

REPORT AND RECOMMENDATION

**TO: FRANKFORT-FRANKLIN COUNTY
PLANNING COMMISSION**

FROM: Robert Hewitt, Director

**SUBJECT: Amendment to Franklin County Zoning Ordinance: Articles 4.05 and 4.06
Equine Assisted Therapy**



MEETING DATE: September 10, 2020

Amendment to Articles 4.05 and 4.06 – Equine Assisted Therapy

The Franklin County Planning Staff were contacted by a property owner requesting approval for use of a portion of their property to provide human mental health therapy and personal development services using horses. While working with the property owner to further understand the activity, information was provided stating that equine-assisted therapy was currently being provided in several nearby counties. Based on a review of the Franklin County Land Use Table within the Zoning Ordinance, staff was unable to locate a similar activity within the use table. Therefore, staff and the property owner presented the issue to the Frankfort-Franklin County Zoning Update Committee.

The Zoning Update Committee met on August 4th and September 1st to consider the item. Based on those meetings, the Committee is recommending the use of “Equine Assisted Therapy” be conditional in the Agricultural zoning district. Noted Special Condition #26 has been added to further clarify the use. The proposed amendments to Article 4, Sections 4.05 (Noted Special Conditions) and 4.06 (Chart of Permitted Uses) have been attached.

RECOMMENDATION

Zoning Update Committee: Conditional Use in the “AG” Agricultural zoning district with Noted Special Condition #26.

Staff: **APPROVAL** of the proposed amendment as submitted.

4.05 NOTED SPECIAL CONDITIONS

1. Garden crop, but no sales structures.
2. Livestock (excluding non-crowing chickens) only on lots over five (5) acres. All other poultry shall be kept on tracts or lots of at least five (5) acres. Up to five (5) non-crowing chickens may be kept on tracts less than (5) acres; but shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. On tracts or lots less than 1.5 acres no fence, corral, chicken coop, or similar enclosure shall be located within 15 feet of any side or rear property line or within 50 feet of any front property line. No poultry of any kind shall be kept on tracts or lots less than .75 acres in size. The maximum number of non-crowing chickens allowed on lots less than five (5) acres shall be in accordance with the following table:

LOT SIZE	# ALLOWED
.75-1.5	2
1.51-2.5	3
2.51-3.5	4
3.51-4.99	5

Exceptions to the table:

Students who are currently enrolled in a Supervised Agricultural Experience (SAE), who reside on properties which would otherwise permit some number of non-crowing chickens (at least .75 acres) and provide written documentation from their instructor may keep up to 5 non-crowing chickens for the duration of the class for which the birds are kept. Upon the completion of the class the number of chickens on the property must conform to the table.

A property owner who has had chickens for at least 6 months, and the family of a student who had completed an SAE of less than 6 months, may make a request to the Board of Zoning Adjustments for a Conditional Use Permit to allow more chickens than the maximum allowed in the table.

3. More than one (1) dwelling may be permitted on any farm lot provided it is required for additional family members or tenants who work on the farm.
4. Semi-attached and attached single units permitted on individual lots. Two (2) units on the same lot permitted only with the approval of the Board of Zoning Adjustments.
5. Permitted only where principal access is to a street designated as at least a collector.

6. All operations must be confined to an enclosed building or enclosed and fully covered on all side by an opaque screen, and shall comply with all height and setback requirements, and shall be included in the maximum lot coverage calculations.

The sale of automobiles and trucks is exempted from this rule, but all outdoor display areas shall comply with the Parking Regulations in Article 10.

7. Laundry and dry cleaning pick-up stations including clothes cleaning establishments of not more than forty (40) pound capacity and using a closed system process.
8. Manufacturing of products from already prepared materials.
9. Custom shop and upholstery shops in "CG" and "CH".
10. Processing or freezing of food, dressed meat or poultry. Slaughter, rendering or animal processing only as permitted by the Board of Zoning Adjustments and in the "IG" zone.
11. Drive-in facilities prohibited.
12. Conditional use permit required for restaurants with live entertainment, bar, wine and/or liquor by the drink sales.
13. Permitted as an accessory use in an existing church facility and any existing American Red Cross or Salvation Army facility provided that all criteria listed under Article 15.14 are met. And that no new constructions is involved to accommodate a use previously vacated within the Church or other building to allow space for a Charitable Indigent Limited Care and/or Mini-Nursing Home facility. This in no way implies that these are conditional uses.

