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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Pete Frisina/Dennis Dutton

Preferred Meeting Date: Thursday, October 23, 2008

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 23. Home Occupation and Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, D. Conditional Uses; Section 6-18. C-C, Community

Background/History/Details:

Commercial District, B. Permitted Uses and C. Conditional Uses; Section 6-19. C-H, Highway Commercial District, B. Permitted Uses and C. Conditional Uses; and Section 6-21. M-1, Light Industrial District, C. Conditional Uses; and Section 6-22. M-2, Manufacturing and Heavy Industrial District, C. Conditional Uses.

A single-family residence is not allowed to have a Home Occupation in the O-I, C-C, C-H, M-1, and M-2 zoning districts. Instructed by BOC on 06/04/08 to begin review. Instructed by BOC on 08/14/08 to advertise for public hearings. Staff plans to add a Home Occupation as a Conditional Use under these nonresidential zoning districts.

What action are you seeking from the Board of Commissioners?

This issue has been discussed by the Board of Commissioners on two other occasions. This is the public hearing prior to the Board taking action on this ordinance amendment.

The P.C. recommended approval 5-0.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? Thursday, October 23, 2008

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Thursday, October 23, 2008

- ○ Recognition/ Presentation
- ◉ Public Hearing
- ○ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

5. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 23. Home Occupation and Article VI. District Use Requirements, Section 6-17. O-I, Office-Institutional District, D. Conditional Uses; Section 6-18. C-C, Community Commercial District, B. Permitted Uses and C. Conditional Uses; Section 6-19. C-H, Highway Commercial District, B. Permitted Uses and C. Conditional Uses; Section 6-21. M-1, Light Industrial District, C. Conditional Uses; and Section 6-22. M-2, Manufacturing and Heavy Industrial District, C. Conditional Uses as presented by the Planning & Zoning Department.

Pete Frisina explained that the PC previously recommended approval of allowing a Home Occupation in the O-I, C-C, C-H, M-1, and M-2 zoning districts under Article VII.; however, by doing so those nonresidential zoning districts must also be amended under Article VI. He stated that this is basically a "housekeeping" item.

Staff's additions to the current ordinance are indicated in **bold, underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval, B. Conditional Uses Allowed:

23. Home Occupation. (Allowed in A-R, ~~and~~ residential zoning districts, ***and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.) (See Single-Family Residence under Section 7-1.,B.***)

a. Residents. Only residents of the dwelling may be engaged in the home occupation.

b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.

c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.

d. Area. Use of the building for this purpose shall not exceed thirty-five (35) percent of the principal building.

e. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.

f. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.

g. Music, etc. Instruction in music and similar subjects shall be limited to two (2) students at a time.

h. Vehicles. Only vehicles used primarily as passenger vehicles shall be permitted to remain on the premises.

i. Uses. The following and similar uses shall not be considered home occupations: automobile service station, automobile and related machine sales, automobile repair or maintenance, ambulance service, rescue squad, amusement or recreational activities (commercial), animal hospital, commercial kennel, veterinarian clinic or animal boarding place, pawn shops, acid storage and manufacturing, heavy manufacturing, fortune teller, palm reader, and massage therapy.

For Your Information Only

37. Single-Family Residence. (Allowed in the C-C, C-H, M-1, M-2, and O-I Zoning Districts).

a. Said residence shall be a single-family detached residence.

b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.

ARTICLE VI. DISTRICT USE REQUIREMENTS

6-17. O-I, Office-Institutional District. (Adopted 05/26/88)

D. Conditional Uses. The following Conditional Uses shall be allowed in the O-I Zoning District provided that all conditions specified in Section 7-1 herein are met:

5. Home Occupation;

~~5.~~6. Hospital;

6-18. C-C Community Commercial District.

B. Permitted Uses. The following uses shall be permitted in the C-C Zoning District as long as the area devoted to inside storage does not exceed twenty-five (25) percent of the gross floor area of the principal structures except as excluded herein.

