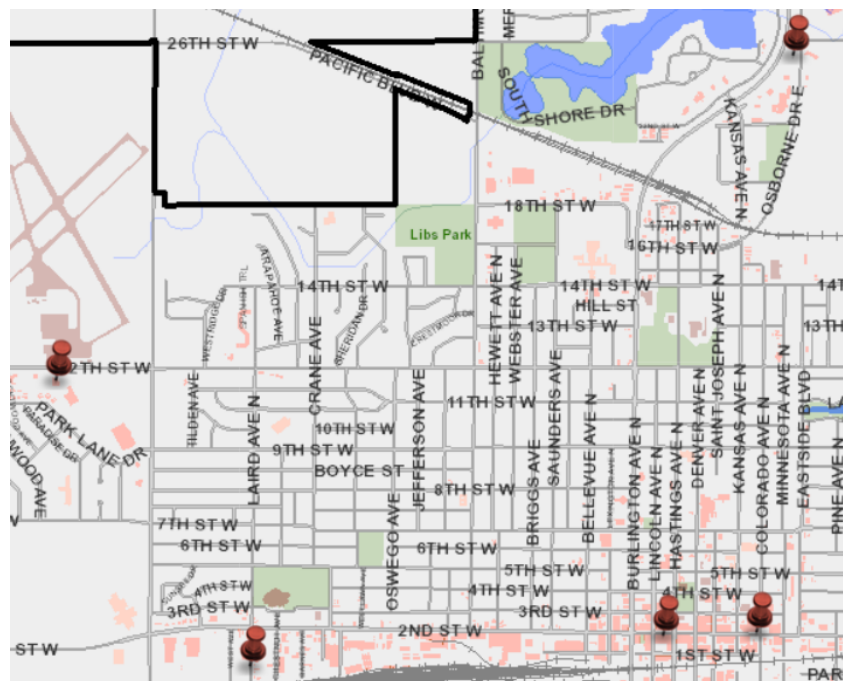
2. Brant Rentals LLC – Preservation and rehabilitation of all three floors of 733 W. 2nd Street including the façade and renovation of the 2nd floor and 3rd floor into residential condominiums and one main floor commercial condo.
3. DAVALWAT Properties LLC – Redevelopment of a 10,000 sq. ft. building with 5,500 sq ft of temperature-controlled storage and 4,500 sq ft of medical office space.
4. West 2nd Investments LLC – Construction of a 9,000 sq ft workshop building containing up to 9 workshop spaces for small businesses.
5. Theatre District - Theatre Building Redevelopment Project – Façade and interior renovation of the former Imperial Theatre into a 3-screen modern theatre complex.

Total estimated costs for these projects are \$4,251,000 and TIF loans in the amount of \$890,000 will be utilized to make these projects financially feasible. Information on these projects is included in the table below (Exhibit D) including; the project area, the project type, amount of the TIF loan, estimated total costs and the project location. Following the table is a map identifying the location of each project.

Exhibit D

#	PROJECT NAME	AREA #	PROJECT TYPE	TIF LOAN AMOUNT	EST. TOTAL COSTS	PROPERTY ADDRESS
1	Redline Properties 2	#7	Commercial	\$0	\$0	PROJECT ON HOLD
2	Brant Rentals LLC	#1	Mixed Use	\$350,000	\$1,700,000	733 W. 2nd
3	DAVALWAT Properties	#1	Storage/Office	\$145,000	\$851,000	306 W. 2nd
4	West 2nd Investments	#4	Industrial	\$45,000	\$450,000	123 N. Laird
5	Theatre District - Theatre Bldg.	#13	Commercial	<u>\$350,000</u>	<u>\$1,250,000</u>	3207 W. 12th
	TOTALS			\$890,000	\$4,251,000	

LOCATION OF TIF PROJECTS APPROVED IN 2021



TOTAL OF TIF PROJECTS APPROVED

Hastings has approved 93 TIF projects with an estimated final value of over \$120 Million dollars.

