

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JULY 12, 2016 MEETING**

MEMBERS PRESENT:

Ms. Deborah Blake
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Kirk Hunter, Principal Planner
Ms. Stephanie Turner, Recording Secretary
Mr. Matt Smith, Legal Counsel

MEMBERS ABSENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Mark Turner

STAFF ABSENT:

None.

1
2 Mr. Verst called the meeting to order at 7:03 PM. Mr. Verst called for a roll call. The roll call found a
3 quorum was present. Following the Pledge of Allegiance, Mr. Verst asked if everyone had reviewed the
4 June 14, 2016 meeting minutes and asked if there were any additions or corrections. There being none,
5 Mr. Verst called for a motion. Mr. Williams made a motion to approve the June 14th meeting minutes as
6 submitted. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found
7 Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Mr. Barrow
8 abstained. Motion passed.
9

10 Mr. Verst recognized Fiscal Court Commissioners Charlie Coleman and Brian Painter, as well as
11 Campbell County Administrator Matt Elberfeld and thanked them for being in attendance. There were
12 approximately fifteen (15) to twenty (20) audience members at the start of the meeting so Mr. Verst
13 provided an outline for the meeting activities. Mr. Verst would call Ms. Minter forward to present the Staff
14 Report to the Commission tonight. Once her presentation was completed, Planning Commissioners
15 would ask any pertinent technical questions. At that time, Mr. Verst would allow comments from the
16 public. Mr. Verst reminded everyone that if they wished to speak, please be sure to sign in before you
17 leave so that we would have their name for the minutes. The Planning Commission would then have a
18 public discussion on the matter at hand prior to making any recommendations.
19

20 Mr. Verst proceeded to new business and introduced case #163-16-TXA-01, a request by the Campbell
21 County Planning & Zoning Commission to update the zoning regulations pertaining to home occupations
22 or home based businesses. Mr. Verst asked Ms. Minter to present the staff report. Ms. Minter presented
23 the staff report as follows:
24

25 **FILE NUMBER:** 163-16-TXA-01
26 **APPLICANT:** Campbell County & Municipal Planning & Zoning Commission
27 **REQUEST:** A proposed text amendment to Article IX, Section 9.11 Regulations Governing
28 Home Occupations; Article X, Section 10.1 A-1 Agriculture Zone and Section 10.2
29 R-RE Residential Rural Estates for the Unincorporated Campbell County.
30

31 On behalf of the Campbell County & Municipal Planning & Zoning Commission, staff is submitting this
32 request for a Public Hearing. At our April 12th, 2016, staff was authorized to propose modification to the
33 text for Unincorporated Campbell County relating to regulations governing home occupations. The
34 proposed revisions span the following sections:
35

- 36 • Article IX, Section 9.11 Regulations Governing Home Occupations,
- 37 • Article X, Section 10.1 A-1 Agriculture Zone and Section, and
- 38 • Article X, Section 10.2 R-RE Residential Rural Estates

1
2 **Background:**
3

4 Home-Based Businesses are a vital part of the economy within Campbell County and are frequently used
5 as incubators during the start-up phase of a business. The proposed revisions shall support the
6 meaningful role and promote the compatibility of this accessory use of a property.
7

8 The County supports the transition of Home-Based Businesses to a professional environment when a
9 business matures beyond the regulations of this ordinance. The purpose of these proposed revisions
10 are to clarify the intent of the County in regards to regulations governing Home Based-Business.
11

12 **Proposed Text Amendments:**
13

14 Per the attachments. ***[The Existing Text, Proposed Text and Proposed Text to Fiscal Court are***
15 ***attached.]***
16

17 **Recommendation:**
18

19 To recommend to the Campbell County Fiscal Court to adopt the proposed text amendments into the
20 Zoning Ordinance for the Unincorporated Campbell County.
21

22 **Bases for Staff Recommendation:**
23

- 24 1. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure,
25 Kentucky Revised Statutes (KRS) 100.207 and KRS 100.211, the Campbell County & Municipal
26 Planning & Zoning Commission has the authority to recommend the adoption of text changes to
27 the County.
28
- 29 2. Proper notice of the public hearing has been given in accordance with KRS 424, Campbell County
30 Zoning Ordinance Article XVII Amendment and the bylaws of the Campbell County & Municipal
31 Planning & Zoning Commission.
32
- 33 3. The proposed modifications are consistent with the Campbell County Comprehensive Plan
34 Update.
35

36 The very first item Ms. Minter clarified is that our current zoning regulations refer to these businesses as
37 "Home Occupations". However, the county and cities require businesses to register for an "Occupational
38 Tax License". This confuses the public and they believe because they have applied for and received an
39 "Occupational Tax License" that is all that is required. Our office also gets many calls that we need to
40 re-direct to that office. To reduce the confusion, staff is proposing that the phrase "Home-Based
41 Business" be used in the place of "Home Occupations".
42

43 During her presentation, Ms. Minter advised the Commissioners that proper notice of the public hearing
44 was given in accordance with KRS 424. The original legal notice reflected the applicant as "Campbell
45 County Fiscal Court" and was published on June 30, 2016 in the Campbell County Recorder. A corrected
46 legal notice showing the applicant as the "Campbell County & Municipal Planning & Zoning Commission"
47 was published in the Kentucky Enquirer on July 1, 2016. This Commission voted on April 12, 2016
48 authorizing Staff to review the issue of home-based businesses in Article IX Section 9.11 Home
49 Occupations and Article X Sections 10.1 A-1 Zone and 10.2 R-RE Zone. Information pertaining to this
50 topic was also mailed to any party previously issued a Home Occupation Permit; neighboring jurisdictions
51 and was posted on the Campbell County Website.

1
2 Ms. Minter proceeded to clarify two additional points for everyone present tonight. Firstly, in regards to
3 home-based businesses, reviews and investigations are complaint driven. Meaning, staff does not
4 actively tour the jurisdiction seeking any potential home-based business. When we receive a complaint
5 from the community regarding a potential home-based business, an investigation is conducted to
6 determine the accuracy of that claim. Information is gathered from various sources and, if warranted,
7 contact is made with the property owner. Normally, complaints remain anonymous so that no retaliatory
8 action can be initiated. The property owner is advised of the potential violation and have an opportunity
9 to provide information to staff regarding the scope of the home-based business. Staff reviews and makes
10 a determination if corrective action is needed to continue the business or issues a cease and desist order.
11 Ms. Minter identified that many of the complaints are actually reported as a result of personal bias with
12 the person who owns the home-based business than the actual business itself.

13
14 Secondly, Ms. Minter also recognized that there is a vast difference from a home-based business and
15 agricultural activity on a farm where there is also a primary residence for the property owner. The first
16 two (2) permitted uses identified for a property in the A-1 Agriculture Zone are “Agricultural uses” and
17 “Single family dwellings (detached)”. Active farms are not home-based businesses in our eyes or in the
18 eyes of the Kentucky Revised Statute (KRS). Agriculture uses are common in the A-1 (Agriculture), R-
19 RE (Residential – Rural Estates), and R/CO (River-Conservation) Zones. Agriculture uses can be farm
20 exempt from zoning. However, non-agriculture uses on those farms can be subject to zoning.

21
22 Ms. Minter continued that many home-based businesses exist and operate in the County for many years
23 before a complaint may be submitted to our office. According to KRS 100.253 (3):

24
25 *“Any use which has existed illegally and does not conform to the provisions of the zoning*
26 *regulations, and has been **in continuous existence for a period of ten (10) years**, and*
27 *which has **not been the subject of any adverse order** or other adverse action **by the***
28 ***administrative official** during said period, **shall be deemed a nonconforming use.**”*
29

30 Ms. Minter also explained for the benefit of all present tonight the different land uses that the Zoning
31 Ordinances identifies. There are “Permitted Uses”, “Accessory Uses” and “Conditional Uses”. Permitted
32 uses are uses which are legally allowed upon the property without any action required or previously
33 approved by a board/commission. [Ms. Minter used the following example for her demonstration.]
34
35

36 **SECTION 10.6 R-1CC (RESIDENTIAL ONE-CC) ZONE:**

37 **A. PERMITTED USES:**

- 38
39 1. Single-family residential dwellings (detached).
40 2. Two-Family residential dwellings.

41 **B. ACCESSORY USES:**

- 42 1. Customary accessory buildings and uses.
43 2. Fences and walls, as regulated by Article XIII of this ordinance.
44 3. Signs, as regulated by Article XIV of this ordinance.
45 4. Home occupations, subject to the restrictions and limitations established in
Section 9.11 of this ordinance.

