COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Chairman Steve Brown
Meeting Date:	Thursday, May 23, 2013	Type of Request:	New Business

Wording for the Agenda:

Discussion of Conditional Use Requirements for churches and existing residential structures that do not meet the Conditional Use Requirements.

Background/History/Details:

Fayette County has been apprised of a situation where a local church would like to use an existing house on their newly purchased property which does not meet the requirements of the conditional zoning.

What action are you seeking from the Board of Commissioners?

Chairman Brown is seeking Board direction on if it wants to review making changes to the Conditional Use ordinance.

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

Date: May 14, 2013

To: Steve Brown, Chairman

From: Pete Frisina

Subject: Conditional Use Requirements for a Church and/or other Place of Worship and Existing Structures.

A Church and/or Other Place of Worship are Conditional Uses under Article VII of the Fayette County Zoning Ordinance. **Sec. 7-1. Conditional Use Approval** reads as follows:

> Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance are met. The Zoning Administrator shall issue a Conditional Use Permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate County officials.

Over the years, there have been several churches that were approved with existing structures that did not meet the buffers and setbacks for a church. These structures range from barns to single-family residences. Generally the churches were told they could not use the structures for church functions and the single-family structures remained as residences.

Since 2010 when Staff began extensive research and revisions to the Zoning Ordinance, it was determined that the statement above precluded the approval of a Conditional Use that did not meet **all** conditions and Staff started regulating in that manner.

The proposed Anglican Church on Ebenezer Road is proposing to use an existing single-family residence as office space for the church. The residence is within the conditional use setback but not the buffer. A variance is not allowed for a Conditional Use per Article IV of the Zoning Ordinance.

There are several sections of the Zoning Ordinance that allow for the use of existing structures that don't meet setbacks and buffers. For example, these allowances are in the Office-Institutional zoning district and the State Route Overlay Zones where a conversion of a residential structure to non-residential use is common.

Staff needs direction from the Board of Commissioners on whether to study and consider amendments to the Zoning Ordinance in regards to this matter.