#	Project	Area #	Ending Project Valuation	#	Project	Area #	Ending Project Valuation
1	Kensington	1	\$2,199,100	48	North Burlington Project	6	\$2,463,335
2	Hastings Hotel	7	\$2,670,815	49	Craig Corp. Project	6	\$276,490
3	Hastings Med Park	7	\$2,454,500	50	801 Building Condo	1	\$554,001
4	Anderand LLC	7	\$929,595	51	B&R Stores	6	\$8,695,666
5	Becker Warehouse	5	\$559,385	52	Carmichael Limited	1	\$569,152
6	Becker Leasing	5	\$177,095	53	CI Properties Burl.	1	\$356,022
7	Bienkowski Storage	4	\$241,330	54	Cicada Properties	7	\$478,339
8	Capital Gr./Walgreens	6	\$1,614,215	55	Diecker Construction	2	\$265,389
9	Clocktower	1	\$240,415	56	Dietrich/Stein Bros.	1	\$1,416,324
10	Vogel Paint	1	\$59,180	57	DJ&R Investments	14	\$2,357,089
11	Highland Park	1	\$40,690	58	Eastside Estates	7	\$734,255
12	Cottages	5	\$2,328,360	59	Emerson Estates	3	\$763,419
13	Country Stores/Ampride	5	\$257,930	60	Furrow Plumbing	5	\$111,453
14	Eagle Plastics	4	\$1,669,670	61	Midland Corp	1	\$542,150
15	Engel Construction	5	\$499,710	62	On Top LLC	4	\$236,339
16	Engel Homes 1	5	\$482,240	63	Redline Properties	7	\$1,692,343
17	Engel Homes 2	5	\$472,805	64	Smitty's Enterprises	5	\$398,849
18	Allure Condominiums	5	\$203,035	65	Southwood Estates	5	\$675,326
19	Good Sam II	11	\$1,555,800	66	Steve Johnson Project	5	\$95,392
20	Good Sam I	11	\$1,723,820	67	The Listening Room	1	\$419,788
21	Hastings Coalition Townhs.	5	\$397,120	68	THOAR LLC - 713 W. 1st	1	\$447,107
22	Hastings Apartments 1	5	\$556,590	69	THOAR LLC - 723 W. 1st	1	\$800,010
23	Lindenwood/Hastings Partners	5	\$2,731,285	70	Uptown Experience	1	\$708,459
24	Jaden Manufacturing	2	\$591,610	71	Village Gardens	11	\$2,749,090
25	LS Kully Enterprises	2	\$198,990	72	Southern Bell Heartland	1	\$1,320,586
26	League of Human Dignity	1	\$435,760	73	Tim & Shellie Faris	1	\$191,743
27	Darryl & Krista Meier	2	\$661,220	74	Mesner North	14	\$2,681,358
28	Rosewood Villa/Rainbow Motel	5	\$131,215	75	Hastings Lodging 2	14	\$5,176,758
29	Fridley Theatres	1	\$945,375	76	NPC Phase 1	14	\$8,240,390
30	Sealey Body Shop	2	\$230,150	77	Nebraska Truck Center	5	\$1,320,586
31	Stoetzel & Son	5	\$177,095	78	THOAR - 737 W. 1st	1	\$1,217,862
32	Zach/EZ Kitchens	4	\$336,325	79	Shabri, LLC	13	\$609,995
33	Southwood Addition	5	\$1,216,645	80	Boys 3 MCP Inc	14	\$1,187,734
34	Southwood II	5	\$1,253,985	81	Brant Rentals, LLC	1	\$1,700,000 est.
35	Southwood III	5	\$1,041,890	82	HEDC Laux Drive	14	\$2,462,000 est.
36	Burlington Centr/Brown Shoe	1	\$196,810	83	HEDC Trail Ridge Phase 1	14	\$8,610,000 est.
37	DeWitt Project	1	\$218,800	84	THOAR LLC - Cameron	1	\$2,500,000 est.
38	Crosier Park	8	\$3,484,566	85	ABBC Restorations	1	\$455,000 est.
39	Hastings Coalition/Meadows	5	\$438,055	86	Abeglenn & Hirschfeld	14	\$1,226,000 est.
40	Meadows Associates	5	\$1,068,800	87	Luckee LLC	1	\$450,000 est.
41	Kenyon Ross/A Plaza	2	\$656,385	88	Theatre District	13	\$10,125,000 est.
42	Brant Project	1	\$146,105	89	Redline Properties 2	7	DELAYED est.
43	Bruns/Big Dally's Deli	5	\$317,865	90	Brant Rentals, LLC	1	\$1,700,000 est.
44	HDC/409 W. "F"	5	\$92,655	91	DAVALWAT Properties	1	\$851,000 est.
45	Premium Protien	5	\$2,375,990	92	West 2nd Propererties	4	\$450,000 est.
46	Pathway Plaza Aparts.	5	\$285,235	93	Theatre Dist. - Theatre Bldg.	13	\$1,250,000 est.
47	Southwood Estates	5	\$1,340,495				
					Total Estimated Project Valuation		\$123,438,505
	Total Valuation Increase	Area 1	\$20,681,439		Total Valuation Increase	Area 8	\$3,484,566
		Area 2	\$2,603,744			Area 9	\$0
		Area 3	\$763,419			Area 10	\$0
		Area 4	\$2,933,664			Area 11	\$6,028,710
		Area 5	\$21,007,086			Area 12	\$0
		Area 6	\$13,049,706			Area 13	\$11,984,995
		Area 7	\$8,959,847			Area 14	<u>\$31,941,329</u>
					Estimated Total		\$123,438,505

Percentage of the City Designated as Blighted & Substandard

The City of Hastings has completed studies on 15 redevelopment areas within the Hastings city limits and 1 study outside the city limits (former Naval Ammunition Depot property) and has taken action to designate each of these areas as blighted and substandard. The percent of land within the corporate limits of the City of Hastings designated as blighted and substandard as of 7/1/21 is approximately 28.64%.

Comparison - Grand Island - 24.78%, Kearney - 26.55%, Lincoln – 15%, Omaha – 18%, North Platte – 26%, Fremont – 30%

This report sent to;

Adams County Supervisors
c/o Adams County Clerk's Office
500 W. 4th Street #109
Hastings, NE 68902-2067

Community Redevelopment Authority
220 N. Hastings Avenue
Hastings, NE 68901

Adams Central Public Schools
1090 S. Adams Central Avenue
Hastings, NE 68901

Educational Service Unit #9
5807 Osborne Drive East
Hastings, NE 68901

Agricultural Society
947 S. Baltimore
Hastings, NE 68901

Hastings Public School District #18
1924 W. A Street
Hastings, NE 68902

Central Community College
550 S. Technical Drive
Hastings, NE 68901

Natural Resource District #2
PO Box 100
Davenport, NE 68335

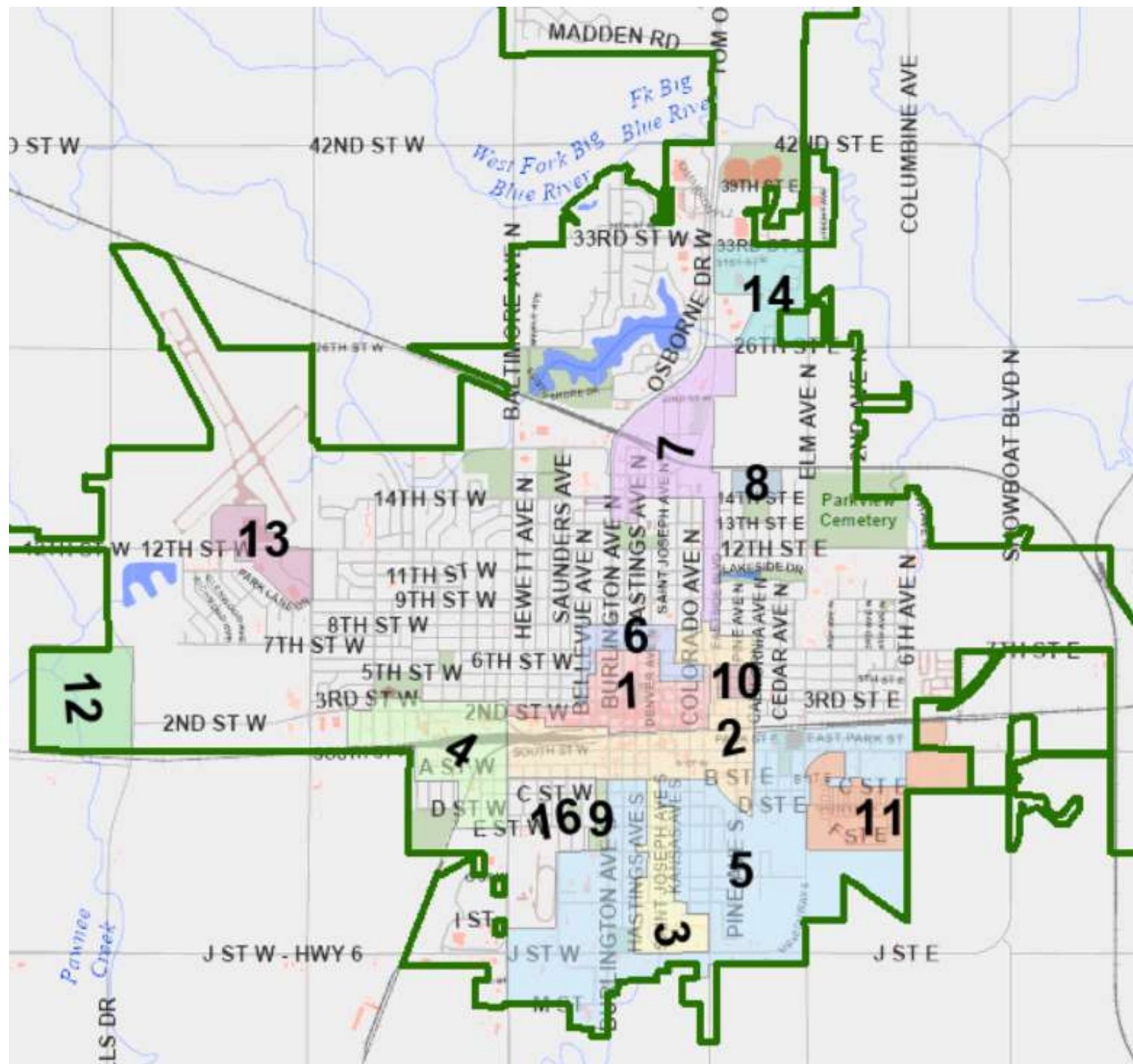
City of Hastings
c/o Hastings City Clerk
220 N. Hastings Avenue
Hastings, NE 68901