46 **C. CONDITIONAL USES:** The following uses or any customary accessory buildings
47 or uses subject to the approval of the Board of Adjustment, as set forth in
Sections 9.14 and 18.7 of this ordinance:

- 48 1. Cemeteries
49 2. Churches and other accessory buildings for the purpose of recognized
50 religious worship providing they are located adjacent to an arterial or
51 collector or local street.
52 3. Fire and police stations, providing they are located adjacent to an arterial
street

1 For the example of the R-1CC (Residential One-CC) Zone, you can see that the Permitted Uses for that
2 zone are single-family residential dwellings (detached) and two-family residential dwellings. This means
3 that you can have either of those items on your property in this zone without requesting any special
4 approval. All you would have to do is obtain a Building Permit from the Building Inspection Department.
5 They may assess a Zoning Permit Fee to review your site plan and make certain that any setback
6 requirements or other development controls are followed, but there would be no additional review
7 required by the Planning Commission.
8

9 The Accessory Uses listed are “accessory” or secondary to the Permitted Uses. That is the Permitted
10 Uses are the real uses of the land, but the Zoning Ordinance recognizes that you may want a shed (“1.
11 Customary accessory buildings and uses.) or a fence (“2. Fences and walls, as regulated by Article XIII
12 of this ordinance.) Item 4 under Accessory Uses identifies that “Home occupations, subject to the
13 restriction and limitations established in Section 9.11 of this ordinance.” The home-based business is
14 submissive to the actual residential home on the property.
15

16 Conditional Uses are uses that may or may not be acceptable. For example, a cemetery, church or other
17 religious structure, or fire and police stations. Therefore, an application to the Board of Adjustment is
18 required to be submitted for review of the site plan. The Board will review each request on a case by
19 case basis and may impose conditions or restrictions to insure that the proposed use at the location
20 specified is necessary or desirable to provide a service to the community; that the use will contribute to
21 the general well-being of the neighborhood or the community; and that such use will not be detrimental
22 to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to
23 property or improvements in the vicinity.
24

25 Ms. Minter explained this was the exact nature of what the Commission will be determining tonight. Which
26 home-based businesses are so inconsequential that they can be considered to be automatically
27 permitted within a residential zone without any type of zoning permit being required? Which home-based
28 businesses are acceptable as long as they follow specific criteria? Which home-based business need
29 additional review by the Board of Adjustment? How do we assist a small home-based business in
30 graduating to a commercial business on a commercial site?
31

32 Ms. Minter went on to explain why the Commission is considering this proposed change to the current
33 text. Staff frequently gets questions to allow a home-based business for very general services that are
34 not residential. Ms. Blake asked Ms. Minter to read some of the examples out loud for those that could
35 not read what was on the screen. Ms. Minter listed tutoring, music lessons, home child care, gun repair,
36 archery repair, meat processing, auto body, storage, printing, retail sales, contractor office (electrical,
37 plumbing, heating and air conditioning, painting etc.), crafts, pet grooming, pet care, wood-working,
38 metal-working, manufacturing, event planning, craftsmanship, taxidermy, small engine repair, personal
39 assistant, pottery, ceramics, housekeeping, siding and gutters, lawn care, cosmetology, and many, many
40 more. Due to the current text in place, very few of these would qualify to have a home-based business
41 under the current regulations.
42

43 There are four (4) major issues that home-based businesses have difficulty in meeting with our current
44 text. From Article IX, Section 9.11 Special Requirements Governing Home Occupations:
45

- 46 A. **No persons other** than members of the family **residing in the premises** shall be
47 engaged in such operation.
- 48
- 49 D. **No** home occupation shall be conducted in any **accessory building**, nor shall there
50 be any **exterior storage** of any materials on the premises.
51

- 1 E. There shall be **no commodity sold upon the premises** in connection with such
2 home occupation.
3
4 F. **No traffic** shall be generated by such home occupation in greater volumes than
5 would normally be expected in a residential neighborhood.
6

7 Ms. Minter went through several examples of home-based businesses that are common throughout
8 Campbell County and identified how they could be violating the current ordinance. [See attached slides
9 at conclusion of these minutes.] We know these uses are in existence today; have been for quite some
10 time; and will likely continue to be in existence in the future. Staff needs clearer guidelines and criteria
11 to determine the true intent of the Zoning Ordinance in considering what an acceptable home-based
12 business is and when does it stop being a home-based business and becomes a commercial activity.
13

14 Staff reviewed the current text and compared it to the many requests that are submitted and the
15 complaints received. The intent of the proposed text is to establish “general requirements” that all home-
16 based businesses need to meet; identify what would be a “light” home-based business that would not
17 require any zoning permits; identify what “general” home-based business would need a zoning permit so
18 that we could be aware of the scope of your business; identify which business may or may not be
19 acceptable and would need to go before the Board of Adjustment to obtain a close review and a
20 “conditional use” permit; and most important which are not suitable for any residential environment and
21 would actually qualify as a commercial activity.
22

23 Before beginning the review of the proposed text, Ms. Minter advised the Commission that she had been
24 receiving calls, emails and letters pertaining to this application. Some of those citizens may be here
25 tonight, but several were not able to attend. Ms. Minter asked for and was granted permission to read
26 those comments into the record.
27

28
29 ***From: Steve Taylor, City of Cold Spring (email)***

30
31 *Cindy – I had a conversation with Brandon this morning regarding the Manufacturing*
32 *being added to the RRE zone for the county. Cold Spring and the county “touch” in a*
33 *number of places and this could adversely affect some of those areas.*

34
35 *Please be advised that the city is not in favor of this being added to the RRE zone for the*
36 *county and certainly would be opposed to it within the city or anywhere that those RRE*
37 *zones “touch” Cold Spring.*
38

39
40 ***From: Brandon Voelker, Attorney (email)***

41 *Cindy, Is the hearing at CCMPZC to consider sponsoring text amendments to the RRE*
42 *zone, or has the Fiscal Court or P and Z already voted to have the matter set for a*
43 *hearing.*

44
45 *Commissioner Coleman called the Mayor and obviously, if there is text to allow a person*
46 *to operate a business, outside their actual dwelling in an RRE zone, it is troublesome for*
47 *Cold Spring, in that most county areas that border the City are RRE.*
48

1
2 **From:** Anonymous Business Owner (Phone call)
3

4 *I have a home based business and wanted to move few years back. The current text*
5 *would prohibited me from considering a move. The business is my livelihood and can*
6 *only be economical if run from my home. I have been in operation for over 15 years.*
7

8
9 **From:** Anonymous Former Business Owner (Phone call)

10 *Don't cared moved business elsewhere.*
11
12

13
14 **From:** Anonymous Business Owner (Phone call)

15
16 *I had a home based business that was outgrowing its site many years ago. The entire*
17 *process of running a home based business in Campbell County and then attempting to*
18 *transition the business to an actual site was so egregious that I moved the business out*
19 *of the County. The business had a value of \$50K when I moved. It's now grown to \$1M.*
20 *It's Campbell County's loss.*
21

22
23 **From:** Doug Bray (email)

24
25 *I will not be able to make Tuesday's meeting. As discussed, I feel these smaller*
26 *businesses which include many contractors would be very restrictive and create*
27 *potentially higher prices and longer lead times for construction projects. Startup*
28 *businesses can often start at one's home/garage.*
29

30
31 **From:** Anonymous Business Owner (Phone call)

32
33 *Had a home based business, closed it down and located a part-time employment*
34 *position that paid more than staying at home and trying to keep a home business in*
35 *operation under the current rules.*
36

37
38 **From:** Hutch Johnson, Attorney (Letter)

39
40 *Dear Cindy:*

41
42 *Please accept the following letter as my comments regarding the above-proposed*
43 *text amendments regarding Home Based Businesses in Unincorporated Campbell*
44 *County. I will be out of town at the time of the public hearing on July 12, 2016, however,*
45 *I wish to submit the below comments for consideration by the board.*
46

47 *As a local attorney who assists small businesses in our county, first let me say that I*
48 *appreciate the Commission's efforts to address this important matter. Small businesses*
49 *in our county are vital to the fabric of our community and help support many local*
50 *families and citizens. Nearly all larger businesses I have worked with started small,*
51 *often working out of their home or garage. It is important that our county continue to*

1 encourage such entrepreneurialism, while also balancing the reasonable rights of others
2 in the area.

3
4 I have a small business client (who currently wishes to remain unnamed) who
5 operates a deer and livestock processing business in an A-1 Agriculture Zone in
6 Unincorporated Campbell County. While deer processing may appear inconsequential,
7 according to the Kentucky Fish and Wildlife website, there were approximately 1410
8 deer “checked in” in Campbell County in 2015. This number does not include deer
9 brought in to this county from Pendleton, Kenton and other counties surrounding
10 Campbell, or deer taken by landowners and brought into our county for processing.

11
12 Deer and livestock processing businesses are unique from other businesses in that
13 they are “seasonal” and approximately 90% of the revenues are generated during the
14 month of November during the deer “gun” season. Moreover, the vast majority of the
15 business falls on the “weekends” of November when hunters are not working. As a
16 consequence, the “traffic” limitations of the proposed text amendments below may be
17 too restrictive given the nature of the unique traffic patterns related to such deer
18 processing.

19
20 In addition, while my particular client also processes cattle for local farmers (which is
21 a real benefit to Campbell County farmers who often don’t have the facilities to do so),
22 such revenue would not be sufficient to sustain a commercial enterprise year around
23 without the deer seasonal processing; and in no event, would it be feasible to operate a
24 deer and livestock business other than in a Home-Based Business scenario. Deer and
25 animal processing in Campbell County would simply not be sustainable if mandated to
26 operate on a separate commercial property.

27
28 Based on the above, we would recommend the following amendments to the
29 proposed text amendments:

30
31 Under 9.11 A. General Requirements, number 7, we would ask that it read:

32
33 7. No traffic or parking shall be generated by such a Home-Based Business,
34 including appointments in greater volumes, location or type than would normally
35 be expected in a residential neighborhood, **with consideration given to the**
36 **character and nature of the area and/or the seasonal nature of the**
37 **business.”**

38
39 This text addition recognizes that A-1 neighborhoods are different...some are more
40 “residential,” while other neighborhoods are predominately “agriculture” or “rural.” The
41 neighborhoods which are more agricultural or rural can sustain more traffic than a more
42 traditional residential neighborhood. During the few weekends of deer “gun” season in
43 November, there will be more traffic concentrated within such time, and the “character
44 and nature of the area” should be considered when evaluating “traffic.”

