

**CITY OF COLUMBUS
PLANNING COMMISSION MEETING
INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
ORDINANCE 23-09 AMENDING CHAPTER 7A
HOME OCCUPATIONS AND RESIDENTIAL ZONE BUSINESS
10-18-2023**

The 10-18-2023 Public Hearing to consider a city code amendment to Chapter 7A zoning regulations related to home occupations and residential zone businesses, was called to order by Planning Commission Chair Lynn Carver-Quinn at the City Hall at 6:03 PM. Present were Planning Commission members Lynn Carver-Quinn, Barb Bobick, and Robin Wood, City Council Liaison Jesse Preiner, City Administrator Elizabeth Mursko, City Attorney Megan Rogers, Planning and Zoning Permit Tech Eleanor Hahn, Janet Hegland, Ron Hanegraaf, Parker Wegwerth, Tyler Obinger, Brandon Larson, and Mike Cerny.

Planning Commissioners Judy Huntosh and Bethany Barrette were absent from the meeting.

The meeting was held in an interactive technology meeting format.

Carver-Quinn: So we will now open the public hearing for ordinance 23-09 amending Chapter 7A zoning regulations related to home occupations and residential zone businesses. Is there anybody in the audience that would like to have a word about the public hearing.

Rogers: Madame Chair, I think if we have the staff report first, and then provide an opportunity for public response to that. So, run through what our revised ordinance is and then and then be able to answer any questions that people may have.

Carver-Quinn: Ok.

Rogers: So in your agenda packet, you have a revised memorandum that addresses what we really covered at our last meeting, at our Joint Planning Commission and City Council meeting, regarding residential zone businesses and home occupations. We also are going to just walk through the sort of resolution and the conversation that we had at that last meeting and what the proposed changes are for the ordinance itself and we have a PowerPoint that Elizabeth will pull up posthaste.

But I'll start just by sort of setting the stage and providing a summary of how we got here. So approximately 24 months ago, the city undertook a moratorium on the development on the further approval of interim use permits for residential zoned businesses within the rural residential. And the city adopted that moratorium in order to undertake a study of the existing businesses that are operating within the rural residential district. And you know, to better have a sense of what intensity is appropriate for those for the rural residential district and what uses are more appropriately located within our commercial corridors, in our commercial and industrial nodes. And as a result of that study, we have put forward a revised ordinance.

Our current status is that home occupations, which are a less intense use. They are fairly narrowly defined by your code as it exists today and a permitted use within the rural residential district. We also

permit residential zone businesses which are permitted via an interim use permit for no more than five years. Businesses have to come in for a renewal of that permit at the expiration of that five year period. It allows for expanded square footage compared to your existing home occupation definitions, and it generally provides a more intense use for the site.

We have currently six interim use permits that have been issued for businesses within our rural residential district. We also have a number of uses that are operational within the rural residential district that predate even the IUP regulations. And so there are uses that that staff has put on the large residential business map that was presented to you at the last meeting that are in compliance with the ordinances as legally non-conforming uses. Those businesses that existed prior to the adoption of your current zoning ordinance requiring an IUP, so long as another exemption like agricultural use, the revised home occupation definition or daycare use, all with which are permitted uses within your rural residential district. Those uses are existing not legally non-conforming uses and you do have a provision in section 7A of your code to expand those uses via CUP, but that's how those that are pre-existing to your existing ordinance are addressed.

So, there are two phases to the ordinance revisions that we're proposing to you tonight. The first phase is refining your home occupation definition. And what we heard in the Council conversation and the Planning Commission conversation about home occupations is that this is a large lot community. There are property that should be used in a flexible way in ways that are still consistent with the residential use of the property. And so these are the goals that we highlighted in refining our home occupation and ensuring that existing uses are consistent with residential use and are otherwise appropriate for the rural residents while preserving property owner rights to put their homes to reasonable use. To use standards that are based on the size of the property. So the larger the property, the more flexibility applies under the revised ordinance and the last goal. Limiting exterior storage for commercial purposes. So, keeping that within an existing building.

Phase two of our proposal is to sunset those more intense uses. So we've created more flexibility on the home occupation side as a permitted use and we're restricting the use of these more intense IUP uses for those businesses that do not already have legal, non-conforming use protection. And the goal of this, of course, is pushing those more intense businesses into our commercial corridors, which are continuing to develop, which are having more opportunities for those commercial uses and transitioning our existing IUP holders to those commercial nodes.