This use is permitted as a conditional use in any building within the CG (General Commercial), IC (Industrial Commercial), and IG (General Industrial) provided that all criteria in Article 15.01 and Article 15.14 are met and property does not abut any property currently used or zoned as residential.

14. A Conditional Use Permit is required, and the following minimum conditions shall be met:
 - a. All operations must be confined to a fully enclosed building and no storage or display of goods or materials is permitted outside the fully enclosed building.
 - b. All operations shall be clearly ancillary to a retail building materials use within the same building or within a building on that same lot.
 - c. The use shall not occupy over fifty percent (50%) of the total floor area of all buildings on the lot.

15. Game Rooms/Amusement Arcades are permitted only within a shopping center. Game Rooms/Amusement Arcades are prohibited from locating in a building under separate ownership or on a single lot.
16. Permitted for business office portion of use only. No equipment used may be located, either temporarily or permanently, at this location.
17. Areas for loading and unloading must be provided off-street.
18. All operations are confined to those being carried out by one person
19. Permitted in conjunction with the sale of eyeglasses.
20. Must be located along a street classified at least a Major Arterial.
21. The building or site must be used for the input and processing data via telecommunications, with little or no data entry by personnel at the property. Off-site storage areas are typically required of a computer processing center. The building size for this center shall be not less than 10,000 square feet. This limitation shall not be waived.
22. Day Care Centers, Nurseries and Kindergartens shall be permitted for up to 35 children, provided that all requirements of Section 15.06 of the Conditional use Regulations are met. If the day care center, nursery, or kindergarten proposed abuts property zoned or used for residential purposes, a Conditional use Permit shall be required.

If the proposed day care center, nursery or kindergarten will have more than 35 children, a conditional use permit shall be required.

23.
 - a. Must have a Final Development Plan, prepared in accordance with Article 5 approved by the Frankfort/Franklin County Planning Commission.
 - b. All buildings and structures shall be located at least one hundred feet (100') from any residential or agricultural zone or land use.
 - c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

Parking shall be provided in the following manner: 2 spaces per target lane, plus 3 spaces per 1,000 square feet of retail area.

- d. An 8' wooden privacy fence shall be installed along the property lines where the property abuts a different zone or land use.
- e. Where the property abuts property of a different zone or land use, a 100' landscape bugged shall be installed along the affected property line, with plantings, specified as follows:

A thirty-six feet (36') wide, six feet (6') tall earthen berm, plus a double-row, staggered planting of evergreen trees spaced at every fifteen feet (15'), on center.
- f. Indoor ranges shall have one warning sign at each entrance and at any window, door or other opening in the wall.
- g. Except in districts where signs are not allowed, one, non-flashing, internally illuminated sign, not to exceed thirty (30) square feet in area and not to exceed ten (10) feet in height, may be provided at the major entrance.
- h. Indoor target ranges shall have sufficient sound proofing so that the maximum sound transmission that may escape the range into areas not controlled by the owner is forty (40) decibels. Entry doors from outside the building shall be solid core and weather stripped as additional barrier.

EPA and OSHA approvals must be granted prior to occupancy of the facility.
- i. Indoor target ranges shall be constructed in such a manner so as to prevent the escape of projectiles from the discharge of weapons in the facility to the outside of the building.
- j. Sales of firearms, munitions and related items shall be permitted as a part of the indoor target range.

24. Permitted with the following conditions:

- a. Storage of vehicles waiting for service shall be placed in an area which is screened with an 8' solid fence and with a planting of shrubs at 3' on center.
- b. Vehicle repair shall not be permitted within units within a mini-warehouse or self-storage building.

25. Permitted Use in the Agricultural zone provided that all criteria listed under Article 15.19 are met.

26. Conditional Use required for therapy and activities of humans utilizing equine such as but not limited to mental, emotional and/or physical therapy or correctional and occupational therapy.

