

PLANNING AND ZONING COMMISSION – 10/25/16

The Planning and Zoning Commission met on Tuesday, October 25, 2016 at 4:30 P.M. in the Council Chambers at the City Hall.

Present: Brent Scheve, Amy Rueschenberg, John Bolton, Sheri Tyrrel, and Mary Murtaugh

Absent: Nella Seivert and Russ Blenkinsop

Also Present: Recording Secretary Pam Meurer, City Administrator Gene Gettys, Board of Adjustment member Jennifer Kelly, Liaison Jay Christensen and Shelby County Chamber of Commerce and Industry Director Todd Valline

Chairperson Scheve called the meeting to order. It was moved by Sheri Tyrrel and seconded by Amy Rueschenberg to approve the agenda. The motion carried unanimously.

Conflicts of interest are to be stated if and when applicable. None were noted.

It was moved by Sheri Tyrrel and seconded by Amy Rueschenberg that the Consent Agenda items be approved as follows:

(All items listed under the Consent Agenda will be enacted by one motion with a roll call vote. There will be no separate discussion of these items unless a request is made prior to the time Commission votes on the motion. Consent Agenda items may include any non-controversial subjects.)

a. Approve minutes from the 7/28/16 meeting

Ayes: Scheve, Rueschenberg, Bolton, Murtaugh, Tyrrel

Nays: None

The motion carried unanimously and the Consent Agenda item was approved.

The item for discussion was a request from the Board of Adjustment to amend the definition of Home Occupation (City Zoning Ch.165.02.39) as follows:

“Home Occupation” means a business, occupation, trade, or activity conducted for gain or support carried on within a residential structure, or when permitted, a structure accessory to a residential structure and **having no more than one (1) additional employee on-site at a time, (this does not include an employee who is a member of the immediate family residing in the dwelling unit);** provided that, such occupation or activity is incidental and secondary to the residential use; that there shall be no display of goods visible from the street; and that such use does not change the residential character of the principal or accessory structures either structurally or so as to produce emissions of odor, gas, smoke, dust, noise, electrical disturbance or other output not usually associated with permitted residential uses. Such uses as clinics, hospitals, tea rooms, tourist homes, bed and breakfast, animal hospitals, kennels, welding, vehicle repair, mechanical repair, rebuilding or dismantling of vehicles or motors and other uses of a similar nature shall not be considered a home occupation.

Jennifer Kelley, on behalf of the Board of Adjustment, explained the need for the amended Home Occupation definition and Todd Valline offered his thoughts. The current Home Occupation definition doesn't allow any employees except for family members residing in the home (precedent has been set to allow one (1) additional part-time, non-family member employee).

It was discussed that the wording of the original Home Occupation definition was to limit traffic in the residential areas. Technology this day and age allows a home business to have employees that are not actually on-site. They can communicate via e-mail and phone and not even reside in the same town. Allowing one (1) employee on-site at a time (not including an employee who is a member of the immediate family residing in the home) allows an employer to meet with an employee for orientation purposes or one-on-one meetings, if necessary. It still does not allow for employee meetings, gatherings, etc. This will allow more home businesses, but still limit additional traffic in residential areas. Home Occupation permit holders may have a maximum of two (2) off-street parking spaces for their home business.

It was moved by Mary Murtaugh and seconded by Amy Rueschenberg to approve the amended Home Occupation definition, as proposed by the Board of Adjustment. The motion carried unanimously.

There being no further business, the meeting on motion adjourned at 4:37 P.M.

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Pamela Meurer, Recording Secretary

*These minutes are as recorded by the Secretary and are subject to approval at the next called meeting of the Commission.*