

City of Franklin
City of Franklin Zoning/Planning Board
June 25, 2020 5:15 PM City Hall

A Copy of the "Open Meetings Act" is posted in the Council Room
This Agenda can be changed up to 24 hours prior to meeting time per open meeting law.

The Board may enter into closed session to discuss any matter on this agenda when it is determined by the council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such an individual has not requested a public meeting, or as otherwise allowed by law. A closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.

It is the intention of the Board to take up the items on the agenda in sequential order. However, the Board reserve the right to take up matters in a different order to accommodate the schedules of the board members, persons having items on the agenda, and the public.

1. Call Meeting to Order Roll Call
2. Verification of Open Meetings Notice
3. **Discussion and Action Items**
 - a. Open public hearing for considering amending the section 4.08.01
 - No accessory building or structure shall be constructed on a lot without a principal building or structure
 - Page 60 in the Zoning and Subdivision Regulations book
 - b. Open public hearing to consider amending the section 5.08.01 height and lot requirements in zoning and subdivision regulations.
 - R-1 Large lot residential district - Page 77
 - c. Open public hearing to consider amending the section 5.09.06 height and lot requirements in zoning and subdivision regulations.
 - R-2 medium to high density residential district - page 78
 - d. Open public hearing to consider conditional use permit request by Greg Burkholder and Sharlene Ingram at 1001 12th Ave; E 140' Lot 3 E 140' of the N99' of lot 4 block 1 worth's addition, Franklin, Bloomington.
4. Adjourn

Section 4.08 Accessory Building and Uses

- 4.08.01 No accessory building or structure shall be constructed on a lot without a principal building or structure.
- 4.08.02 In no event shall an accessory building be used as a dwelling unless otherwise allowed.
- 4.08.03 In no event shall a portable storage container be used as permanent storage/accessory building within any residential district.
- 4.08.04 No accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
- 4.08.05 No accessory building shall be constructed in the required front yard.
- 4.08.06 No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.
 - a. Where the lot size is ½ acre or more, the accessory building may be located in front of the front building line if the building maintains a minimum distance of 20 feet beyond the front setback.
- 4.08.07 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
- 4.08.08 When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 4.12.07 above.
- 4.08.09 With the exception of a detached garage, the total of all accessory buildings shall not exceed 1.5% of the total lot area with a TA-1, R-1, R-2, and R-M district.
- 4.08.10 Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
 - 1. The carport shall be anchored to the ground
 - 2. Carport shall not be allowed to have more than three sides covered with a siding material.
 - 3. Shall meet all minimum setbacks.
- 4.08.11 Detached private garages and outbuildings in the Residential Districts within the corporate limits of Franklin for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:
 - 1. Be constructed of materials that are in good repair,
 - 2. The sidewalls of said building shall not exceed 16 feet in height,
 - 3. Garages shall have a maximum width of 42 feet,
 - 4. Garages shall be constructed and finished in materials customary to residential construction.
- 4.08.12 Sheds shall be allowed in the designated zoning districts and shall meet the minimum requirements.
 - 1. Sheds up to 120 square feet shall be anchored to the ground. Sheds between 120 square feet 200 square feet shall be, at a minimum, anchored to a slab.
 - 2. Sheds over 200 square feet shall be consider a detached garage.
- 4.08.13 Regulation of accessory uses shall be as follows:
 - 1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 - 3. Storage of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required front yard; except that a boat, boat trailer, camp trailer may be placed on rock or concrete surfacing in a side yard or rear yard.

Section 5.08 R-1 Large Lot Residential District

5.08.01 Intent:

This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.

5.08.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.08.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and approved by the City Council.

5.08.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.17.

5.08.05 Accessory Uses and Structures:

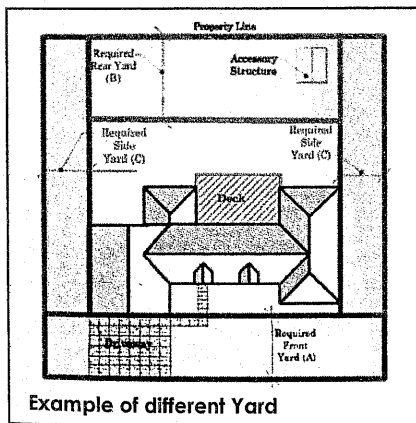
Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.08.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)
Single-family dwelling detached	10,000	100	25	7	10*	35	50
Other Permitted Uses	10,000	100	25	7	10*	35	50
Conditional Uses	10,000	100	25	7	10*	35	50
Accessory Structures	-	-	25	7	10*	15	-

* If a side yard is along a street, then the side yard setback shall be increased to 15 feet.