Upper Blue NRD
319 E. 25th Street
York, NE 68467

Prepared April, 2022 by:

Randal Chick, Director
Community Redevelopment Authority
301 S. Burlington
Hastings, NE 68901
(402) 461-8415
www.redevelophastings.com

TIF Data sources – Nebraska Department of Revenue, Property Tax Division



Department: Development Services
Staff Contact: Brian Hurskainen
Planning Commission Meeting Date: 9/20/2022
File No: 2022-031
Prepared By: Brian Hurskainen, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider an Ordinance to amend Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care.

Motion to recommend approval for an ordinance to amend the Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care.

Names of People/Business affected by this action:

The residents of Hastings, home occupation business owners and City of Hastings staff.

Why Planning Commission action is required:

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval for an ordinance to amend the Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care.

Deadlines associated with action:

This code revision case will be presented for approval at the City Council Regular Meeting to be held on October 10, 2022.

Department head comments:

This code change was originally presented on 7/19, it was also presented on 8/16 and at a Worksession on 9/8; we have made changes based on feedback from the commissioners.

We have removed the section of an administrative permit but have introduced a provision that if they don't meet the section of the code, they can apply for a conditional use permit which will go before the Planning Commission and City Council. This gives people flexibility if they really need

it and gives the decision to the elected officials rather than City Staff.

Another comment was to remove the list of permitted uses, staff has decided not to propose that. We feel that giving a list of uses allows the director to have a better idea of what should be allowed and helps guide their discretion.

City Staff is trying to be proactive with the City Zoning Code; one necessary amendment would be to the home occupation section. Remote work and small businesses within a home have increased over the last few years with changes to the labor market. The recent event of COVID showed us that many businesses are choosing to close their storefront and continue business from home in a home-based business fashion. City wants to be sensitive to this change and adapt this code to better fit these situations. This will also lend value to our code enforcement processes and procedures. By better vetting each home occupation here forward in a more formal permit fashion and approving with appropriate conditions that meet our code here forward, there is less burden on code enforcement to decide what can be done after it has already occurred. This code change will ultimately make those that have occurred to this point in time legal nonconforming home-based businesses and allow code enforcement to focus on those that are new or expand and grow.

Overall, the intent of the code change is to relax the restrictions to allow for things we feel meet the intent of the home occupation section, as well as provide some much needed clarity for people trying to set one of these businesses up in their home.

Recommendation:

Staff recommends a motion to recommend approval for an ordinance to amend the Hastings City Code sections 34-302 to amend language for Home Occupations and 34-104 regarding definitions of child care.

Sec. 34-302. Home occupations.

Home occupations shall be subject to the following:

- (1) A home occupation is permitted as an accessory use by the resident(s) of a dwelling subject to the provisions in this article. The use shall be incidental or subordinate to the residential use of the dwelling. The expressed intent behind regulating home occupations is as follows:
 - a. To preserve the residential character of neighborhoods.
 - b. To preserve the residential rights of neighbors, while reasonably allowing residents to utilize their dwelling to enhance or fulfill personal economic goals.
 - c. To establish reasonable criteria for the operation of home occupations in dwelling units in order to keep the dwellings suitable for their intended residential purpose.
 - d. To preserve and protect municipal and utility services such as streets, sewers and water systems against increased utilization typical in commercial districts.
 - e. To preserve tranquility in neighborhoods by prohibiting activities that could reasonably impose a nuisance such that neighbors' residential utilization of their own properties is diminished.
 - f. To prevent activities usually conducted within commercial districts from being conducted in residential areas for safety reasons.
 - g. To recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.
- (2) The use of the dwelling unit for the home occupation shall not account for more than 25 percent of the total gross floor area of primary and accessory buildings for which will be used in the conduct of the home occupation.
- (3) Only one nameplate type of sign, not exceeding two square feet in area, non-illuminated, and mounted flat will be allowed.
- (4) Display or storage of goods or material in the premises is limited to the area provided for the home occupation. There shall be no exterior displays or storage on the exterior of the home as part of this home occupation that would mismatch or detract from keeping with the residential character of the neighborhood.
- (5) The home occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily found in a residential dwelling.
- (6) The home occupations shall have a valid license from the city and pay any relevant occupation tax or business license.
- (7) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Section 34-308 off-street parking and loading for that area of the dwelling unit employed for the home occupation. No required off-street parking spaces shall be located in a required front yard. The home occupation shall not unduly interfere with public use of adjoining streets, alleys or driveways.
- (8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off premises.