So, the proposed revisions to your home occupation section are defined within your packet. There is a red line version of your code for your review, but this really summarizes what is proposed today, which is permission for full or part-time commercial business with the use of an accessory structure, up to 50% of an accessory structure it's currently much more restrictive. It is to be used for a family business, so only those people who are residing on the property and we have a definition of family within our code that is quite restrictive, so it's not an employee type situation permitted within our home occupation definition. No exterior storage and limited parking beyond our traditional residential parking. Two additional parking stalls can be built to accommodate a home occupation. Limited hours of operation

that vary based upon weekday versus weekend standards, so you can think 7:00 to 9:00 on weekdays and 9:00 to 9:00 on weekends, and no additions for that are not usual and customary to a residential property. We talked a little bit about what those might look like in the case out of Pennsylvania with the vehicle super lift. That is not what is permitted by this home occupation standard.

So one thing that I think is important to sort of note for the record is that this home occupation standard is not intended to capture remote workers. You know, someone who's working remotely on behalf of Medtronic, is not a home occupation for the purpose of our ordinance. That's simply utilizing your home as you utilize your home. But small companies who are registered to the property and working out of the property and work being completed potentially off site as well, like property managers or we have the Starlight Ice Dance Club which I regaled you with at our last meeting. Those are perfect examples of home occupations that are permitted underneath your new ordinance. Family businesses and auto mechanics operating with the garage or in another accessory building would be permitted as a home occupation. So would an Etsy shop with minor retail. We talked about fishing lures as one of the examples of a really successful local business that's operating out of their home. That would be a permitted home occupation with no additional permit. Professionals, lawyers, therapists, all would be permitted occupations, and they could meet with clients at their home if they if their home is set up to do that. Single operator hair, massage, or nail providers, subject to licensing requirements from the State. Counseling Services, studio lessons. Of course, we're not having the entire dance team at the house, but you know individual lessons for ballet dancers or things of that nature are absolutely permitted as a home occupation. But remote workers, agricultural uses permitted and conditional uses already defined by your ordinance are just not contemplated within our new definition of home occupation.

One of the questions that we received about, OK, we're now have a permitted use. We don't have a conditional use permitted and IUP, how are we going to address expansion of the business beyond a Home Occupation? The example that we talked about at our last meeting was the young woman pictured here, who started a sweatshirt company and it went viral and now she had shipments coming in and out of the house all the time. So, growth of a business is a fantastic thing, but we have a really great policy driven Code Enforcement process, so if the use gets too intense, and if it's no longer a home occupation, we are proposing removing the flexibility provided by the IUP. Because we don't have that stage up, what we're suggesting is our compliance process is the path forward and you have the authority underneath your code enforcement compliance policy to enter into a compliance agreement with the property owner to say, "OK, your business took off. That's fantastic. And we want to make sure that you can be successful in the future. We understand you started out of your home, but we need to transition it out of our residential district." And you have between nine months and a year, whatever's appropriate based upon that knowledge of the specific facts and circumstances in each, to enter into an agreement like that to say, "OK, it'll take you about nine months to find a warehouse space to transition your business to do those things." That's appropriate and sign off on that. And so that's our path to compliance. If we do have significant expansion of existing home occupations.

So you know, in our part of this process was really completing that full city research of what businesses are existing operations within our rural residential district. And staff did that deep dive into the Secretary of State's office data and their existing CUP/IUP data to determine those businesses that that are operational and what we discussed at our last meeting was that the in terms of IUP's, which is how your code currently restricts these residential zone businesses with more intense uses, is that there are six that are currently active within the city now and the direction that we received at our last meeting was to really negotiate a path forward for each one of those uses.

And one of the things that we are seeking your direction and your input on tonight is what that path looks like. We presented at our last meeting and opportunity to continue the IUP until the property is sold, transferred or otherwise conveyed subject to the existing restrictions around expansion. So that the use would continue for those six property owners until the time that that they sold their home or lease their home, but it could not be transferred. It's not a non-conforming legal use that would be transferred to another property owner. That would be one option, and that was the initial option that was proposed by staff. The secondary option would be to continue the use pursuant again to those existing conditions, but for a date certain. That could be five years from the date of adoption, that could be a 10 year period. And we're seeking your guidance on that tonight and what the recommendation of the Planning Commission would be with regards to those particular agreements.

And so that is the that is the staff summary of our proposed ordinance. We certainly are here to take questions from the Planning Commission and answer any concerns that you may have.

Bobick: This is Barb. I have a question regarding the 50% of the accessory structure. But in the general zoning, less than an acre is 1800 square feet. One to five acres is 2700 plus. And of course then, when you have the bigger lots, I mean they can go all the way up to 3400. So there's nothing in here to explain what the 50% of what is. Can they just have one accessory building? And how large? What is the maximum?