Example of different Yard

Section 5.09 R-2 Medium to High Density Residential District

5.09.01 Intent:

This district is intended to provide for medium to higher density residential neighborhoods, characterized by single-family and two-family dwellings, townhouse and condominiums up to four horizontal units on small to moderately sized lots with supporting community facilities and apartment facilities.

5.09.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.09.03 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and approved by the City Council.

5.09.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.17.

5.09.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.09.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)***	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)**
Single-family dwelling	6,000	50	25	7	10*	35	60
Single-family attached/Townhouses (max. 2 units)	3,000/unit	50/unit	25	7	10*** *	35	60
Two-family dwelling/duplex	6,000	50	25	7	10*	35	60
Condominiums (max. 2 units)	3,000/unit	50/unit	25	7	10*	35	60
Other Permitted Uses	6,000	50	25	7	10*	35	60
Conditional Uses	6,000	50	25	7	10*	35	60
Accessory Structures	-	-	25	7	10*	15	-

* If a side yard is along a street, then the side yard setback shall be increased to 15 feet.

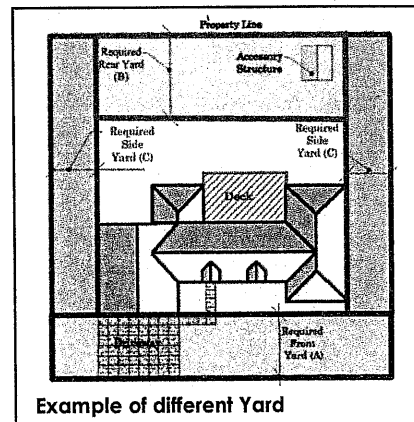
** Percentage applies to the buildable area of the lot

*** The minimum side yard on single-family attached/townhouses and condominiums shall be zero feet for all interior lots and shared property lines. See Section 5.09.07 for additional requirements.

**** See Section 4.20

5.09.07 Supplemental Residential Regulations

1. Single-family Attached/Townhouses and Condominiums
 - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than three units shall be connected in this district.



Example of different Yard

CONDITIONAL USE PERMIT REQUEST

CITY OF FRANKLIN

Application fee: \$25

DRAW DETAILED MAP ON BACK OF APPLICATION

DATE: 05-07-2020

APPLICATION # 2020-02

APPLICANT NAME: Greg Burkholder & Sherlene Ingram

PHONE: 719-396-4438

ADDRESS: 1001 12th Avenue

EMAIL: ghostrecon314@yahoo.com

CITY/STATE/ZIP: Franklin NE, 68939

PHONE: 308-470-0498

CONDITIONAL USE REQUEST

Allow the construction of Accessory building to be used for home based business (Kennel/Boarding/grooming) prior to new home construction

LOCATION OF REQUEST 1001 12th Avenue

ZONING DISTRICT R-1

LOT SIZE 231' x 140'

LEGAL DESCRIPTION E 140' Lot 3 E 140' of the N 99' of Lot

4 BLK 1 WORTH'S ADD'N FR BL

APPLICATION REQUIREMENT:

Applicant shall submit a copy of a site plan for the proposed use. The site plan shall show the location of all existing and proposed building, landscaping, parking areas and individual spaces, points of egress and ingress, fencing, lot dimensions, adjoining streets and structures, and all water courses and flood designated areas.

*Other special conditions are required for conditional use requests for Child Care Center/Pre-Schools, Public/Private Swimming Pools, Kennels, Auto Wrecking Yards, Junk Yards, Salvage Yards and Scrap Processing Yard, Funeral, Mortuary or Crematory Services. Conditional use will be provided by the Zoning Administrator.

