

AN ORDINANCE AMENDING ORDINANCE #28, 1988 SERIES, ADOPTED SEPTEMBER 16, 1988, FISCAL COURT ORDER BOOK 15, PAGE 243, RELATING TO THE ZONING ORDINANCE IN FRANKLIN COUNTY, ARTICLE XV, SECTION 15.07 HOME OCCUPATIONS, SUBSECTIONS 15.071 THRU 15.0712

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps titled, "The Zoning Ordinance of Franklin County," in accordance with a Comprehensive Plan and KRS 100; and

WHEREAS, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the text amendment to the Franklin County Fiscal Court for action; and

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing on April 8, 2010 and adopted a summary of the evidence and recommended approval of the text amendments, as required by K.R.S. 100;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

That Ordinance #28, 1988 Series, adopted September 16, 1988, Fiscal Court Order Book 15, Page 243, relating to the Zoning Ordinance in Franklin County, Article XV, Section 15.07 Home Occupations, Subsections 15.071 thru 15.0712, is hereby amended and readopted to read as follows:

15.07 Home Occupations

15.071 Purpose and Location

A home occupation is an accessory use which is incidental to the use of the dwelling for residential purposes. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent an undue increase in traffic or parking problems on local streets but at the same time provide a means for individuals to operate businesses customarily conducted from private homes. Such permits may be granted in any zoning district where residences are permitted.

15.072 Classification

Home occupations will be categorized into two different types: ~~Home Offices~~ Minor Home Occupations and Major Home Occupations. ~~Home Offices~~ Minor Home Occupations shall ~~may~~ be ~~permitted~~ administratively approved provided that the applicant meets all criteria set forth in Section 15.07. Major Home Occupations shall require a Conditional Use Permit by the Board of Zoning Adjustment prior to the issuance of a Business License.

- A. ~~Home Office:~~ A home occupation in which not persons other than members of the family residing on the premises are engaged in the work. Home Offices shall have no visible exterior evidence of the conduct of the occupation, shall not create the need for off-street parking beyond normal dwelling needs, will not generate additional traffic, and no equipment, other than portable business machines (i.e., typewriter, calculator, etc.) is used other than that normally used in household, domestic, or general use.

~~Home Office shall only include Business Offices. No Business License shall be issued for the conduct of Home Office until the applicant has shown that all criteria and conditions of Section 15.07 have been met.~~

Minor Home Occupations may be administratively approved when the following conditions are met:

1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation
2. There shall be no visible exterior evidence of the conduct of the occupation
3. No advertisement shall be placed in any media (newspaper, magazine, telephone directory, radio television) containing the address to the property.
4. No customers/students/clients will be allowed on site.
5. The home occupation shall not create the need for off-street parking beyond normal dwelling needs, and will not generate additional traffic.

No Business License shall be issued for the conduct of a Minor Home Occupation until the applicant has shown that all criteria and conditions of Section 15.07 have been met.

~~B. Major Home Occupation: A home occupation in which persons other than residents of the home are engaged in the occupation. This home occupation shall have no visible exterior evidence of conduct of the occupation, shall not have more than one non-illuminated sign not exceeding two (2) square feet in area, and shall accommodate both the dwelling and home occupation parking needs off-street. The home occupation shall require approval of the Board of Zoning Adjustment before a Business License is issued. Major Home Occupations will be limited to businesses of a personal nature and the creating or creation of arts and crafts.~~

B. Major Home Occupations shall require approval of a Conditional Use Permit from the Board of Zoning Adjustments. In order for the Board of Zoning Adjustments to approve a Major Home Occupation the following conditions must be met:

1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.
2. No more than two customers, clients or pupils shall be permitted on the site at any one time except that an occupant of a single-family dwelling may provide group or professional therapy for no more than four individuals at one time.
3. Any Major Home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M and 7 A.M.
4. No nonresident employee may work at a home occupation between the hours of 9 P.M and 7 A.M.
5. The home occupation shall not have more than one non-illuminated sign not exceeding two (2) square feet in area, and this sign shall not be freestanding.
6. Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two commercial deliveries (e.g. UPS, Federal Express, and U.S. Postal Service Express Mail) shall be made in any 24-hour period.

