

SECTION 9.11 HOME- BASED BUSINESS

Home occupations or a Home-Based Business is a business, profession or other economic activity conducted full- or part-time at the principal residence of the person conducting the business. Home-Based Businesses are frequently used as incubators during the start-up phase of the operation. Existing or new businesses which exceed the regulations of this ordinance may be deemed as ready to transition to a professional environment and are subject to action by the Planning Commission or their duly authorized representative regarding non-conformance with this Section 9.11.

The use of property for agricultural purposes is not considered a Home-Based Business and shall not be governed by the Home-Based Business regulations of this Section 9.11.

A. GENERAL REQUIREMENTS: The following requirements shall apply to a Home-Based Business:

1. No more than one (1) employee other than those residing on the premises shall be engaged in a Home-Based Businesses on the premises at any one point in time.
2. The use of a structure for the Home-Based Business shall be clearly incidental and subordinate to its use for residential purposes. The Home-Based Business shall be conducted indoors.
3. There shall be no outdoor operations or storage of materials, products or equipment for a Home-Based Business in a residential zone. Accessory structures may be used for a Home-Based Business in the R-RE and A-1 zones but shall be limited to one (1) accessory structure per lot.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a Home-Based Business that will indicate from the exterior that the building is being utilized in part for any purpose other than its primary permitted use.
5. Signage is subject to Article XIV.
6. No unreasonable traffic or parking shall be generated by a Home-Based Business in greater volumes, location or type than would normally be expected in a residential neighborhood.
7. The use shall not involve the storage or use of hazardous, toxic, flammable or explosive substances, other than types and amounts commonly found in a dwelling.

PROPOSED TEXT TO FISCAL COURT

by CC&MP&ZC 7-12-2016

8. No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundary of the property shall be used in such Home-Based Business. Noise shall be limited to those typical to a residential neighborhood.
9. Based upon the potential nuisances of a proposed Home-Based Business, it may be determined that a particular type, intensity, or use is unsuitable.

B. LIGHT HOME-BASED BUSINESS: Light Home-Based Businesses shall be limited to the following types of activities and shall not require a zoning permit provided that they meet the General Requirements (listed above):

- Office-type work,
- Custom sewing and fabric crafts,
- Creation of visual or musical arts,
- Sales and surveys over the phone or computer,
- Off-site sales or work, where the premises are used only for office and/or storage,
- Instruction or tutoring limited to a maximum of two (2) students on the premises at any one time, or
- Trucking Owner/Operator limited to one (1) motorized vehicle without trailer.

C. GENERAL HOME-BASED BUSINESS: In addition to the General Requirements (listed above), General Home-Based Businesses are subject to the additional requirements:

1. Include a minimum of one (1) off-street parking space (which may include a space for the dwelling). The front yard should not be used as a parking space in order to retain the residential character of the property.
2. Hours of operation, including delivery and receiving, shall be conducted in a way that is not perceptible from beyond the lot line between the hours of 10:00 p.m. and 7:00 a.m.

General Home-Based Businesses are limited to the following types of activities and shall require a zoning permit:

- At-home childcare with a maximum child care capacity of ten (10) at any one (1) time,
- Auto detailing excluding body shop,
- Beauty/cosmetology,
- Catering for off-site consumption,
- Craftsmanship including woodworking/metalworking,
- Electronic repair,
- Gun/archery repair,
- Landscaping/mowing,

PROPOSED TEXT TO FISCAL COURT

by CC&MP&ZC 7-12-2016

- Pet grooming excluding kennels and pet daycares,
- Printing/engraving,
- Small engine repair,
- Taxidermy, or
- Upholstery

D. OTHER HOME-BASED BUSINESS: In addition to the General Requirements, Other Home-Based Businesses are commonly subject to additional requirements. No zoning or building permit shall be issued for Other Home-Based Businesses or any customary accessory buildings until and unless the location of said use shall have been applied for and approved as part of a conditional use permit by the Board of Adjustment as set forth in Section 9.14. Other Home-Based Businesses are those not specifically identified by Light or General Home-Based Businesses.

E. WAIVER: A Home-Based Business may apply for a waiver of one or more of the General Requirements through the Board of Adjustments. KRS 100.247 states that a variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.