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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: Dennis Dutton/Pete Frisina

Preferred Meeting Date: Wednesday, June 4, 2008

Wording for the Agenda:

Discussion 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, as presented by the Planning & Zoning Department.

Background/History/Details:

There is a property owner with a lot zoned C-H that contains a vacant single-family residence who asked that if the property is sold or rented, if the new property owner could have a Home Occupation. Upon review of the Zoning Ordinance, it was discovered that a Single-Family Residence is a Conditional Use allowed in the C-C, C-H, M-1, M-2, and O-I zoning districts. A Home Occupation is a Conditional Use allowed in the A-R and residential zoning districts but is not a Conditional Use in the C-C, C-H, M-1, M-2, and O-I zoning districts. Based on these requirements, a single-family residence is not allowed to have a home occupation in the C-C, C-H, M-1, M-2, and O-I zoning districts.

What action are you seeking from the Board of Commissioners?

Staff is requesting permission to begin review of the Conditional Uses to add C-C, C-H, M-1, M-2, and O-I zoning districts under the Home Occupation Conditional Use.

If this item requires funding, please describe:

None.

Has this issue come before the Commissioners in the past? No

If so, when?

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 Wednesday, June 4, 2008

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

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***, C-C, C-H, M-1, M-2, and O-I zoning districts***).

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.

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.