45
46 Likewise, under 9.11 C., “General Home-Based Business,” numerical paragraph 1,
47 for the same reasons noted above, we would ask for a similar recognition of the
48 “character and nature of the area, and/or the seasonal nature of the business,” and
49 propose the following amendment:

50
51 “1. No more than eight (8) trips to the premises daily inclusive of all employees,
52 visitors, customers and/or delivery persons, **except that additional trips may be**

1 **permitted with consideration given to the character and nature of the area**
2 **and/or the seasonal nature of the business.”**
3

4 *Again, the proposed addition simply recognizes that the character and nature of*
5 *the neighborhoods differ across the unincorporated areas of the county, and that certain*
6 *seasonal businesses (like deer processing) may require a broader number of trips to the*
7 *property than as proposed.*
8

9 *Finally, we would propose slightly expanded language for 9.11 A 1, again based upon*
10 *the unique circumstances regarding the concentration of the seasonal nature of the deer*
11 *processing business which falls predominately in one month, and on the weekends of*
12 *that month:*

13 **“1. No more than one (1) employee other than members of the family**
14 **shall be engaged in a Home-Based Business on the premises, except that**
15 **up to three (3) additional employees may be engaged if the business is**
16 **seasonal (for less than six(6) weeks), with consideration given to the**
17 **character and nature of the area.”**
18

19 *I do believe the proposed text amendment which changes “family members” to those*
20 *“residing on the premises” to be a little too restrictive as many small business will use*
21 *adult children and/or other family members in their business who do not reside directly*
22 *on the property. To limit it to family members “residing” on the premises would likely*
23 *limit it to very few family members, except for minor children.*
24

25 *While I recognize that Section 9.11 E would permit a home business to apply for a*
26 *“waiver” of certain of the general requirements if addressed through the Board of*
27 *Adjustment process, I just believe the broader language is more appropriate and would*
28 *avoid the additional process for the small business.*
29

30 *Again, thank you for addressing the above specific recommendations, and the*
31 *general task of reviewing the overall home business zoning rules. Following a simple*
32 *review of the “existing” rules, I think a number are unwittingly a substantial burden on*
33 *many small business, with little latitude to balance the interests of the small businesses*
34 *and nearby neighbors. It is my hope that a fair balance can be struck, which can still*
35 *permit the smart and reasonable growth of small businesses in our county.*
36

37 *Sincerely,*
38 *Richard G. Johnson*
39

40
41 Ms. Minter thanked the Commission for allowing her to enter those comments into the record.
42

43 Ms. Minter prepared to read through the text being proposed by staff and to point out the different
44 comments received from the Commissioners, the general public, several home-based business owners,
45 and legal counsel. Before staff began a line by line review of the text, Mr. Verst asked if any of the
46 Commissioners had questions for staff thus far. Mr. Williams asked Ms. Minter about the email received
47 from Steve Taylor of Cold Spring. What type of “manufacturing” does he oppose exactly? Ms. Minter
48 replied that it was not specified. Mr. Taylor is the City Administrator for Cold Spring. However, the Mayor
49 and Legal Counsel for Cold Spring are present tonight and may be able to clarify their concern.
50

51 Mr. Smith asked Ms. Minter if there had ever been a discussion on deer processing and/or meat
52 processing being considered exempt as a natural agriculture activity. Ms. Minter replied that it had never

1 come up before by the Commission. Mr. Smith continued to ask if there had been any public requests
2 for a deer processing and/or meat processing business. Ms. Minter replied that there has never been an
3 application requested by the public for such a use.
4

5 Mr. Verst asked Ms. Minter if the email received from Mr. Bray who commented that the text was too
6 restrictive pertained to the existing text or the text being proposed by staff. Ms. Minter replied that her
7 discussion with Mr. Bray pertained to the existing text. Mr. Bray did not comment specifically on the
8 proposed text. Mr. Verst asked Ms. Minter if Mr. Johnson's comments were in regards to the existing
9 text or proposed text. Ms. Minter replied that Mr. Johnson's comments pertained to both the existing and
10 proposed text. Mr. Williams commented that Mr. Johnson does have a point in regards to seasonal
11 activities. Mr. Verst asked Mr. Williams to hold his comments and any points for discussion until the open
12 discussion among the Commission.
13

14 With that, Ms. Minter began the review of the proposed text changes. The following items were points
15 that would require additional review:
16

- 17 ● Article IX, Section 9.11 Regulations Governing Home Occupations:
 - 18 ■ Opening Paragraph – Staff has clarified the scope of a Home-Based Business and added
19 the clarification that an active farm is not considered a home-based business.
 - 20 ■ Subsection A. General Requirements -
 - 21 - Item 1 – Strike the comment “residing in the premises” so that it can potentially be
22 an adult child that has moved away from home who is assisting in the conducting
23 of the business.
 - 24 - Item 2 –Strike the word “completely” before “indoors”; and to strike any reference
25 to “not more than twenty-five (25%) percent of the gross floor” as this would be
26 difficult to calculate and enforce.
 - 27 - Item 3 – Specify the use of an accessory structure in the performance of a business
28 shall be limited to one (1) accessory building per lot.
 - 29 - Item 5 – Strike any reference to signage and instead referred them to Article XIV
30 Sign Regulations and removed reference to “no commodities to be sold on site”.
 - 31 - Item 6 – Strike reference to “by appointment only” from advertising as Mr. Smith
32 believes this may be an issue. The Commission does not have the authority to
33 regulate content. This would be a violation of the 1st Amendment.
 - 34 - Item 7 – Add “unreasonable” in reference to traffic and parking generated and
35 specify in greater volumes, “location or type” than would be normal for a residential
36 neighborhood.
 - 37 - Item 8 – Strike this item. The Unincorporated Campbell County (UCC) does not
38 require permits for garage sales or yard sales. Since this text pertains only to the
39 UCC, it is not relevant.
 - 40 - Item 9 – Add “toxic” in regards to the restriction on the storage of substances.
 - 41 - Item 10 – Add “noise” back in to the types of interference.
 - 42 - Item 11 – Change the previous stand-alone paragraph to be bullet point 11.
 - 43 ■ Subsection B. Light Home-Based Business -
 - 44 - There were no specific comments
 - 45 ■ Subsection C. General Home-Based Business -
 - 46 - There were no specific comments
 - 47 ■ Subsection D. Conditional Use Home-Based Business -
 - 48 - Minimum Lot size – Proposed as three (3) acres (which is what is required in the
49 A-1 Zone). However, have received a request to increase this to five (5) acres.
50

- 1 - Types of Conditional Use Home-Based Business – Strike any reference to specific
2 business. If a proposed business is not on that list, they will never have an
3 opportunity to be heard by the Board of Adjustment. We simply don't know what
4 kind of business could be proposed.
- 5 ■ Subsection E. Waiver -
6 - The ability to appeal the zoning administrator's decision is outlined. This existed
7 in the past, but we never called it out.
8
- 9 ● Article X, Section 10.1 A-1 Agriculture Zone and Section, and
10 ■ Subsection A. Uses Permitted
11 - Item 4 – Move the reference to the setback requirement to item D of this section.
12 - Item 7 – Move to item C. We have found that bed and breakfast to many refer also
13 to event centers, restaurants, etc.
14 - Item 8 – Move to item C. This can be a home-based business, but can also go to
15 the commercial activity depending on the scope of operation.
- 16 ■ Subsection B. Accessory Uses -
17 - Item 3 – Correct to new terminology of Home-Based Business
- 18 ■ Subsection C. Conditional Uses -
19 - Item 16 – Add Taxidermy and wildlife services.
20 - Item 17 – Add Bed and breakfast establishments
21 - Item 18 – Add Event Facilities on an active farm with a minimum of 5 acres.
22 - Item 19 – Add Butcher/meat processing with a minimum of 5 acres
23 - Item 20 – Add Restaurants on an active farm.
- 24 ■ Subsection D. Area and Height Regulations for Permitted Uses -
25 - Opening Paragraph – Add “or stand” after “No building”
- 26 ■ Subsection F. Other Development Controls -
27 - Item 4 – Add “All permitted uses shall site a single-family dwelling which meets the
28 applicable area and height regulations for all structures.” This would be applicable
29 when a property in the A-1 Zone is purchased with the intent to construct dwellings
30 not pertaining to agricultural activity without a primary residence on site.
31
- 32 ● Article X, Section 10.2 R-RE Residential Rural Estates
33 ■ Subsection A. Uses Permitted
34 - Item 2 – Move the reference to the setback requirement to item D of this section.
35 - Item 3 – Move the reference to the setback requirement to item D of this section.
- 36 ■ Subsection B. Accessory Uses -
37 - Opening – Strike references to which accessory uses are for Permitted Use #1
38 and which are for the remaining Permitted Uses.
39 - Item 2 – Add “Fences and walls as regulated by Article XIII of this ordinance.”
40 - Item 3 – Correct to new terminology of Home-Based Business
41 - Item 4 – Strike “Living quarters for domestic servants...” This is antiquated and no
42 longer relevant.
43 - Item 6 – Strike “Privately owned swimming pools.” This is an accessory structure
44 as reflected in Subsection B. Item 1.
- 45 ■ Subsection D. Area and Height Regulations for Permitted and Conditional Uses –
46 - Opening Paragraph – Strike “and Conditional”.
- 47 ■ Subsection E. Area and Height Regulations for Conditional Uses -
48 - Opening Paragraph – Add new Subsection E. Area and Height Regulations for
49 Conditional Uses and change current E to Subsection F. New area requirements
50 for Conditional Uses to match those in the A-1 Zone.
51 ■ Subsection F. Other Development Controls -

- 1 - Item 4 – Add “All permitted uses shall site a single-family dwelling which meets the
2 applicable area and height regulations for all structures.” This would be applicable
3 when a property in the R-RE Zone is purchased with the intent to construct
4 dwellings not pertaining to agricultural activity without a primary residence on site.
5