City Use

Notice of Hearing Publication

Location Franklin Co. Chronicle Date 6/10/20

Notice of Hearing Posting

Location City Hall; SCSB; Corner of the Bank Date 6/10/20

Planning Commission Public Hearing

Date 6/25/2020 Time: 5:15 pm

Special Recommendations or Comments

City Council Public Hearing

Date _____ Time: _____

Special Recommendations or Comments

Special Use Permit ___ Approved

___ Denied

Effective Date _____

Zoning Administrator _____

PAID
CASH 5/7/20

1st proposal

ATTACHED WITH
CONDITIONAL USE PERMIT REQUEST

W

N

PRIVACY
FENCE
BORDERING
NORTH
PROPERTY
LINE

HOUSE

SPLIT RAIL/Metal
FENCE BORDERING
EAST WEST AND SOUTH

E

DRIVEWAY

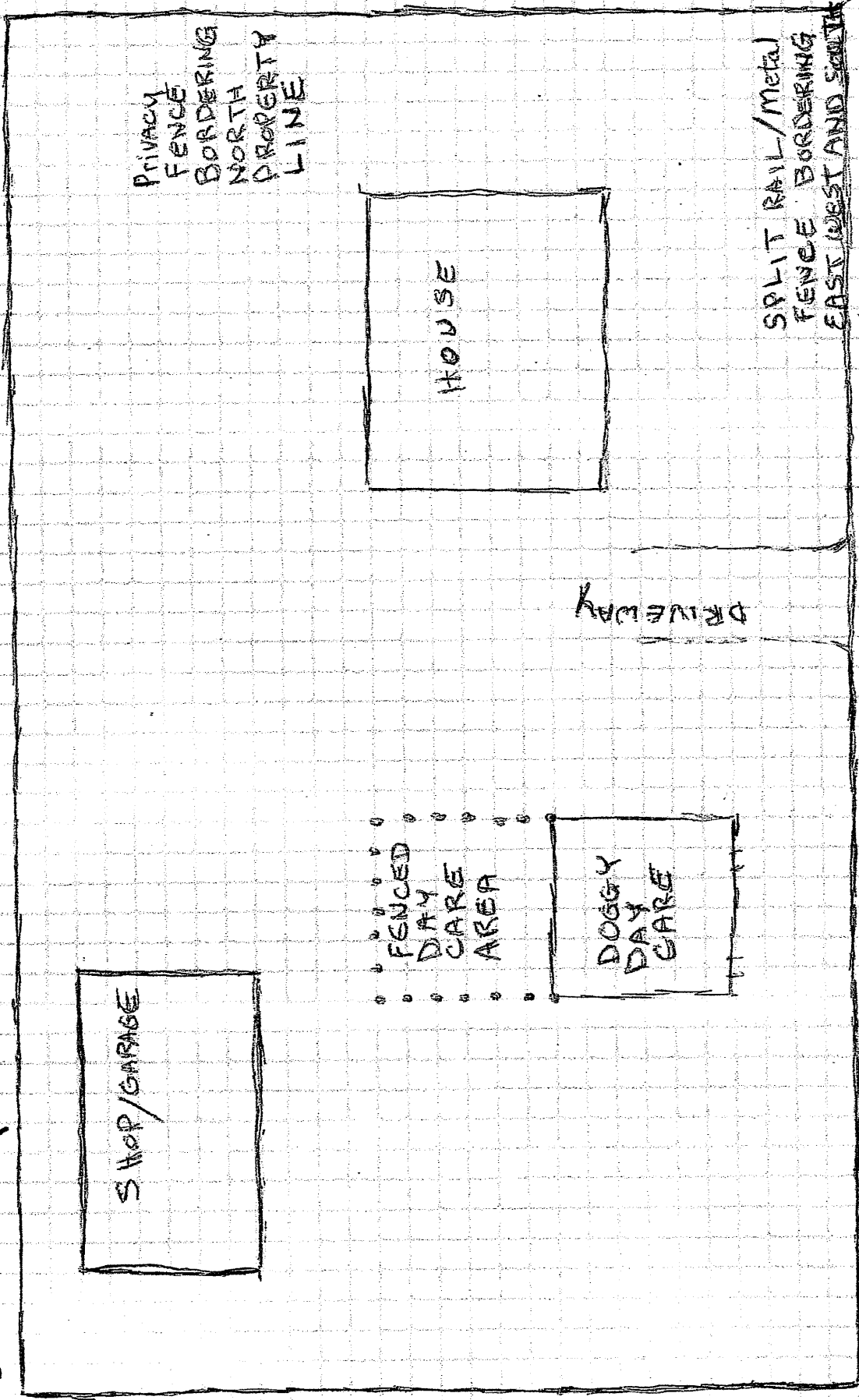
SHOP/GARAGE

FGNCED
DAY
CARE
AREA

DOGGY
DAY
CARE

S

6-3-2020



6-3-2020
S

Mr Gerdes,

Enclosed is a brief overview of information as well as an approximate sketch of what Sharlene and I are seeking city approval for on the lot located at 1001 12th ave.

I understand that this is informal and not part of an official agenda, but wanted you to have this to avoid any misinformation. We did follow ordinance guidelines and filed a request for Conditional Use Permit. The city zoning administrator informed me that the zoning board had discussed the matter and would not be considering our request. It is our hopes that we can be heard at the next zoning board meeting and our request can be considered or denied as per the guidelines for a Conditional Use Permit.

To be clear, this is NOT a breeding kennel. The proposed business is a canine daycare and overnight boarding facility with an area for grooming. The whole purpose and intent of having the facility located next to the home is to provide a quality of care that goes above and beyond the norm. Being at and next to the facility 24/7 allows for this level of care. We have received overwhelming support for this business model from community members.