-
- (9) No commercial vehicles and equipment used to conduct the business shall be parked or kept on the premises except for one of the following: a car, pickup truck, station wagon or van belonging to the owner and identifying the business.
- (10) Permitted home occupations include, but are not necessarily limited to the following:
- a. Artists and sculptors;
 - b. Authors and composers;
 - c. Home crafts;
 - d. Professional office facilities;
 - e. Barbershop/Salon;
 - f. Individual tutoring;
 - g. Small scale retail;
 - h. Individual musical instrumental instruction, provided that no instrument may be amplified in such a way as to disturb the peace and quiet of the neighborhood;
 - i. Family Child Care Homes shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902. This particular use must provide proof of any necessary State license or certifications to conduct this business according to State of Nebraska regulations found under Title 391.
 - j. Uses similar in impact and extent as determined by the Development Services Director.
- (11) Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
- a. Animal hospitals.
 - b. Mortuaries.
 - c. Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses.
 - d. Welding, vehicle body repair, or rebuilding or dismantling of vehicles.
- (12) If the home occupation does not meet the above conditions a conditional use permit will be required

Sec. 34-104. Descriptions and categories of uses.

The following categories and descriptions of specific uses of land and buildings correspond to the Use Table 34-200. Where a use appears to meet two or more descriptions or where a use is not described, the Director shall make a determination of the most comparable use. In making this determination, the Director shall compare: (a) the intensity and scale of the use relative to the site; (b) the typical site and building designs associated with the use; (c) the functional or operational characteristics and the potential impacts the use on adjacent property; and (d) the potential contribution of the use to the overall character of the district or districts in which the comparable use is allowed. All other uses which cannot be interpreted in this manner are different from the described uses, are not anticipated by these regulations, and may only be allowed by a zoning text amendment.

- (1) *Residential uses.* The residential use category is for all types of dwelling units used for permanent residence, including a variety of lot types, building types, and unit types, that may vary in the kind and classes of buildings based on the character of the neighborhood.

Detached dwelling. A residential use in a detached building designed as a single principal dwelling unit and situated on its own fee simple lot.

Detached dwelling, accessory. A detached single family dwelling located a lot developed with a detached dwelling as the principal use, and accessory to the principal detached dwelling.

Semi-attached dwelling ("duplex"). A residential use in detached building designed as two principal dwelling units. It may be designed as a "paired house," matching the appearance of a house, or it may be designed as a "flat-over-flat," matching the appearance of a small apartment building. A duplex is situated on its own fee simple lot, but each unit of a side-by-side paired house may be platted on an individual lot if party walls are used.

Attached dwelling ("townhouse"). A residential use in a building designed with a series of attached principal dwelling units separated by a single common wall. Each unit is typically situated on its own fee simple lot where party walls are used, but buildings or grounds may be owned in common. Each unit has the same orientation and front façade, and has its own private entrance to the exterior of the structure.

Multi-dwelling building ("apartment"). A residential use in a building designed for more than two principal dwelling units and situated on a single fee simple lot. This building type includes a number of variations based on the permitted building scale, including "stacked flats" (three-story/tri-plex), "six-plex" (paired stacked flats), or larger apartment buildings.

Live/work. A primarily residential use in a building designed for two principal uses, where a portion is designed for residential dwelling use, and a portion is designed for a limited non-residential use to support the occupation or vocation of the resident of the dwelling unit. The non-residential portion is limited to the first story and less than 50 percent of the total floor area of the building. The building is situated on its own fee simple lot but may be attached or detached based on zoning district standards and context.

Mixed-use dwelling. A residential use in a building designed for a mix of uses with office or retail on the first story/street-front and residential uses on the upper stories where the dwelling units are not accessory to the non-residential uses. Mixed-use buildings may be either small- or large-scale, with larger scale buildings, depending on the context and zoning district standards, and typically being broken into multiple fee simple lots with party walls, but the dwelling units may be owned in fee simple, as condominiums, or apartments.

Group housing. The grouping or clustering of living units (dwelling units) on a suitable site in such a manner that the amount of usable open space per unit is equal to or exceeds the open space

requirements for conventional development under the pertinent use district standards. Group housing developments are only allowed by conditional use permit.

Type A manufactured housing. A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto. See the provisions of Section 34-312 for additional regulations relating to Type A and Type B Dwellings.

Type B manufactured housing. A modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes 1943 which bears the seal of the Nebraska.

Department of Health. See the provisions of Section 34-312 for additional regulations relating to Type A and Type B dwelling.

Mobile home court. Any mobile home court, trailer park, trailer court or tract of land designated, maintained or tended for the purpose of supplying a location or accommodation for any mobile home or Type A or Type B manufactured dwelling and upon which one or more mobile homes or Type A or Type B manufactured dwelling are parked, and shall include all building used or intended for use as part of the equipment thereof, whether a charge is made for the use of the mobile home court and its facilities or not. 'Mobile home court' shall not include automobile or trailer sales lots on which unoccupied mobile homes are parked for purposes of inspection or sale or storage or a tract of land used to park trailers temporarily for overnight stays for a maximum period of one week where the mobile home trailer is parked for recreational purposes or for stopping by migrating persons while passing through the City.

Mobile home, accessory. A detached, single or two family dwelling which was originally designed for long-term human habitation and which was constructed and fabricated into a complete unit at a factory and capable of being transported to a location for use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation, when used for residential or any other purposes, but not including any structure which meets the definition of a Type A or Type B manufactured dwelling.

- (2) *Civic uses.* The civic use category includes uses serving a broad and general public and community interest to enhance daily cultural, social or recreation opportunities for area landowners and residents. This category is based on the need of different kinds and classes of buildings in close proximity with other uses, which can be integrated in to these areas with the appropriate level of civic design. The civic use category may contain uses that are either public and accessible to all citizens; common and accessible by rights associated with ownership; or private and accessible by membership or general association.

Neighborhood assembly (< 350 maximum occupancy). A civic use that conducts organized services, assemblies, or programs on a periodic or occasional basis, primarily for the convenience, entertainment, education, and social or spiritual welfare of nearby residents. Neighborhood assemblies typically have buildings and supporting facilities designed for a capacity of no more than 350 people for any one event. Common examples include meeting halls, neighborhood association club houses, or smaller neighborhood churches.

Community assembly (350—700 maximum occupancy). A civic use that conducts organized services, assemblies, or programs on a periodic or occasional basis, primarily for the convenience, entertainment, education, and social or spiritual welfare for citizens in the general vicinity. Community assemblies typically have buildings and supporting facilities designed for a capacity of no more than

750 people for any one event. Common examples include community centers, museum, or large churches. For larger facilities see entertainment venue.

Eleemosynary or philanthropic institution. A private, non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization or individual, and which either (a) provides volunteer aid to the sick and wounded of the armed forces in time of war and natural relief in case of a national calamity or emergency or (b) provides all or any of the following: religious, social, physical, recreational, and benevolent services. In addition, such term shall include such an organization providing housing and related facilities for elderly or physically handicapped families. This definition shall not be construed to include supervised homes, halfway houses, or supervised home for the mentally handicapped.