15.073 Permit

~~A Conditional Use Permit shall not be retained for the conduct of a Home Office; however, Conditional Use Permit shall be required for Major Home Occupations prior to the issuance of a Business License. No Business License for a Major Home Occupation or a Home Office shall be issued unless either a Conditional Use Permit has been issued by the Board of Zoning Adjustments for Major Home Occupation or in the case of Minor Home Occupations the applicant has shown that all conditions listed under section 15.07 have been met in cases of Home Offices.~~

15.074 Permit, Not Transferable

A special permit for a home occupation is not transferable. A new permit must be applied for whenever there is a change in the occupations, occupant or address.

15.075 Limitation on Type of Home Occupation

~~A home occupation shall be limited to an office, a business of a personal service nature and the creating or creation and sale of arts and crafts.~~

15.075 Retail Activities

Generally, only handmade items, crafts made in the home, and sale items in conjunction with the services may be offered for sale on the premises. No other goods, products, or commodities bought for the express purpose of resale shall be sold at retail or wholesale on the premises, nor shall such goods or products be stored or displayed on the premises or distributed to other locations. This provision is not meant to prohibit the storage of goods sold through a mail-order or online sales business as long as the storage of those goods does not violate any other provision of this regulation.

~~15.076 Use Confined to Residents of Dwelling~~

~~Such use shall be confined to the residents of the dwelling unit and shall not exceed two (2) persons engaged therein.~~

15.076 Occupation Types

The following uses are prohibited as home occupations; barber shops, beauty parlors, automobile and small engine repair, medical or dental office other than psychiatry/psychology, home cooking and catering, private clubs, eating and drinking establishments, fortune tellers, health spas (excluding personal trainers/massage therapist), hotels/motels, wholesale and retail, kennels.

If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment.

Note: Agriculture related "homebased processing & microprocessing" taking place in accordance with HB391 and KRS 217.0005 through KRS 217.215 shall not be prohibited by the preceding list of occupation types.

15.077 Limitation on Area

~~Not more than ten (10) percent of the total ground floor area of the dwelling unit for single-story dwelling units and not more than twenty (20) percent of the total floor area in dwelling units with two (2) or more stories shall be used in connection with any home occupation. A basement shall be counted as a story for calculation purposes.~~

The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. A home occupation shall occupy less than 50 percent of the floor area of the principal dwelling unit, when the occupation is located in an accessory structure the area of the accessory structure may be counted towards the floor area of the principal dwelling unit.

15.078 Location

~~Home occupations shall be confined to the main building or attached garage.~~

The operation of Home Occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.

15.079 Parking

Parking facilities required by this ordinance have been provided and shall not alter the residential character of the lot.

15.0710 Alteration of Structure

No residential structure shall be altered or added to in such a manner that the alteration would conflict with the residential nature of the structure were no home occupation in use, not be part of the residence were no home occupation in use. No building permit may be issued solely for a non-residential addition to a residential structure.

15.0711 No Products or Processing

Except for the creation and production of arts and crafts there shall be no good, samples, materials or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation, however, this article shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.

15.0712 Kennels

~~Those uses which entail commercial boarding, training or raising of dogs, cats, birds or other animals shall be prohibited from all residential zoning districts less than five (5) acres.~~


15.0712

No electrical or mechanical equipment or processes that would change the fire rating of the dwelling unit shall be permitted. No home occupation may cause odor, vibrations, fumes, or glare which is beyond the scope of odors, vibration, fumes, or glare which could result from typical behaviors in a residential setting. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 10 day of February, 2012.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 1 day of March, 2012 and of record in Fiscal Court Order Book 24, Page 379.

This Ordinance shall take effect and be in full force when passed, published and recorded according to law.



Ted Collins
County Judge/Executive

ATTESTED TO:



Shirley Brown
Fiscal Court Clerk