6 Ms. Minter highlighted portions that the Commission identified as points that they wanted to come back
7 and discuss in further detail. Mr. Stapleton commented that he thinks maybe “event facility” needs to be
8 defined so that it doesn’t become confusing to the public. Ms. Minter clarified that staff’s use of the words
9 “event facility” is for those instances where an entity purchases a property in the A-1 Zone to hold
10 receptions, entertainment venues, obtain liquor licenses, etc. with no true agricultural use being made of
11 the property. This is not for those time where you have your property and you plan a party. This is for
12 when their business is holding these kinds of events. There would not be any agriculture activity occurring
13 on the site. When it is an active farm, this can be included in “agritourism” which is a permitted use of
14 the property.
15

16 Mr. Verst asked if there were any other technical questions on the staff report by the Commission. There
17 being none, Mr. Verst called for the sign-in sheet to begin the public comment portion of the meeting. Mr.
18 Verst reminded everyone that they would get a chance to speak if they want. Please make certain that
19 you sign-in before you leave the meeting tonight. Mr. Verst stated started in the order in which they
20 signed-in:
21

22 Mr. Travis Dykes:
23

24 Travis Dykes of 107687 Pleasant Ridge Road, Alexandria, identified himself for the record. Mr. Dykes
25 “threw himself under the bus” as the anonymous caller that Ms. Minter mentioned previously. I was a
26 small business in this county that the previous director of planning and zoning basically ran me out of this
27 county. I had a \$50K a year business working out of my home trying to do basic automotive repairs. I
28 now have a \$1 Million business in Bracken County and its growing every year. It’s Campbell County’s
29 loss because of the strict rules and strict enforcement of those rules.
30

31 I understand at the time that it was complaint based, but the way the system works is that one complaint,
32 one complaint, one neighbor, one bad apple and caused me all these problems. As far as the proposed
33 text, I think it is great that you are doing this, but I do see one major concern on the conditional uses is
34 that the minimum lot area will be three (3) acres. Many of the people doing businesses like this are not
35 going to have that much acreage. They’re going to be one (1) or two (2) acre lots which if you meet all
36 the conditional needs that you are requiring here. Everything is going to be hidden, everything is going
37 to be inside, no materials are going to be laying around outside so why does it have to three (3) acres?
38 Why can’t it be a two (2) acre lot or a one (1) acre lot? If you are meeting all the needs, why do you want
39 to require such a large lot? I can tell you right now that there are several other business in the county
40 doing the same exact thing that I was doing and you are pretty much going to wipe all of them off the
41 face of this county because most of them do not have a three (3) acre lot. I would be particularly cautious
42 before you decide on that point. That is the only item I see as an issue with the new text.
43

44 It is great that you are opening up and looking at this after so many years. Unfortunately, you have lost
45 my business in this county. I looked at buying a commercial piece of property on US 27. What should
46 have been a \$100,000 piece of property with a \$50,000 building up and ready to go affordable business
47 to get a new business started to meet the rules and regulations set by this board or maybe another board
48 was going to be \$450,000. I couldn’t afford to do that. No new small business is going to be able to do
49 that. I went to Bracken County and bought a \$100,000 building and five (5) years later here we are. If
50 you want a small business in this county then you need to go after small businesses.
51

1 Another thing I will tell is that Cold Spring made comments. Don't listen to Cold Spring. They don't want
2 small business in this county. This is Campbell County and Cold Spring is just a city in our county. Worry
3 about what Campbell County wants to do and don't worry about what a city wants to do.
4

5 Mr. Williams asked if Mr. Dykes' property was in the R-RE or A-1 Zone here in the county. Mr. Dykes
6 replied that his property is in the R-RE Zone and he had one and one-half (1 1/2) acres. He had one
7 neighbor who complained. The other neighbors didn't care what he was doing. But he had one bad
8 neighbor who was vocal and knew someone in the system. From what he gathered, one of the previous
9 employees of staff was a little aggressive in whatever he got into. It was very, very hard.

10
11 Ms. Blake asked if Mr. Dykes believed there needed to be an appeal process if there was just one (1)
12 complainant. Mr. Dykes replied absolutely. One (1) complaint by a mad person who keeps complaining
13 then she has to go out and knock on doors and complain. One mad person is controlling the complaints
14 that you are receiving. Many times, it is just one (1) person who is mad about something else and this is
15 their avenue. The other neighbors don't care. I know right now that there are other persons in this room
16 who have had complaints and have had planning and zoning on them because of the new neighbor,
17 someone just moving into the community and haven't been there very long. Or they're just pissed off at
18 the world. This causes undue hardship on someone who is out there just trying to make a living, pay
19 their taxes and move on. I wanted to start my business and then grow my business and then move into
20 a commercial setting. I did it and it did hurt me in the beginning.
21

22 Mr. Williams asked Mr. Dykes if his business was conducted inside his home. Mr. Dykes stated it was in
23 his detached garage, an accessory structure. He worked on pick-up trucks in a two car garage behind
24 the house. Mr. Williams asked if he was walking down the street and looked at his home would he have
25 seen the business activity going on. Mr. Dykes replied no. The reason the complainant knew it was
26 because they sold him the property and was his neighbor. That doesn't really matter there are other
27 people in this room that have had complaints and it's because of a new neighbor and they don't like the
28 traffic down the road. You have to consider this reasonable stuff. A guy who has a construction business
29 who has two (2) or three (3) employees. They don't work on the site. They work off-site, but they park
30 their trucks there and then hop into another truck and go to a jobsite. That is not unwarranted. That's
31 just life. You might drive on a Tank bus with other people and go off to work. This is the same thing.
32 Campbell County's rules are unreasonable for so long.
33

34 Mr. Dykes stated again that he appreciated the Commission for looking at this text and he feels they are
35 on the right track. He continued to believe the conditional uses needed to be reconsidered and be
36 cautious of the restrictions to be placed on these. Mr. Verst asked Mr. Dykes to clarify that his business
37 would have had an issue with the proposed text because of the acreage requirement, but with the existing
38 text it was because it was in an accessory structure. Mr. Dykes confirmed he would have an issue with
39 the acreage, but the existing text caused a laundry list of items such as a non-conforming use, an
40 accessory structure, and threatened him with fines. The proposed text works, but the acreage is the only
41 thing that concerns him. Mr. Dykes added that he like the idea that they have to graduate to a commercial
42 facility if they outgrow the home, but there are also those businesses who want to remain a home based
43 business and never intend to become commercial. There is no way he could do the business he is doing
44 now from his home. If he had the opportunity to continue as a home business until he was ready to move
45 to a commercial site, he wouldn't have had the problems he had.
46

47 Mr. Verst thanked Mr. Dykes for his comments and then called the next person listed to speak:

48
49 Mr. Charlie Coleman:
50

51 Mr. Charlie Coleman of 10 Stonegate Drive, Alexandria, stepped forward. Mr. Coleman thanked Mr.
52 Verst for the recognition of the County Commissioners at the beginning of the meeting. Mr. Verst stated

1 that it was good to see our Commissioners here. Mr. Coleman stated that he graduated almost fifty (50)
2 years ago from Eastern Kentucky University (EKU) with a political science and history degree. The
3 hallmarks of my education at EKU included: patriotism, the Bill of Rights, integrity, responsibility and
4 respect for the rule of law. Unapologetically, I still cling to those virtues. Let me tell you the hallmarks of
5 our government since I have been in office in a year and a half: favoritism, nepotism, short-sighted
6 solutions, and bowing to special interest and special people.
7

8 Many of us are old enough, I can see, that we were taught in school and from our parents, many of you
9 are veterans as I am, a devotion not just to our country, but to the Commonwealth, to our county, to our
10 school, and probably the most important to our neighborhood. Some here can probably remember
11 neighborhood teams. We are kind to our neighbors. We were taught to achieve and preserve liberty. To
12 be a responsible citizen. Being a good neighbor meant you respected the rule of law. Most people
13 accepted that responsibility, but a few didn't. But most of us, our parents, accepted that responsibility as
14 an obligation.
15

16 If we are going to be a functioning county, we need to be good neighbors. Not being a good neighbor
17 equates to not being a good citizen. They destroy our liberty. We have seen it this last weekend. Recent
18 news stories about a presidential candidate which the law does not apply to. We are a trustee of our
19 heritage. World War II we lost over 400,000 people; 60,000 in each Korea and Vietnam. I lost a brother
20 in law. I lost two of my players in Afghanistan. They gave their life for Liberty and the rule of law. That
21 it applied to everybody. So I guess what I am asking of you this evening is to be good citizens for this
22 civic lesson and put some trust back in our county government. Thank you Mr. Verst.
23

24 Mr. Verst asked Mr. Coleman if he had specific comments related to the text. What is the sentiment you
25 would like to convey? Mr. Coleman stated he feels like the Commission is creating a problem just so you
26 can solve it. Mr. Verst asked if the new text was a problem or the existing text. Mr. Coleman stated the
27 proposed text was like reading War and Peace. You have the rule of law on the books now; just use
28 common sense and apply it.
29

30 Mr. Verst thanked Mr. Coleman for his comments and then called the next person listed to speak:
31

32 Mr. Eric Hermes:
33

34 Mr. Eric Hermes of 6163 Cabin Creek East Drive, Cold Spring, stepped forward. Mr. Hermes thanked
35 the Commission for the opportunity to speak tonight. He is a Campbell County resident and his home is
36 on a R-RE Zone property and that is what he is going to be speaking about tonight is the R-RE Zoning.
37 I originally started my company as a home occupation and worked within the rules of what the home
38 occupation zoning allows. I was able to grow the business of commercial construction company and was
39 able to grow until the point I needed to hire an employee. Frankly, I didn't want the employee coming to
40 my home. I rented a space in Cold Spring; so I rented office space. The current rules worked great. My
41 business now is a multi-million dollar company and it worked through doing the current zoning home
42 occupation rules in Campbell County. [Mr. Hermes' phone rang and he paused to silent his phone.]
43