Golf course/clubhouse (non-business). A civic use engaged in the management and operation of a golf course as an outdoor recreation activity, and any accessory sales or businesses associated with the operation of the golf course and which are intended solely for patrons of the golf course.

Public park/playground. A civic use where an area of land is used for structured or unstructured outdoor recreation.

Public museum or library. A building used for the artistic, cultural, educational or other exhibition of materials, artifacts, and resources which are presented or made available to the public.

School, elementary or middle. A civic use where buildings and facilities are used for the education and instruction of K through 8 students.

School, secondary. A civic use where buildings and facilities are used for the education and instruction of 9 through 12 students.

School, college or university. A civic use where buildings and facilities are used for the education and instruction of post secondary.

- (3) *Service uses.* The service use category is for businesses engaged in the exchange of professional skills, advice, personal care or other resources, and the nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises, and where lots or buildings may require access or exposure to the public-at-large.

Adult care, home. A residence or facility wherein adult day services are provided for less than four adults.

Adult care facility. A program of structured and monitored social, manual, physical, and intellectual services and activities provided in a supervised, ambulatory (including wheelchairs) setting outside an individual's own home, directed toward adults who do not require 24-hour institutional care but who, because of physical or mental impairment (including social isolation) require services in a group setting for the purpose of achieving or maintaining self-sufficiency, preventing or remedying neglect, abuse, or exploitation, and preventing or reducing inappropriate institutional care. Adult day services will constitute a home occupation if conducted in a residence, and in accordance with Hastings City Code Section 34-302.

Automobile service station—Limited. A service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services. This use is limited to no more than two fuel pump islands and no more than eight fueling stations.

Automobile service station—General. A service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services, or accessory convenience retail. This use is limited to no more than four fuel pump islands and no more than 16 fueling stations.

Automobile service station—Large-scale. A service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services, or accessory convenience retail. This use may have more than four fuel pump islands and more than 16 fueling stations.

Automobile repair—Limited. A service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories, where the scale of the business and design of the site is such that no outside overnight storage of vehicles or equipment is required.

Automobile repair—General. A service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories. Where outside overnight storage of vehicles or equipment may be required.

Bank. A service use providing financial services to the general public, including associated office and customer service facilities.

~~*Child care, home.* A service use wherein there is provided for up to eight children, as a secondary use within a residential dwelling, any care, supervision, custody, control or other services in lieu of parental supervision, for compensation.~~

~~*Child care facility.* A service use wherein there is provided for children, as a principal or as an accessory use of non-residential buildings, any care, supervision, custody, control or other services in lieu of parental supervision, for compensation.~~

~~*Child Care Center* A facility licensed to provide child care for thirteen (13) or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.~~

~~*Family Child Care Home I* A child care operation in the provider's place of residence which serves between four (4) and eight (8) children at any one time. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirements of the State of Nebraska.~~

~~*Family Child Care Home II* A child care operation either in the provider's place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirements of the State of Nebraska.~~

Halfway house, quasi-institutional use. Shall be described as a licensed home by the State of Nebraska or the United States Government, for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation, re-employment and counseling are provided to mainstream residents back into society, enabling them to live independently.

Kennel, commercial. An establishment where any combination of more than four dogs or cats are bred, boarded, trained, or sold. Any dog or cat which is younger than four months old, shall not be counted towards the four-animal limit. A veterinary clinic shall not be considered to be a kennel for purposes of this chapter.

Lodging, bed and breakfast. A service use where up to six guest rooms are rented, generally for short-term occupancy for sleeping, together with limited facilities for the accommodations of guest in a home-like atmosphere.

Lodging, rooming house. A service use where more than six guest rooms are rented, generally for short-term occupancy for sleeping, together with limited facilities for the accommodations of guest in a home-like atmosphere.

Lodging, hotel. A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals.

Lodging, motel. A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with recreation space, restaurants, clubs, or other related accessory uses including meeting room and banquet facilities.

Medical office. A service use where physicians, dentists, or other health care professionals carrying on their professions. A medical office may include a dental or medical laboratory, but may not include in-patient care or operating rooms for major surgery and may not be open for after-hours emergency care.

Medical clinic. A service use where physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. A health clinic may include a dental or medical laboratory, after hours emergency care, but it may not include in-patient care or operating rooms for major surgery.

Medical hospital. A service use providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Nursing home/assisted living. Any structure used or occupied by persons recovering from illness or suffering from infirmities of old age in a group care setting.

Professional services office. A service use where individuals with specialized knowledge provide planning, advice, technical aid to the general public. Examples include doctor of medicine, engineer, lawyer, accountant, insurance agent or other similar professional services.

Self storage. A self-service storage facility designed to provide dead storage for families and small businesses only.

Veterinary office. A Service use where domestic animals are cared for in an office environment and any boarding areas is only accessory to the primary use of the facility for ordinary care and treatment of domestic animals.

Veterinary hospital. A service use where animals are admitted for examination, treatment, or health care by a doctor of veterinary medicine, which may include boarding and other facilities associated with longer term care or extraordinary treatments.

- (4) *Employment uses.* The employment use category is for businesses engaged in administrative, clerical, and professional operations and support, where products or services are of the nature that generally do not require daily on-premises interactions with the clients, customers or patrons, and where lots and buildings are not primarily designed to maximize exposure to the public-at-large.

Home occupation. Any occupation or activity carried on within a dwelling unit by a member(s) of the family residing on the premises, 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 Section 34-302.

Office—Limited. An employment use which is limited and associated with another use, and generally involves less than 2,000 square feet of office space, and where each owner or tenant typically employs less than ten employees on premises.

Office—Small. An employment use which is not an accessory to another use, but limited individual units of gross leasable area are less than 3,500 square feet, and where each owner or tenant typically employs less than 20 employees on premises. Examples include small-scale professional service offices

such as accountants, architects, insurance, law, real estate, or other similar businesses which can operate within the unit square footage and employee limits of this category.

Office—General. An employment use where individual units of gross leasable area are between 3,500 and 20,000 square feet, and where each owner or tenant typically employs between 20 and 100 employees on premises. Examples include large professional service offices such as accountants, architects, insurance, law, real estate, or other similar businesses which exceed the office—limited category, or other moderate size business or corporate employment operations.

Major office or office complex. An employment use where individual units of gross leasable area may be more than 20,000 square feet in a single building or group of buildings, and each owner or tenant may typically employ more than 100 employees on premises. Examples include major professional service firms or large corporate offices.

- (5) *Commercial and retail uses.* The commercial use category is for businesses engaged in the exchange of merchandise for general consumers, and nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises, where lots or buildings are primarily designed for exposure to the public-at-large.