Rogers: So, the maximum would be 50% of what's permitted within the existing district. So, if we think about and the reason we came to that policy recommendation is because there's, I think two points to it. Number one, we want to think about a piece of property and how it's used aside from the home occupation, what can be built on that property, consistent with your current zoning ordinance that would not require additional approvals. We want to say yes, property owners can use their property pursuant to the district performance standards. So if that's 2,000 square feet, that building is permitted. So now, as compared to the built environment, we are looking at how a piece of property is used. We stuck to the concept that the core of this of this policy is retaining the residential character of the parcel. Retaining the residential character of the of the home. We oftentimes think about permitted versus accessory use. We define accessory uses as less than 50% of the overall use of the site, and so what we would consider is a home occupation is in fact an accessory use. The permitted accessory use of a residential property. So that's why we limited that 50% so that they're the 50% of the structure would be able to be used for those business.

Bobick: Excuse me, 50% of the home square footage or 50% of the accessory building structure?

Rogers: The accessory structure.

Bobick: So, they could build a 1200 square foot building essentially and then they'd have 600 square feet.

Rogers: Correct.

Wood: This is Robin. Would this drive people to build bigger accessory buildings just to get more space?

Rogers: It certainly might. So long as it's compliant with the district standard, right. And your district standards and your lot standards have restrictions that you have determined to be appropriate for that size lot. And we're not creating a variance from those standards to allow for the business use. Rather, we're saying that the business use could be a component of what's already allowed on the site.

Carver-Quinn: OK. Yep.

Bobick: But the accessory building could be five times the size of the home, and that isn't really a residential presentation.

Rogers: So long as the accessory building complies with the standards that are outlined in your code. I think that the long-standing idea is that you might have an accessory building that's used for stable purposes for example. Those stables are oftentimes much larger than the homes on the properties where they're built, but they're built in conformance and in terms of what is the, you know, what is the impact of that building. If you could have it for a stable use, or if you could use it for a portion of your business then the impact would be limited. And so, and that's the ultimate policy goal there.

Mursko: Chairperson and members of the Planning Commission, I would say the average size of a pole building is 1200 square feet in Columbus. We don't really see less than that, unless it's a garage. And for the larger lots, they don't tend to build a bigger building because a bigger building leads to needing an architect and you need all sorts of other requirements. So what they end up doing is building another 1200 square foot building. And what you really see is two buildings on a property, but generally you don't see the 3 thousand square foot buildings. You know, sometimes building one building is a lot more money, and if it's not the standard sized building. But you will see multiple buildings, and we do allow multiple buildings on lots when you have 5 acres. So it's not uncommon to see a garage, a pole building, a gazebo, chicken coop. And then it's a cumulative so accessory buildings, there are several things that constitute accessory buildings and it's cumulative in square footage.

Bobick: Well, I'm particularly thinking of one that's five times as large as a house that's out there and the house is 2500 square feet. So, what it?

Mursko: It depends on the acreage. If you've got 10 plus acres, you have a lot of latitude with accessory buildings. And that's the way the formula works. It's a sliding scale. The more acreage you have, the more square footage you're allowed. And that was how it was first set up.

Bobick: And I guess I'm not understanding what you would do in a building that large, that would be residential. You understand what I'm saying here? You know, what are you storing in there?

Mursko: Yeah, from what I've heard over the counter, but it appears everyone in Columbus has a boat, a fish house, snowmobiles. You know. And they all want to put it inside. You know, a couple of cars, you know, I mean, couple of kids, grandparents, you know, you name it. It goes in the accessory building. So, they tend to build the bigger buildings because they say they have a lot...

Bobick: And hobbies. Yes, we've heard that.

Mursko: - of toys. And we we've seen that because they build 14-foot doors, they try to get the RV in. I think people tend to try to get it indoors rather than storing it outside. And everyone who has built a building that comes in for a second building says, you know what, we just didn't build it big enough and it got filled up real quick. So I don't know.

Bobick: OK, I guess that answers my question. Thank you.

Carver-Quinn: Anything else?

Rogers: Nothing else from staff.

Carver-Quinn: But the buildings do fill up fast, when you have them, because you end up with more stuff to put in there. Is there anybody in the audience or online that has any questions? That would like to come up? OK. Then we'll close the public hearing and have the discussion amongst ourselves.

At this time, Chair Carver-Quinn closed the Public Hearing. Hearing closed at 6:28.

Eleanor Hahn

Respectfully submitted, Recording Secretary Eleanor Hahn