44 I wanted to address there are a lot of examples given at the beginning of the presentation up on the
45 screen and listed a round list of occupations and I wanted to point out that the majority of those
46 occupations are actually allowed under the current allowed. They are allowed. Then the later examples
47 that were given of the growing companies adding people and vehicles and things like that. Those are
48 actually we are talking about is no longer a little business these are actually bigger businesses and frankly
49 I don't want my neighbors doing that. I don't want to live next to a business. I don't want to live next to
50 a business that is doing excavation. I don't want to live next to a business that is doing engine repair and
51 car repairs. The reason I bought the property where I live in Campbell County was because it was a nice
52 rural setting. I don't want the traffic of vehicles coming in and out all hours of the night. Now I have a lot

1 of wild life, deer, a pond with fish that is stocked with fish. I want to live and I bought the property because
2 it was in a rural area and that is what I want to maintain is a rural area. I don't want to live in a business
3 district.
4

5 Mr. Hermes stated he has some questions. When we were going through the text, there was a reference
6 to "reasonable traffic". How is "reasonable traffic" defined? Mr. Verst advised that if you have a specific
7 question on the text, write those questions down and give them to him (Mr. Verst) and we will have all
8 the questions answered at the end of the public comment period. Mr. Hermes stated his first question
9 would be: how is "reasonable traffic" defined? Secondly, are the hours of business and traffic addressed
10 in the text amendments? Are there any restrictions to any traffic to be allowed and for business to be
11 allowed to go along or will it be going along until two (2) or three (3) o'clock in the morning?
12

13 I heard talk of a permit. I'm not exactly sure what you are talking about. Are you talking about a business
14 license? Mr. Hermes stated he would like to know the answers now so that he can address those issues.
15 Mr. Smith answered that the "permit" we refer to is not a business license. It is a zoning permit that allows
16 the permitted home based business to be conducted on the property. Ms. Minter added that an
17 Occupational Tax License is a different requirement for any home based business to obtain from the
18 county and/or city that recognizes their organization and is related to the income produced by those
19 business. The "permit" is not a license. It is in addition to the license. Mr. Hermes asked so a business
20 license would still be required as well. Ms. Minter agreed that it would. Mr. Smith replied unless it was
21 a "Light Home-Based Business" which would not require the permit. They would still need an
22 Occupational License, but a permit would not be required. Ms. Minter agreed that Mr. Smith was correct.
23

24 Mr. Hermes continued to ask if a home based business would cause that property to be taxed differently
25 than a residence in the same zoning. Mr. Smith replied that any home based business would be required
26 to obtain an Occupational License, but would pay the same property tax as a residence. Mr. Hermes
27 asked so as far as the real estate taxes go, if his neighbor has a business on their property, they would
28 be paying the same tax as I am with the same sized property. Mr. Smith stated that real estate taxes are
29 a completely different thing. They are ad valorem taxes which means they are based on the assessed
30 value of the property. When you operate a business, you need an Occupational License either through
31 the city or the county and that is a methodology for the city or county to collect taxes on that home based
32 business.
33

34 Mr. Hermes asked if a current property owner that has or is in violation of the regulations right now, if this
35 is passed, does that violation go away. Mr. Smith stated if whatever was adopted becomes the law so if
36 you are in compliance with the new law as it exists when it is adopted then if it is permitted it is a permitted
37 use. Mr. Hermes stated that basically if someone is in violation they could go scot free even if they are
38 currently breaking the law. Mr. Smith stated that it would not be breaking the law in the new regulations
39 if it was permitted. Does that make sense? It would be authorized under the new regulations. Mr.
40 Hermes stated it is like Mr. Coleman stated before, there are different rules for different people. If one
41 person is in violation on a property that is non-R-RE and someone in violation of R-RE then their violation
42 goes away. Mr. Smith stated it would depend on the specific facts and regulations and if they comply
43 with the new regulations.
44

45 Mr. Hermes stated one thing he was confused about...because he saw it as a conditional use and then
46 it was crossed out as a conditional use. Is manufacturing a conditional use or is it being proposed as a
47 conditional use in the new zoning text? Mr. Verst stated that in the proposed text we started to list out all
48 the businesses that could potentially be a conditional use. We then struck any reference to specific
49 businesses because we can tell what kind of business might be proposed by anyone in the future. If it is
50 not listed under the "General Home-Based Business", it is considered a "Conditional Use". It is kind of
51 the catch all so that if you are not on this list that we have already sort of vetted, then you need to go

1 before the Board of Adjustments to be reviewed as a “Conditional Use” and a determination will be made
2 as to if that business is appropriate for that property.

3
4 Mr. Hermes stated he read recently that twenty-five to fifty (25-50 %) percent of current Campbell County
5 residents are in violation of the zoning code. Is that true? Mr. Verst answered that he has no idea where
6 that figure came from and he would have no idea how you could determine what to base it on. Mr.
7 Hermes asked if it *could* be true. Mr. Verst stated he had no way to assess that estimate and he doesn't
8 know if it is true. Mr. Hermes asked if there are any statistics that could confirm that. Mr. Verst replied
9 that there are no statistics because we do not aggressively go out into the county and pursue enforcement
10 of the zoning code. We are basically complaint driven. We don't have the staff. We don't hire fifteen
11 (15) inspectors. Staff is complaint driven. They receive a complaint and we go out and investigate that
12 complaint. They bring it to our attention if it is warranted. Mr. Hermes replied that Judge/Executive Steve
13 Penderly gave that figure in a Fiscal Court meeting.

14
15 Mr. Verst asked Ms. Minter to answer the remaining questions he had asked in case it sparks discussion
16 with other audience members. The first question he introduced was how “reasonable traffic” was defined.
17 Ms. Minter read the text Mr. Hermes was referencing under A. General Requirements, 7. Originally, it
18 was reflected as:

- 19
20 7. *No traffic or parking shall be generated by such a Home-Based Business, including*
21 *appointments, home occupation in greater volumes, location or type than would normally be*
22 *expected in a residential neighborhood.*

23
24 However, staff received a recommendation from a Commissioner to add “unreasonable” before the word
25 “traffic”. Ms. Minter stated that we have not defined what this may entail at this point. Mr. Verst asked
26 her to confirm that it would be up to the interpretation of the Commission at this point. Ms. Minter agreed.
27 Mr. Verst asked if they could appeal their decision. Ms. Minter stated they could appeal to the
28 Commission and then to the Board of Adjustment. Mr. Smith clarified the appeal would be straight to the
29 Board of Adjustment. Mr. Hermes replied that it needs to be more defined. “Unreasonable” could be five
30 (5) cars a day to one person and a hundred (100) cars an hour to someone else. Mr. Williams commented
31 that a hundred (100) cars an hour would definitely be considered “unreasonable”. Mr. Verst added that
32 he will mark that as a point for further discussion among the Commission because you have to review
33 each case really. If I have fifteen (15) kids and each kid is driving, there may be that much traffic to my
34 property just from my family as residents.

35
36 Mr. Smith stated he believed Mr. Hermes also had questioned the hours of operation for the home based
37 business. Ms. Minter replied that the proposed text did provide for restrictions to the hours of operation
38 under C. General Home-Based Businesses, 3.:

- 39
40 3. *Hours of operation, including delivery and receiving, shall be conducted in a way that is not*
41 *perceptible from beyond the lot line between the hours of 10:00 p.m. and 7:00 a.m.*

42
43 Ms. Minter stated that was specifically to address that potential 2:00 AM operation of business.

44
45 Mr. Verst asked Mr. Hermes if he had any other comments. Mr. Hermes concluded by stating the reason
46 he bought property in Campbell County is for the rural setting. They have deer and all kinds of wildlife.
47 If one of my neighbors put in a manufacturing business, they would take all that away from me. Mr.
48 Williams asked if there was a definition for “manufacturing” because they can be anything from a steel
49 mill in Philadelphia to a small widget factory in your barn. Mr. Verst asked if there was a definition of
50 “manufacturing” in our Zoning Ordinance. Mr. Hunter searched the definitions and “manufacturing” was
51 not defined. Mr. Verst commented that we deleted “manufacturing” as a permitted use so anything that

1 is manufacturing regardless of nature would be a Conditional Use. Mr. Williams stated if the word
2 remained broad, the Board of Adjustment can review and make a determination.
3

4 Mr. Dykes asked to be recognized by the Commission and was by Mr. Verst. Mr. Dykes reminded
5 everyone that we are talking about home based business so the manufacturing itself would need to be
6 small and contained. It's not like anyone wants to build a large manufacturing plant in the R-RE Zone. If
7 I have a garage on my house and I want to build bobbins and sell them. I am not creating a new
8 manufacturing facility. I have a home-based business.
9

10 Mr. Verst thanked Mr. Dykes for his comments, but wanted to clarify for everyone including the
11 Commission that you would be able to construct a new facility as long as it meets the character and
12 setback requirements for the zone in which your property lies, we don't differentiate if you are using it to
13 store your car or your business. Correct? Ms. Minter agreed that was correct. People build accessory
14 structures for a wide variety of reasons. Staff does not distinguish what the purpose of the structure is to
15 be used.
16

17 Mr. Verst thanked Mr. Hermes and Mr. Dykes for their comments and then called the next person listed
18 to speak:
19

20 Mr. Brandon Voelker:
21

22 Mr. Brandon Voelker and Mayor Angelo Penque both approached the podium. Mayor Penque stated
23 that Mr. Voelker would be speaking on behalf of the City of Cold Spring as they have already discussed
24 this issue previously. Mr. Verst thanked Mayor Penque and noted the record accordingly.
25