Convenience retail, automobile (< 5K). A commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 5,000 square feet of gross leasable area. Convenience retail, automobile uses are characterized by a target market based on high-traffic roadways, or are an associated accessory to an employment or service business.

Convenience retail/corner store (< 2K). A commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 2,000 square feet of gross leasable area. Convenience retail/corner store uses are characterized by a target market area of less than ½ mile radius for most of its on-premises sales or are associated accessory to an employment or service business.

Neighborhood retail (< 5K). A commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 5,000 square feet of gross leasable area. Neighborhood retail uses are characterized by a target market area of less than ½ mile radius for most of its on-premises sales.

General retail (5K—20K). A commercial use primarily engaged in the sale of household merchandise, specialty merchandise, and consumer products and involving between 5,000 and 20,000 square feet of gross leasable area. General retail uses are characterized by a target market area of less than one-mile radius for most of its on-premises sales.

Large-scale retail (20K—100K). A commercial use primarily engaged in the sale of household merchandise, specialty merchandise or general consumer products and involving between 20,000 and 100,000 square feet of gross leasable area. Large-scale retail uses are characterized by a target market area that may be greater than one-mile radius for its on-premises sales.

Warehouse retail (> 100K). A commercial use primarily engaged in the sale of household merchandise, specialty products, general consumer products, or wholesale products and involving greater than 100,000 square feet of gross leasable area. Warehouse retail uses are characterized by a target market area more than one-mile radius for most of its sales.

Grocery store (< 45,000K). A commercial use engaged in the retail sale of a broad range of food products and limited household products for consumption off premises, although some limited areas may be dedicated to the on-premises sale and consumption of food. A grocery store involves less than 45,000 square feet of gross leasable area and is characterized by a target market of less than one-mile radius.

Supermarket (> 45,000[K]). A commercial use engaged in the retail sale of a broad range of food and household products for consumption off premises, although some limited areas may be dedicated to the on-premises sale and consumption of food. A supermarket typically involves more than 45,000 square feet of gross leasable area and is characterized by a target market of greater than one-mile radius.

Indoor entertainment and recreation business. A service use where facilities for indoor sports, entertainment, or similar recreation opportunities for participants or spectators are offered as a business. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.

Outdoor entertainment and recreation business. A service use where facilities for outdoor sports, entertainment, or similar recreation opportunities for participants or spectators are offered as a business. Examples include race tracks, driving ranges, or other similar grounds.

Entertainment, venue. A service use where floor shows or other forms of entertainment, performances or presentations by persons are provided for guests, which may include accessory dining, bar, and similar refreshment services. Examples include concert halls, dinner theaters, or banquet halls, or auditoriums.

Outdoor sales, limited. The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted commercial use. This display is further limited by the following: (1) it only occurs during regular business hours and is brought indoors; (2) is limited in extent to less than ten percent of the entire merchandise area of the commercial use; and (3) it is limited to seasonal sales or events lasting no longer than one-week at a time with at least four weeks between consecutive events.

Outdoor sales, seasonal. The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted commercial use. This display is further limited by the following: (1) it only occurs during regular business hours and is brought indoors; (2) is limited in extent to less than 20 percent of the entire merchandise area of the commercial use; and (3) it is limited to seasonal sales or events lasting no longer than one month at a time with at least two months between consecutive events.

Outdoor sales, yard. The display and sale of merchandise where the primary business is generated by merchandise displayed permanently and year-round on an exterior portion of the site.

Outdoor market (farmers market). A special event outdoor sales of products that are produced off-site by a number of different merchants, typically farm or craft products.

- (6) *Industrial uses.* The industrial use category is for businesses engaged in manufacturing, fabrication, warehousing, processing, wholesale or disposal of goods, products and component parts, and services related to these businesses. These uses typically belong in a special district due to their inability to blend with the uses from other use categories, except when occurring at the smallest scale.

Grain storage elevator. A facility used for the storage, exchange, processing and distribution of grain.

Manufacturing, limited. An industrial use where small-scale activities produce no by products such as smoke, odor, dust or noise discernable from the outside of the building in which it is located. Individual facilities typically occupy less than 10,000 square feet of gross leasable area, it requires no outside storage, and distribution and deliveries are commonly made by general consumer delivery services, requiring no significant truck access. A retail, showroom, or service component is often associated with the use. Examples include artist studios, metal and wood shops, arts and crafts manufacturing, small appliance or machine repairs, or other small-scale assembly of finished parts or products from previously prepared materials.

Manufacturing, light. An industrial use whereby products such as smoke, odor, dust or noise are not discernable from outside of the building in which it is located. It requires no outdoor storage or operations to occur, and where distribution and deliveries can occur from general consumer delivery services or limited commercial truck access. Examples include research labs or facilities, small electronics or computer assembly and manufacturing, furniture assembly.

Manufacturing general. An industrial use whereby products such as smoke, odor, dust or noise are not discernable from beyond the property boundary. Limited outdoor storage or materials may occur, and operations may require substantial commercial vehicle access for distribution and deliveries. Examples include large-scale non-animal food processing, commercial warehouses or wholesale distribution centers.

Manufacturing, heavy. An industrial use capable of producing significant by products discernable from outside the building and property including noise, odors, or other potentially offensive materials. It includes outdoor storage of materials and operations may require substantial commercial vehicle access for distribution and deliveries. Examples include food-processing involving animals, metal or chemical manufacturing, impoundment yards.

Impound yard. A place where the primary use is the storage or parking of operating or non-operating vehicles for longer than 48 hours, including, but not limited to, the following: (1) the storage of private parking towed-away vehicles; or (2) the long-term storage of vehicles with consent of the owner.

Recycling collection and processing. An industrial use where land and buildings are used for the public drop-off, storage, and packaging of recyclable materials. Processing may occur on site, or materials may be shipped to other industrial sites for further processing.

Salvage yard/junkyard. Any lot, or portion of a lot, which is used for the purpose of the outdoor storage, handling, dismantling or wrecking of abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials as defined in this subsection under "junk."

Slaughter house/meatpacking. A manufacturing use where live animals are temporary boarded for processing and distribution as food or other byproducts.

Storage or sale of liquid petroleum. A manufacturing use where storage, processing and sale of large quantities of combustible or flammable fuels may be present on the premises, and where frequent truck traffic is necessary for the safe distribution of products.

Warehouse storage/bulk storage. A structure containing an area whose primary purpose is storing commercial, industrial or private personal property, which may or may not include associated office space.

Wholesale. A merchant or middleman who sells chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use.

