

ORDINANCE NO. 7, 2020 SERIES

AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES – CHAPTER 152 – BY AMENDING THE CITY OF FRANKFORT'S ZONING REGULATIONS; ARTICLE 19, SUBSECTION , 19.07 - HOME OCCUPATIONS”.

Whereas, the Frankfort/Franklin County Planning Commission held public hearings on February 13, 2020 and voted unanimously for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendments;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKFORT, KENTUCKY,

That the City's Zoning Ordinance, Article 19, Subsection 19.07 is hereby amended and adopted as indicated in the attachment of this ordinance.

First Reading on the 23 day of March, 2020

Final adoption on the 27 day of April, 2020

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends the City's Zoning Ordinance, Article 19.07-to amend the City's regulations on Home Occupations.

S/Laura Milam Ross
T/City Solicitor

Published by title & summary May 5, 2020.

19.07 Home Occupations

19.071 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.

19.072 Classification

Home occupations will be categorized into two different types: Minor Home Occupations and Major Home Occupations. Minor Home Occupations may be administratively approved provided that the applicant meets all criteria set forth in Section 19.07. Major Home Occupations shall require a Conditional Use Permit by the Board of Zoning Adjustment prior to the issuance of a Business License.

A. 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 19.07 have been met.

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.

19.073 Permit

No Business License for a Major Home Occupation 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 19.07 have been met.

19.074 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.

19.075 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.

19.076 Occupation Types

The following uses are prohibited as home occupations; automobile and small engine repair, wrecking and hauling of motor vehicles, medical or dental office other than psychiatry/psychology, home cooking and catering, private clubs, eating and drinking establishments, fortune tellers, 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 217.219 shall not be prohibited by the preceding list of occupation types.

19.077 Limitation on Area

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.

19.078 Location

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.

19.079 Parking

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

19.0710 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.

19.0711 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.

19.0712

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.

19.0713 Beauty and Barber Shops.

Beauty and Barber Shops are considered a major home occupation (personal service) and require the approval of a conditional use permit. This also includes licensed massage therapist. This type of major home occupation shall be restricted to allowing only one chair/booth; shall have no on site signage; shall meet all other agency requirements; and shall have the owner's written approval for such use at the time of submittal for the conditional use permit. Dog, cat, or other pet grooming is only allowed as a major home occupation, when such use is done solely off site at the customer's location. *(July 23, 2012-Ordinance #12, 2012)*