26 Mr. Brandon Voelker, Legal Counsel for the City of Cold Spring, at 5694 East Alexandria Pike in Cold
27 Spring, stated he had emailed Ms. Minter prior to the meeting tonight. The City of Cold Spring held a
28 caucus meeting last night and he was asked to speak on the City's behalf. City Commissioners Brenda
29 Helton and Lou Gerding are present in the audience tonight. Mr. Voelker identified Mr. Gerding as being
30 on City Council for the past twenty-eight (28) years and previously sat on this Commission for eight (8)
31 years and Ms. Helton has been on council for "too long" in her own words. In respect to all criticism of
32 the City of Cold Spring, the reason for our concern is that if you look at our county, all the cities are little
33 pockets and there is all kind of zoning around them. That zoning is always R-RE. The City's concern
34 is, as Mr. Hermes represented, if you look at your R-RE and compare it to this thing, and I've done a lot
35 of planning and zoning, I know Matt (Mr. Smith) and I would agree with Matt (Mr. Smith) that most of
36 these agriculture concerns are addressed by the agriculture supremacy statute, I don't think we need to
37 address this concern. If I want to process a deer, I'll process a deer. If you want to try to shut them
38 down, I will represent them pro bono.
39

40 What you have here is a major problem in that I have done planning and zoning since I got out of law
41 school and this is the most illogical zoning text that I have ever seen in my life. Why have zoning?
42 Basically, what you have got, and I have looked at your zoning ordinance, you've got these are your
43 commercial zones in the county: an institutional zone, a mixed use zone, neighborhood commercial,
44 highway commercial, professional office, neighborhood shopping center, shopping center, industrial
45 zones 1, 2 and 3, industrial-river zone, and agriculture cluster zone. The only zones in the county, much
46 like Cold Spring, that allows for things like auto repair are the highway commercial and shopping center.
47 Those are the zones you preserve for your more intense uses. So why would you then take your most
48 intense uses and stick them in your residential neighborhoods? Now you can sit here and say "no, this
49 is the R-RE Zone, these are big lots, I have a lot of acreage" and the complaint was that they should be
50 able to do these on an acre and a half. I looked at my parent's property. They live in Makena Estates.
51 Guess what it is zoned, A-1 and a portion in R-RE. Basically, right now, someone can engage in an auto
52 repair business. My business partner, Rob Moore, lives in that subdivision and owns Moore's Garage. I

1 can tell you Rob Moore, working by himself, can turn out more than eight (8) cars a day. So why would
2 he pay for property on AA Highway when he can just move his operation to Makena Drive. Under this
3 ordinance, you are encouraging him to do that. I own a freight company, many of my operators are
4 owner-operators. I pay Bray Trucking and Kenny's Collision to park trucks. Under this, they are going
5 to be moving to your neighborhoods all around here. These are not the little box trucks. These are full
6 blown semis and all and they are allowed to under this. Basically what you've got is, you've taken, rather
7 you like it or not, people who have not been compliant with the law and you are trying to grandfather them
8 in. That is not the purpose of zoning.

9
10 I go back to why have zoning? If you are going to allow manufacturing, you don't even allow
11 manufacturing in anything other than an industrial zone. You've got to have acres along a river. Think
12 of where you have industrial zones at Sara Lee. Now you want to say, well, it can be ok as a conditional
13 use, come on in and ask for it. Look at your regulations and if you look at the lot, you only have to have
14 one (1) acre to be in R-RE or to be A-1. To apply for one of these conditional uses, you only need three
15 (3) acres. I don't know if you have looked at an Antony subdivision or looked at Makena Estates or most
16 of your other subdivisions in the southern portion of this county, most of those lots are one (1) to three
17 (3) acres. Basically what you are doing is, you are going to promote to where you've got people that just
18 thumb their nose at zoning and as Eric (Mr. Hermes) said why go out and move and find a nice
19 commercial lot. More importantly, how are you going to compete? I pay a couple hundred dollars a truck
20 to park my trucks. What I'm probably going to do is change them all to lease operators because guess
21 what they can go park them in their neighborhoods now because of your zoning ordinance. I think
22 sometimes, because maybe you want to help a few, you lose sight of what can happen as a whole.

23
24 The reason this concerns the City is that if you look at Pooles Creek Road, Cold Spring has one side and
25 most of the other side is entirely county. That road has one (1) fatality about every five (5) years and you
26 don't define what you are going to allow in and out. So if I make widgets and my semi comes to pick
27 them up, have you ever tried to get a semi in or out of a driveway on Pooles Creek? Good luck with it.
28 This county is full of roads like that.

29
30 This ordinance makes no mention no concern about the type of truck that may be coming and eight (8)
31 trips. Doesn't say anything about the size of truck or anything like that. If you are going to embark on
32 something like this, this is something you should study over many years. Do it in connection with your
33 comprehensive plan. It's just not sound planning. It is just trying to put a band aid on the fact that you
34 get a few calls of people upset because they don't want to follow the law. I don't know if there are any
35 business owners on this body, but I'd like nothing more than to not have to pay the taxes I do on
36 commercial property. I'd like nothing more than to not have to pay to park those trucks, but you know
37 what I've got to do that in order to operate a business. You shouldn't encourage me to just go set up a
38 sham house. I can even put boarders up there now. Now I can give my drivers a housing allowance and
39 just find them a lot. You are begging people to abuse the system. I don't think that is the purpose of
40 zoning. The problem you've got is that it is going to border a lot of these cities. So people who have
41 bought houses or have built a nice house on an R-RE lot, and most of your nice residential areas in the
42 southern part of the county is R-RE, they are going to be able to conduct a business. I don't think anybody
43 that goes and builds a house on a one (1) to three (3) acres anticipates an auto body shop being next
44 door rather it is in their garage or not it is next door to them. God forbid it be a manufacturing facility that
45 you are not even willing to define. I mean what if I can't even imagine what someone can build in there.

46
47 It is just not sound zoning. That is why the City, the Mayor and I were asked last night to come here
48 tonight. I think Lou Gerding and Brenda Helton joins and supports me in this view. Lou and Brenda have
49 been through this a long time. Cold Spring has seen huge amounts of growth, but there has always been
50 that you do have to control it. You can't allow people to violate your ordinances. Most of the time, if you
51 keep to acting within the ordinances, things work right. You concerned about money. Revenue is not a
52 problem in Cold Spring, but they have strict zoning. There is a place for people to build heavy industrial.

1 There is a place for people to build heavy commercial. But, it is not in our neighborhoods. It is just I go
2 back to why have zoning at all? If you are going to allow people to apply for a conditional use to build a
3 manufacturing facility on a three (3) acre lot, take your zoning ordinance and just throw it down the toilet.
4 There is no need for it. As it pertains to general standards, what someone would deem reasonable or
5 not, I think that you need to define those and, at a minimum, what I would ask is if you are going to allow
6 this, put it in the A-1 Zone and make it require at least ten (10) acres that way if someone is going to do
7 this they are out there on an island. Keep the R-RE out of it. The R-RE is a residential zone. It's not a
8 zone for these types of uses you are proposing.
9

10 Mr. Verst asked Mr. Voelker to summarize his comments. Are you saying you think you're opposed to
11 any business of any kind operating in the R-RE or A-1 Zone? Mr. Voelker stated that you are always
12 going to have home occupation business. That has never been a problem and it's not a problem now.
13 What you are trying to do is to grandfather in intense uses. If you look at your zoning ordinance, sawmills
14 are allowed in your agriculture zone. You know why? It is sound zoning. Look at where people build
15 sawmills. They don't build them next to interstates. They build them out where people live on farms or
16 people bring lumber. Your existing regulations are perfectly fine. You have agritourism. You get caught
17 up on defining event centers, but it is allowed as agritourism. Mr. Neltner is here and he has been granted
18 a zoning permit because he is agritourism. Mr. Neltner interjected that he doesn't have a zoning permit
19 which is why he is here tonight to get a clarification.
20

21 Mr. Voelker continued that your existing stuff works. What you are doing here is you're basically just
22 trying to go in because people want to operate contrary to zoning and set up a mechanism rather it is the
23 Board of Adjustment or someone else is going to set up here ad hoc and determine what is reasonable
24 traffic and what is reasonable sights and sounds. I mean the one regulation you've got makes absolutely
25 no sense "the traffic shall be generated than that generated by a residential area" well you are putting a
26 commercial use in it obviously it is going to generate more traffic than a residential area. Because I don't
27 have a semi coming on my street to pick-up whatever I'm manufacturing. This is I have covered I don't
28 know how many zoning meetings in my lifetime and I know Matt (Mr. Smith) has as well I have never
29 seen anything written this bad. It's just not sound. If you want to do something like this go back to the
30 drawing board and look at what your real problem is and if it is a matter that it is a complaint driven thing,
31 if people are not follow the law, then go out and cite them. They'll go out or they'll seek a variance or
32 something. But this isn't about a guy who kid is coming and going and wants to do plumbing work or
33 something. They are not doing anything on site. They are operating their office out of their house and
34 then getting in their plumbing van and they're driving all over. There not doing anything. I'll guarantee
35 you that they are paying an occupational license fee to cities and other counties where they are going so
36 they are not operating on their grounds. This is just overkill and not needed. But you are begging it to
37 where you are going to have people take advantage of it and put these uses in R-RE Zone because
38 guess what, as that one gentleman stated, I can go and buy land at \$5,000 an acre to put my trucks and
39 all but guess what you do this and I can afford to do that what I can't afford to do is go buy land down in
40 Wilder from the Bray's for \$200,000 an acre but I'll be able to go plant my trucks all around town now.
41 That is what I'm saying it is short-sighted and doesn't make good planning sense.
42