~~26. Home occupation;~~

~~27.~~26. Jewelry shop;

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Section 7-1 herein are met:

12. Home Occupation;

~~12.~~13. Hospital;

6-19. C-H Highway Commercial District.

B. Permitted Uses. The following uses shall be permitted in the C-H Zoning District as long as the area devoted to inside storage does not exceed fifty (50) percent of the gross floor area of the principal structures except as excluded herein for Business Parks.

~~45.~~ ~~Home occupation;~~

~~46.~~45. Horse show (temporary in nature); (Amended 07/22/04)

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in Section 7-1 herein are met:

14. Home occupation;

~~14.~~15. Hospital;

6-21. M-1 Light Industrial District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-1 Zoning District provided that all conditions specified in Section 7-1 herein are met:

5. Home Occupation;

~~5.~~6. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;

6-22. M-2 Manufacturing and Heavy Industrial District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-2 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. Home occupation;

~~4.~~5. Junk Yard or Auto Grave Yard;

Chairman Powell stated that there was no public present. He closed the floor from public comments.

Jim Graw made a motion to recommend approval of the proposed amendments as submitted. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

06/04/08 - Instructed by BOC to begin review
06/19/08 - PC Wkshop
08/14/08 – BOC Consent Agenda
09/04/08 – PC Public Hearing
09/25/08 – BOC Public Hearing (Staff requested to table)
10/02/08 – PC Public Hearing
10/23/08 – BOC Public Hearing

DRAFT – PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

Staff's additions to the current ordinance are indicated in **bold, underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval, B. Conditional Uses Allowed:

23. Home Occupation. (Allowed in A-R**,** ~~and~~ residential zoning districts***, and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.) (See Single-Family Residence under Section 7-1.,B.***)

a. Residents. Only residents of the dwelling may be engaged in the home occupation.

b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.

c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.

d. Area. Use of the building for this purpose shall not exceed thirty-five (35) percent of the principal building.

e. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.

f. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.

ARTICLE VI. DISTRICT USE REQUIREMENTS

6-17. O-I, Office-Institutional District. (Adopted 05/26/88)

D. Conditional Uses. The following Conditional Uses shall be allowed in the O-I Zoning District provided that all conditions specified in Section 7-1 herein are met:

5. Home Occupation;

~~5.~~6. Hospital;

6-18. C-C Community Commercial District.

B. Permitted Uses. The following uses shall be permitted in the C-C Zoning District as long as the area devoted to inside storage does not exceed twenty-five (25) percent of the gross floor area of the principal structures except as excluded herein.

~~26. Home occupation;~~

~~27.~~26. Jewelry shop;

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-C Zoning District provided that all conditions specified in Section 7-1 herein are met:

12. Home Occupation;

~~12.~~13. Hospital;

6-19. C-H Highway Commercial District.

B. Permitted Uses. The following uses shall be permitted in the C-H Zoning District as long as the area devoted to inside storage does not exceed fifty (50) percent of the gross floor area of the principal structures except as excluded herein for Business Parks.

~~45. Home occupation;~~

~~46.~~45. Horse show (temporary in nature); (Amended 07/22/04)

C. Conditional Uses. The following Conditional Uses shall be allowed in the C-H Zoning District provided that all conditions specified in Section 7-1 herein are met:

14. Home occupation;

~~14.~~15. Hospital;

6-21. M-1 Light Industrial District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-1 Zoning District provided that all conditions specified in Section 7-1 herein are met:

5. Home Occupation;

~~5.~~6. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping;

6-22. M-2 Manufacturing and Heavy Industrial District.

C. Conditional Uses. The following Conditional Uses shall be allowed in the M-2 Zoning District provided that all conditions specified in Section 7-1 herein are met:

4. Home occupation;

~~4.~~5. Junk Yard or Auto Grave Yard;