We are fully aware of the neighbors not in support of this. We have entered into this knowing that the neighbors would be disgruntled regardless of the boarding facility by the simple fact the we have our own dogs that would be viewed as a nuisance to the neighborhood. Our initial and revised plan includes privacy fencing and location of the boarding facility situated in a manner that best mitigates the potential for any excessive noise.

The location was chosen for a number of reasons:

1. being somewhat on the edge of town bordered on the West and East by fields and empty lots.
2. Close to Sharlene's parents.
3. simply put, it's a nice lot to build a home

We already have a substantial investment in the lot from purchase, proper inspections, Fire Dept. contribution for house burning, and now clean-up and waste removal. We ARE going to build a home as well the boarding facility and hope that the city of Franklin will be the location.

On a personal note, I would like to thank you for your time and information that you have provided for us.

best regards,

Greg Burkholder

6-3-2020
[Signature]

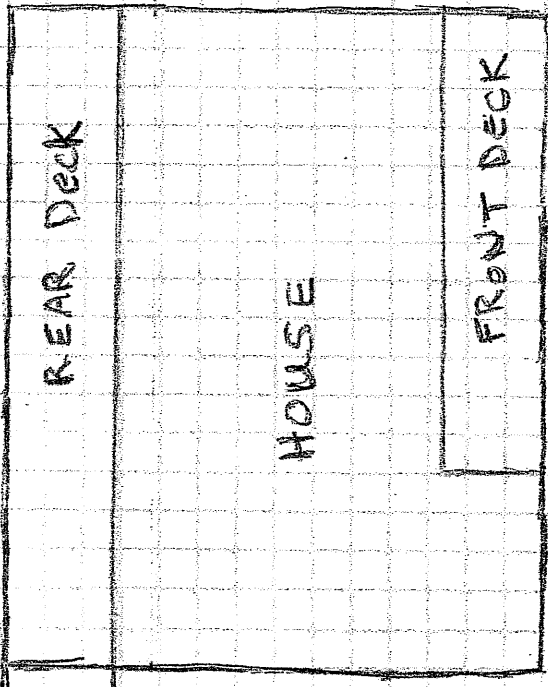
N

PRIVACY FENCE
BORDERING
NORTH
PROPERTY
LINE

2nd proposal
boarding facility attached to house

W

BREEZEWAY

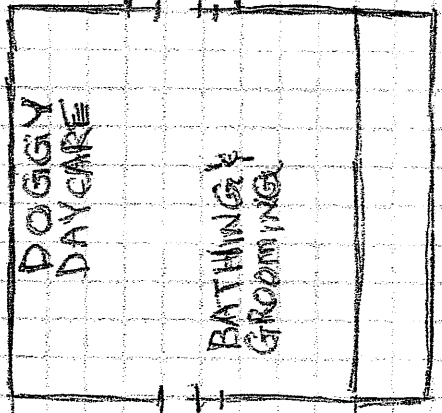


SPLIT RAIL BACKED WITH
METAL FENCING
BORDERING EAST, WEST
& SOUTH

E

DRIVEWAY

SOUTH PROPERTY LINE
APPROX 80'



FENCED
DAYCARE
AREA

S

SCALE
APPROX 3/4"

Article 9: Supplemental Regulations

Section 9.01 Home Occupations and Home-Based Businesses in Residential Districts

9.01.01 Intent:

A home occupation or home-based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

9.01.02 Procedure:

1. Home Occupations: An application for a home occupation, within residentially zoned areas shall be made to the Franklin Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.
2. Home Based Businesses: An application for a home-based business, within residentially zoned areas shall be made to the Franklin Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

9.01.03 Permitted home occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
9. Kennels, stables, veterinarian clinics/hospitals.

9.01.04 Prohibited home occupations:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.
4. Adult Entertainment Uses

9.01.05 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.

7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.01.06 Permitted home-based businesses:

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care
8. Kennels, stables, veterinarian clinics/hospitals.

9.01.07 Prohibited home based businesses:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.
4. Adult Entertainment Uses

9.01.08 Performance Standards for Home Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home-based business shall remain a resident in the dwelling unit.
2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Franklin.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the

Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.

7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - a. Two additional spaces for the unrelated employees;
 - b. Two additional spaces to be used for client/visitor parking;
 - c. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - d. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
 - e. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
 - f. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
9. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
10. No retail sales are permitted from the site other than incidental sales related to services provided.
11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.01.09 Revocation:

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
 - a. That any condition of the home occupation or home-based business permit has been violated;
 - b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - c. That the permit was obtained by misrepresentation or fraud;
 - d. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
 2. Appeal. Within five working days of a revocation, an appeal may be made to the Franklin Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation shall report his or her findings of fact and decision to the Franklin Board of Adjustment. The Franklin Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
 3. Nontransferable. A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.
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