- (7) *Agriculture and natural resource uses.* The agriculture use category is for uses that are commonly associated with an agrarian or rustic lifestyle, and which demand little or no public infrastructure or services.

Limited agriculture (AR). The production of grain, animals, food and fiber on a small scale where any impacts on potential adjacent property from storage, operations, and equipment can be internalized into the site or buffered from abutting areas, typically not occurring on lots or parcels larger than ten acres.

General agriculture. The production of grain, animals, food and fiber; the science and art of farming and ranching; and the work of cultivating the soil, producing crops and raising livestock. General

agriculture specifically excludes concentrated feeding operation where animals are confined, fed and maintained for 45 consecutive days or more in any 12-month period.

Aquaculture. The raising, feeding, planting, and harvesting of fish, shellfish or water home plants, and associated facilities necessary for the use.

Feed lot.

- (a) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail.
- (b) Any structure, pen or corral wherein cattle, horses, sheep, goats, swine, fowls or other animals maintained in close quarters for the purpose of fattening and confinement feeding of such livestock or fowl for final shipment to market.

Natural resource extraction. The growth, harvesting, cultivating land preparation of plants or other products of the land for distribution and sale as raw material in some other manufacturing process.

Nursery. The use of land and facilities for growing trees and plants for the retail or wholesale distribution on the premises. Examples include tree farms, orchards, or commercial greenhouses.

Stable, public. A business engaged in the keeping of horses, ponies, mules or cows for others.

- (8) *Public service uses.* The public service use category is for business or government entities engaged in serving a broad and general public and community interest to enhance general health, safety, welfare and convenience for landowners and residents. This category is based on the need of different kinds and classes of buildings in close proximity with other uses, which can be buffered from these areas with the appropriate site design, or alternatively which can be located in special purpose districts and still serve the public interest.

Air field. An area constructed for the purpose of serving as a location for small airplanes or similar aircraft to land and take off.

Heli-stop. A hard-surfaced area constructed for the purpose of serving as a location for helicopters to land and take off.

Public parking lot. A parking area available for public use whether free, for compensation or as an accommodation for clients or customers.

Public recreation grounds. Structures used primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guest, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

Public utility plant. A public service use where land is used for the concentrated location of fixed equipment necessary to serve large areas with utility service, including operations of the utility other accessory buildings and facilities essential to the operation of the equipment, distribution, and processing associated with the utility. Examples include sewage treatment plant, electric supply plant, water supply plant, or sanitary landfill.

Public utility substation. A public service use where land is used for equipment necessary to serve adjacent areas with utility services, which facilitates are typically unmanned except for during ordinary maintenance.

Cemetery. An area where land is used for the burial of the deceased, both human and animals, and dedicated for internment purposes, including columbaria, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Small wind energy systems. Facilities used to generate energy from wind as a use accessory to other permitted structures on the premises.

Large scale wind generator (wind farms). Any wind generator facilitates that do not qualify for small scale wind energy systems according to the standards of these regulations.

Telecommunication facilities and support structures. Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment or one base station, and supporting structures.

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise.

(Ord. No. 4233-11/2009, 4309 -10/2011, 4354 -7/2013 and 4416 -11/2014; Ord. No. 4698 , § 1, 3-14-2022)

Sec. 34-302. Home occupations.

Home occupations shall be subject to the following:

- (1) A home occupation is permitted as an accessory use by the resident(s) of a dwelling subject to the provisions in this article. The use shall be incidental or subordinate to the residential use of the dwelling. The expressed intent behind regulating home occupations is as follows:
 - a. To preserve the residential character of neighborhoods.
 - b. To preserve the residential rights of neighbors, while reasonably allowing residents to utilize their dwelling to enhance or fulfill personal economic goals.
 - c. To establish reasonable criteria for the operation of home occupations in dwelling units in order to keep the dwellings suitable for their intended residential purpose.
 - d. To preserve and protect municipal and utility services such as streets, sewers and water systems against increased utilization typical in commercial districts.
 - e. To preserve tranquility in neighborhoods by prohibiting activities that could reasonably impose a nuisance such that neighbors' residential utilization of their own properties is diminished.
 - f. To prevent activities usually conducted within commercial districts from being conducted in residential areas for safety reasons.
 - g. To recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.
- (2) The home occupation shall employ no more than one (1) full time or part time employee on site other than the residents of the dwelling unit, provided that one (1) off-street parking space is made available and used by that non-resident employee.
- ~~(3) No more than one home occupation per dwelling unit~~
- (4) ~~The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not account for more than 25 percent of the total gross floor area of primary and accessory buildings not to exceed 750 square feet of the dwelling for which will be used in the conduct of the home occupation.~~
- (5) Only one nameplate type of sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the principal building will be allowed.
- (6) Display or storage of goods or material in the premises is limited to the area provided for the home occupation. There shall be no exterior displays or storage on the exterior of the home as part of this home occupation that would mismatch or detract from keeping with the residential character of the neighborhood.
- (7) Only retail products produced by residents of the site dwelling ~~residing on the premises~~ or a retail business that sells products in a drop shipping business model are permissible through this administrative permit. All other articles offered for sale that are not produced by the home owner or drop-shipped from a separate manufacturing location ~~as part of an online retail business (and not specifically addressed in the table of uses)~~ will require Conditional Use Permit approval from Planning Commission.
- (8) The home occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily found in a residential dwelling.

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- (9) The receipt or delivery of merchandise, goods or supplies for use in the home occupation shall be limited to the United States mail, similar parcel delivery service or private vehicles with a gross vehicle weight rating (GVWR) of ten thousand pounds or less.
- (10) The home occupations shall have a valid license from the city and pay any relevant occupation tax or business license.
- ~~(11) The home occupation activity shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~
- ~~(12) No home occupation shall be conducted in any accessory building.~~
- ~~(13) Except as otherwise provided herein, there shall be no wholesale or retail sale of merchandise nor any activities involving stock in trade on the premises.~~
- (12) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Section 34-308 off-street parking and loading for that area of the dwelling unit employed for the home occupation. No required off-street parking spaces shall be located in a required front yard. The home occupation shall not unduly interfere with public use of adjoining streets, alleys or driveways.
- (13) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off premises.
- (14) No commercial vehicles and equipment used to conduct the business shall be parked or kept on the premises except for one of the following: a car, pickup truck, station wagon or van belonging to the owner and identifying the business.
- ~~(15) Notwithstanding Subsection (5) above, persons possessing a valid permit issued by the Bureau of Alcohol, Tobacco, and Firearms, may, as a home occupation, buy, sell, or trade firearms at wholesale or retail, and engage in gunsmithing, the repair of firearms, and reloading and sale of ammunition.~~
- (15) An administrative home occupation permit from Development Services shall be obtained.
- a. *Application.* Applicants shall complete an application for an Administrative permit which is on the City of Hastings website. Applicants shall provide the following information:
- i. The name, address and contact information of the owner(s) and applicant, if not the same person. If the applicant is a firm, corporation or other legal entity, the registered agent of the corporation shall be identified on the application as such. An owner authorization form will be required if the owner is different from the applicant and this must be signed by both parties.
- ii. A site plan, drawn to scale showing where on this property you will be located and all of the following:
1. Existing zoning, area, lot size.
 2. North arrow, scale and date;
 3. Boundaries of the project site;
 4. Address and parcel number
- iii. Floor Plan, showing area used by home occupation with an accurate total of square feet
- iv. Location of all existing and proposed access and egress drives;