43 Mr. Williams asked Mr. Voelker how he would define "reasonable". Mr. Voelker stated when you talk
44 about sound you should list decibels like most of your industrial zones have a decibel level. I've seen
45 Silver Groves before and it is like 70. Mr. Williams asked how he would define reasonable in terms of
46 traffic. Mr. Voelker stated that the text says no less than eight (8) trips so that is obviously a set number,
47 but that one provision you've got as I mean this one statement "Based upon the potential nuisances of a
48 proposed Home-Based Business, it may be determine that a particular type or intensity of use is
49 unsuitable to be a Home-Based Business or that the proposed lot area or setbacks are not sufficient."
50 How are you going to apply that when you've got setback rules in your R-RE and A-1 Zone? You are
51 asking somebody to sit there and just arbitrarily decide "I like this" or "I don't like that". Mr. Williams stated
52 that Mr. Voelker did not have a definite answer on how to define "reasonable" either. Mr. Voelker stated

1 that reasonable has to be set at a number. The way you define it must be set the same way as you would
2 a residential area. Mr. Williams asked Mr. Voelker to give the Commission a number. With all your
3 experience and knowledge, just give us a number. Mr. Voelker said he would assume that if you are
4 going to say no more than eight (8) trips then eight (8) trips should be your number.
5

6 Mr. Williams asked Mr. Voelker to confirm eight (8) trips is ok with him. Mr. Voelker stated he didn't think
7 the Commission should do this ordinance at all, but if you are going to put a number on it, then you should
8 put a number on it. For example, if you are going to allow deliveries and let's say a semi is going to come
9 by and pick stuff up why would you want to allow me to have maybe four (4) semi's a day or that I only
10 partially fill them or maybe instead you could manufacture something and put them on pallets and maybe
11 because I've got these going to different places I don't want them to all go on one truck and maybe they
12 have to go to a warehouse to be broke down so I'm trying to stagger them so just come in and get a
13 single pallet so I've got four (4) trucks coming versus where maybe just one truck could have come in
14 and gotten all my pallets. That's what I'm saying just using the (word) "reasonable" is tough. You have
15 got no system of measurement for "reasonable" other than It's just like you go back to a famous Supreme
16 Court Case I think Black said "I know pornography when I see it." You know that's now a common joke
17 in law school because no what somebody might view as pornography might be viewed differently to
18 someone else. I think it is important to put a set number value to anything.
19

20 Mr. Williams commented it was not Hugo Black who said that. Mr. Voelker asked who it was because he
21 didn't remember. Mr. Verst stated that it is not pertinent to our subject so let's keep this meeting moving.
22

23 Mr. Verst continued that, unfortunately, zoning is not black and white. There is always interpretation
24 which is why we have a Board of Adjustment. That's why conditional use exist because if you have a
25 completely rigid zoning ordinance that has no flexibility that is oppressive to businesses and to land use
26 property rights so we have a Board of Adjustment that hears conditional use permits. I think this text is
27 set out to give some guidelines as to what would be considered a general home-based business. If you
28 meet these guidelines, you are good. If you fall outside those parameters, you need to go explain that
29 you are not going to be a nuisance to the neighborhood. We are setting up a process to evaluate the
30 uses.
31

32 Mr. Voelker stated that if this passes, then I don't need to go before the Board of Adjustment to park my
33 semi on my one (1) acre lot. On my one (1) acre lot, I can park my semi there tomorrow if this passes.
34 Am I wrong? Mr. Williams interjected that if, and I'm sure he's got examples of where semis have been
35 driving up and down residential communities, you've got a semi-truck pulling into a driveway and that
36 couldn't be done as we both know, then that is not a business being operated within or rather the
37 operation of business is visible outside the four walls. I'm not even concerned about semis driving around
38 in residential zones. That would be obvious that it would be operated in contravention or contrary to the
39 code and I think we just - these examples of semis is absurd.
40

41 Mr. Verst asked Ms. Minter if she wanted to provide any clarification. Ms. Minter stated that she wanted
42 to clarify a definition that maybe not everyone is aware of. Traditionally, a tractor trailer driver is referred
43 to as an "owner/operator". As proposed in the text right now, it reads "Trucking Owner/Operator limited
44 to one (1) vehicle." I have highlighted that item so that we can come back and discuss this item. I think
45 it is a valid point that Mr. Voelker has pointed out.
46

47 Mr. Stapleton added that the owner/operator drives the truck for a living and he drives the truck when he
48 is done with his run. I owned a logistics company as well which was an \$80 Million company with eighty
49 (80) employees and I would never encourage my truck drivers, even if I had an exemption, to take semis
50 home period. You know as well as I do that you don't want truck drivers taking company vehicles. This
51 text refers to a guy that makes his living driving a semi and he is going to take it home and park in his

1 driveway and he going to sleep and then Monday morning he is going to drive away. Not with his trailer,
2 but with the "tractor".
3

4 Mr. Voelker stated that he has drivers that work for me and what I do is they just run under my authority
5 but they are their own owner/operator and they do take their vehicles home. Mr. Williams asked Mr.
6 Voelker to clarify if they take the trailers home. Mr. Voelker replied they did not.
7

8 Mr. Stapleton stated that is what he is talking about. Typically, the owner/operator doesn't drive the
9 trailers home just the tractor. Mr. Voelker stated it was about fifty/fifty (50/50) with the truck and the trailer
10 go. Mr. Voelker continued that he was just pointing that out to illustrate the significance that you are
11 take uses that are intended for your intense commercial zones i.e. Highway Commercial, Shopping
12 Center or Industrial Zones and allowing them in a residential zone. That is the whole reason that I pointed
13 that out. Because you are going to allow manufacturing which is obviously a variance.
14

15 Mr. Verst proceeded to confirm that this item in the text has been highlighted and we will come back to
16 that topic to discuss in further detail later.
17

18 Mr. Verst thanked Mr. Voelker for his comments and then called the next person listed to speak:
19

20 Mr. Brian Painter:
21

22 Mr. Brian Painter of 1892 Grandview Road, Alexandria, approached the podium. Mr. Painter began by
23 wishing everyone a good evening and thanked the Commission for taking his public comment. First I
24 would like to sing the song of praise and encouragement for the people serving on the planning and
25 zoning commission, and for the county staff for taking on the effort of keeping our small business viable
26 in our county. Thank you so much for your time and effort, you are greatly appreciated.
27

28 Last week our Governor, Matt Bevin, started an initiative to review the 4,500 or so state regulations
29 pertaining to small business, some of which have not been revised or updated since the early 1970's. His
30 goal was to make it less cumbersome to do business in the state and to promote new business. The
31 planning and zoning commission's corresponding effort to examine our business environment is timely,
32 and I feel equally important.
33

34 Historically, the foundation of our country and our state was based on creative individuals building small
35 businesses. I would like to share my family's story of small business in the County. The place where I
36 currently live has had three generations of family business. My Grandfather Bill Schwerin developed a
37 fruit grafting and tying tool business that grew from his vineyard development in the 1950's and 1960's.
38 As a boy, I was employed by him in his home shop, using the wire winding machines and other machines
39 he developed to produce boxes full of equipment that we shipped out to other vineyards around the
40 country and to Europe. My dad, Harold Painter, also had a small business in our family home filing tax
41 returns for clients all over the area. This was before the days of turbo tax, and dad saved many people
42 money and long trips to have taxes done in the urban areas, which were difficult to access in those days.
43 Today I have a home shop in which I produce architectural millwork products for delivery to others, using
44 skills I learned in part from my grandfather. All three businesses were run from our rural homes/shops.
45 My business is probably the only one that was required to pay the occupational tax license fee and tax
46 to the county on the profitable portion of my income, which I do pay.
47

48 I dare not guess the portion of our county GDP that comes from home businesses in unincorporated
49 Campbell County, I am sure it is substantial. On my road, I know of no fewer than six businesses that are
50 operated from homes or associated shops. This includes everything from plumbing and heavy equipment

1 businesses, to body shops, to wood type shops like mine. There very well may be several more
2 businesses operating that I do not know about and there is no visual indication from the road. Each dollar
3 made from these businesses naturally goes to build our local economies. The vast majority are like me,
4 and treat our neighbors as we would like to be treated, with limited noise or traffic or any other distraction
5 that would make us uncomfortable.
6

7 Campbell County is not a perfect place. Our people are not perfect, but we have a good work ethic, are
8 entrepreneurial, inventive, and want our community to be prosperous. As you review the ordinances to
9 allow local business to prosper, I ask that you take these things into consideration. The best advice I can
10 give is "don't let perfect be the enemy of pretty good".
11

12 Mr. Painter concluded by thanking everyone for their time in letting him comment and added "God Bless
13 your efforts." Mr. Verst asked Mr. Painter to confirm he was generally in favor of the proposed text
14 amendment. Mr. Painter agreed stating that he liked the actual acknowledgement that there will be
15 additional trips into and out of the business even a wholesale business where you have just the owner
16 has to go in and out more than just you would do if they were a regular job. I think that is very much
17 merited there. The other things is not just one complaint. I think Mr. Dykes' observation there that you
18 can have one (1) neighbor there that you just don't get along with and it happens and they find an avenue
19 to knit pick you on something and pretty soon we lose a business and it goes to Bracken County. A \$1
20 Million dollar business. We need that tax revenue in Campbell County there are things we want to do
21 improvements we want to make to our road base, to our recreation base, and there are things we want
22 to do. We want to help business and encourage you and I think it became clear that it is time to take a
23 look at these things. That is what Governor Bevin is doing that at a state level. He is trying to enable
24 people to have a common sense improvement of the business environment here in Kentucky. Mr. Painter
25 applauded the Commissions efforts to make it so in our Unincorporated Campbell County because it is
26 definitely happening and it has happened. I just gave a synopsis of my family's history. We have been
27 operating a small business on that site since the 50's. Three (3) generations of people doing things that
28 are productive, that put money in local business, and in local groceries. It just makes this a more
29 prosperous place.
30