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- v. Location, design and size of all proposed signs
 - vi. Written description of the type, nature and extent of the proposed request.
 - vii. Such other information as deemed necessary by the Development Services Director or designee for purposes of evaluating the application.
- b. Prior to permit approval, the administrative home occupation permit application shall be reviewed by the Fire Marshall or designee, City Planner and may (depending on the use) consist of reviews from the following city departments: police, building, city clerk, finance, engineering and planning. Under special circumstances of use we may also ask for an outside public or semi-public expert to advise on the permit.
- ~~(16) Permitted home occupations shall be the following uses or uses substantial uses similar in impact and extent as determined by the Development Services Director.~~
- (16) Permitted home occupations include, but are not necessarily limited to the following:
- a. Artists and sculptors;
 - b. Authors and composers;
 - c. Home crafts for off-site sale;
 - d. Professional office facilities;
 - e. Individual tutoring;
 - f. Online retail drop shipping sales or sales in a residence as a home occupation will be allowed to showcase a limited inventory that only accounts for less than half of the 25% ratio of total gross square feet used for this business. Any in-house inventory must not be hazardous or create nuisance to surrounding areas and there shall be no outside storage of any inventory at all times.
 - g. Individual musical instrumental instruction, provided that no instrument may be amplified in such a way as to disturb the peace and quiet of the neighborhood;
 - h. Family Child Care Homes shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902. This particular use must provide proof of any necessary State license or certifications to conduct this business according to State of Nebraska regulations found under Title 391.
 - i. Uses similar in impact and extent as determined by the Development Services Director.
- (17) Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
- a. Animal hospitals.
 - b. Mortuaries.
 - c. Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses.
 - d. Welding, vehicle body repair, or rebuilding or dismantling of vehicles.
- (18) Any home occupation business lawfully operating on the effective date of this ordinance XX/XX/XXXX, that is in violation of this chapter shall be deemed a nonconforming use in accordance with City Code Section 34-603. The nonconforming use will be permitted to continue unless sooner terminated for any reason or voluntarily discontinued for a period of 1 year or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use upon application and issuance of a registration.

Existing Code

Sec. 34-302. Home occupations.

Home occupations shall be subject to the following:

- (1) No person other than the permanent inhabitants residing in the dwelling unit shall be engaged in a home occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area not to exceed 750 square feet of the dwelling shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than one sign not exceeding two square feet in area, non-illuminated, and mounted flat against the principal building.
- (4) No home occupation shall be conducted in any accessory building.
- (5) Except as otherwise provided herein, there shall be no wholesale or retail sale of merchandise nor any activities involving stock in trade on the premises.
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Section 34-308 off-street parking and loading for that area of the dwelling unit employed for the home occupation. No required off-street parking spaces shall be located in a required front yard.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off premises.
- (8) No commercial vehicles or equipment used in the conduct of the business shall be parked or kept on the premises except for one of the following: a car, pickup truck, station wagon or van belonging to the owner and identifying the business.
- (9) Notwithstanding Subsection (5) above, persons possessing a valid permit issued by the Bureau of Alcohol, Tobacco, and Firearms, may, as a home occupation, buy, sell, or trade firearms at wholesale or retail, and engage in gunsmithing, the repair of firearms, and reloading and sale of ammunition.
- (10) Permitted home occupations shall be the following uses or uses substantial uses similar in impact and extent as determined by the Development Services Director.

(Ord. No. 3681-5/99 and 4233-11/2009)

Kearney City Code

46-112 SUPPLEMENTAL USE REGULATIONS: ACCESSORY USES

A. *Home-Based Businesses/Home Occupations.* Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. *External Effects:*

- (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
- (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
- (c) The home occupation shall be carried on entirely within the principal residential structure.
- (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
- (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
- (f) No home occupation shall discharge into any sewer, drainageway, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

2. *Employees:* The home occupation shall employ no more than one (1) full time or part time employee on site other than the residents of the dwelling unit, provided that one (1) off-street parking space is made available and used by that non-resident employee.

3. *Extent of Use:* For all residential and agricultural zoning districts, the lesser of twenty-five percent (25%) of the floor area of the dwelling or four hundred (400) square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.

4. *Signage:* Each home-based business shall be permitted to have one (1) non-illuminated wall sign not to exceed four (4) square feet in area.

5. *Traffic Generation and Parking.*

- (a) Home-based businesses may generate no more than ten (10) vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
- (b) Deliveries or service by commercial vehicles or trucks rated at ten (10) tons gross empty weight is prohibited for any home-based business located on a local street.
- (c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one (1) vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two (2) on-street parking spaces shall be used by the home occupation at any one time.

6. *Prohibited Home-Based Businesses/Home Occupations:* The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:

- (a) Animal hospitals.
- (b) Beauty and Barber Shops.
- (c) General retail sales.
- (d) Mortuaries.
- (e) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses.
- (f) Stables or kennels.
- (g) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

Grand Island City Code

§36-99. Home Occupations

The following are the minimum standards required for a Home Occupation:

- (A) There shall be no external or externally visible evidence of the home occupation, business or profession whatsoever. There shall be no signage or advertising, linking the residential property with the home occupation.
- (B) No more than 25% of the floor area of any one story can be used for the home occupation
- (C) There shall be no machinery other than that normally found in a home
- (D) There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction may be given to four pupils at one time
- (E) No one other than the resident(s) can work from that site
- (F) No retail sales are permitted from the site other than incidental sales related to services provided
- (G) No exterior storage (including storage within detached buildings/garage) is permitted
- (H) No offensive noise, vibration, smoke, odor, heat or glare shall be noticeable at or beyond the property line
- (I) The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided, this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for display of said produce

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Neb. R.R.S. 1943, Sec. §71-1902.

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