31 Ms. Blake asked Mr. Painter to clarify his comment "don't let perfect be an enemy of pretty good". Mr.
32 Painter stated it was just an old saying. There are going to be things in your ordinance that are not
33 perfect. You are going to have situations that arise that need to go to the Board of Adjustment and that
34 need staff to work with the business owner to come up with a better solution or maybe it's time for them
35 to go out and get a store front on US 27.
36

37 Mr. Verst thanked Mr. Painter for his comments and then called the next person listed to speak:
38

39 Ms. Anna Zinkhon:
40

41 Ms. Anna Zinkhon of 5210 Owl Creek, Camp Springs, stepped forward and identified herself as the owner
42 of Misty Ridge Farm. Mr. Verst had Ms. Zinkhon spell her name for the record. Ms. Zinkhon stated that
43 she didn't really have anything to add, but asked for a clarification of the process that occurs when there
44 is a violation or there is a complaint. She wants to make certain that process is current if they do change
45 the text. Part of the thing that she has learned is that you have to be a part of the adjoining property
46 owner in order to complain. Maybe that is incorrect? It may be insufficient if there are a lot of changes.
47

48 Mr. Verst identified that in Campbell County we have a Zoning Administrator, Cindy Minter, sitting right
49 there in front. If you have a zoning complaint for anyone, next door, down the street or across the county,

1 you contact their office. A complaint can be submitted by anyone. You do not have to be an adjoining
2 property owner to submit your complaint. Ms. Zinkhon asked so you don't have to be an adjoining
3 property owner? Mr. Verst confirmed you did not. If you are driving down a street and see something
4 you think is a zoning violation, contact Ms. Minter's office and they will take the information.
5

6 Ms. Zinkhon asked how it was enforced. Mr. Verst called Ms. Minter to address that question. Ms. Minter
7 replied that when a complaint is received, staff first tries to gather as many facts as we can with respect
8 to that complaint. They will compare to the ordinances in place and that doesn't limit itself to home-based
9 businesses. For example, let's say we get a complaint on a blight issue. We go to the site and look to
10 see what is going on. We try to reach out and contact the property owner. Our first method is to try to
11 resolve the issue. Is it really about a complaint? Can the issue be resolved? Sometimes, it takes a little
12 bit more time than others to work through. Sometimes, the property owners work it out amongst
13 themselves. Many times the complaint is not based upon what the complaint was about. There is usually
14 something else going on. We try to find that compromise first. If there is truly a violation or we cannot
15 resolve the issue, we have to take action after that.
16

17 Mr. Smith asked if they issued an opinion that you find them in violation (if they are really in violation)
18 after you investigation is complete. If they couldn't conform to the ordinances; then that individual would
19 have an opportunity to appeal to the Board of Adjustment if they disagree with the opinion of the zoning
20 administrator. Ms. Minter agreed that was correct. Mr. Verst added that would address all items that are
21 zoning related. If there is something that is not zoning related, such as a noise complaint not related to
22 a business, would you be able to advise them or refer them to the police if it were not blight or zoning
23 related. Ms. Minter agreed. Sometimes, we get a call where they believe there is drug use on the site.
24 We ask the person calling to call the police department directly. This is not something that would be
25 regulated from a zoning perspective.
26

27 Mr. Verst asked Ms. Zinkhon if that was all her questions. She indicated it was. Mr. Verst thanked Ms.
28 Zinkhon for her comments and then called the next person listed to speak:
29

30 Mr. Charlie Krift:
31

32 Mr. Charlie Krift of 2470 Newberry Road, California, stepped forward. Mr. Krift advised the Commission
33 that he was going to be brief. I commended the Commission for looking into the revision of the text and
34 trying to get some of these items corrected. I can think of multiple, multiple home businesses that are
35 currently in violation of some of these codes. Not that they are trying to get by and break codes, they
36 simply don't know they are in violation. I, myself, not currently, but in the past, have conducted home
37 business from my home and I was apparently in violation of some of these codes. I didn't know I was in
38 violation. I was simply conducting business the same way my father, my grandparents and my uncles
39 have in the past. I just wanted to commend you again for looking into and addressing some of these
40 issues.
41

42 Mr. Verst asked Mr. Krift if he had any specific comments on the text that was proposed. Mr. Krift stated
43 he agreed with most of the changes. Mr. Verst thanked Mr. Krift for his comments and then called for
44 the next person listed to speak:
45

46 Mr. Kevin Neltner:
47

48 Mr. Kevin Neltner of 6922 Four Mile Road, Melbourne, stepped forward. Mr. Neltner identified himself
49 as being from Neltner Farm. I'm going to be short and sweet about this. I really didn't come to talk, but
50 as I was sitting in the crowd. I am with the Farmland Work Group and got an email about this planning
51 and zoning meeting and was asked to sit in. I figured if I didn't chime in I couldn't ask any questions. Mr.
52 Neltner wanted to know if the "event facility" was directed towards him specifically or if it is a lot in the

1 county. That is definitely an eye opener for him. Everything is agritourism. They are a full time farm
2 going back 125 years. It is a concern to him because the wedding events really exploded on his farm.
3 He doesn't know if he is in violation or not.
4

5 Mr. Verst asked Mr. Neltner what his opinion was about "event" venues being allowed in the A-1 Zone.
6 Mr. Neltner stated he doesn't understand how you have a "farm" wedding without the farm. He believed
7 it went in directly with agritourism. He is not looking to put up an event facility. He is a full-time farm and
8 just does the weddings on the side. It is pretty hard though to say you want a farm wedding without the
9 farm. Mr. Verst asked if he understood it correctly that the text shows event facility as a conditional use
10 in the A-1 Zone unless you have been in operation for ten (10) years then you would be grandfathered
11 in as a non-conforming use. We have it listed that event facilities as a conditional use in the A-1 Zone if
12 you have at least five (5) acres. Mr. Neltner asked if Mr. Verst was saying he was in violation.
13

14 Ms. Minter interjected at this point. The success of the Neltner Farm has raised a lot of comments and
15 concerns about people that want to be just like the Neltner Farm. Staff would classify the wedding events
16 at Neltner Farm as a form of agritourism which is a permitted use. Now we are getting interest from
17 people that want to purchase land in the A-1 Zone specifically to have event facilities without any farming
18 or agriculture activity or historic farm nature that Neltner Farm has and wanting to establish a new facility
19 whose primary purpose is special events. It is something that we need to discuss and try to find the right
20 mechanism for defining it. It may be something that we don't want to permit and you want to leave only
21 those that fall under the umbrella of agritourism. But we have had enough request that it is necessary
22 for the Planning Commission to discuss this topic.
23

24 Mr. Verst asked Ms. Minter for a definition of agritourism and how that works. Ms. Minter stated that we
25 do have a definition for agritourism in our Zoning Ordinance. Mr. Hunter read from the Zoning Ordinance:
26

27 *AGRITOURISM: Seasonal Agricultural related tourism held on a working farm.*
28

29 Mr. Hunter commented that some of the confusion may be that if somebody buys a plot of land to just
30 have events on it then that does not qualify as a working farm. That is a special event facility. That will
31 not pertain to a working farm that occasionally holds events to subsidize the farm. The event facility
32 would be the primary use and not the accessory use of the property. Mr. Verst replied that Mr. Neltner
33 would be following the guidelines under "agritourism" which is a permitted use.
34

35 Mr. Verst asked staff to highlight this topic and the Commission can come back to this issue in their
36 discussions. Mr. Verst advised the Commission that no one else was signed in to speak. Before opening
37 up for discussion among the Board, Mr. Verst stated that someone may be called up to answer a specific
38 question. Mr. Verst asked if the Commission wanted to take a brief break. Ms. Minter advised that staff
39 would request a brief break. Mr. Verst stated he would entertain a motion on behalf of staff. Mr. Barrow
40 made a motion to take a brief recess. Mr. Verst called for a second. Mr. Williams seconded the motion.
41 At 9:08 PM, Mr. Verst called for an oral vote. All Commissioners voted "Aye". No one voted "No" or
42 abstained. Motion passed.
43

44 ***[Brief recess occurred.]***
45

46 Mr. Verst called the meeting to order again at 9:17 PM.
47

48 Mr. Verst thanked the public for staying and opened the floor for discussion among the Commission. Mr.
49 Verst advised Ms. Minter that he wanted to start at the top and work our way to the bottom and review
50 the proposed text and discuss the items we had previously highlighted. We'll work to the end and see if
51 we have a document that we can reach a consensus on.
52

1 The first item Mr. Verst identified was the number of employees listed under Section 9.11 Home- Based
2 Business, A. General Requirements:, Item #1:

- 3
4 1. No more than one (1) employee other than those residing on the premises shall be
5 engaged in a Home-Based Businesses on the premises at any one point in time.
6

7 Mr. Williams stated that a member of the audience commented that they may have a member of the
8 family that wants to help with the business. For example, let's say I want to have a business making
9 duck calls. I have teenage children and maybe adult children that no longer reside with me that are going
10 to help me box up my duck calls in the barn for shipping. I see no problem with that. Mr. Verst asked
11 how he felt in an instance where you have ninety-seven (97) first cousins that all want to come over and
12 help box up duck calls. Mr. Williams stated that as long as they're family, why not. Mr. Verst stated that
13 the reasoning he believes is that when you get that large, you begin to move beyond the residential
14 presence of the site. Mr. Williams asked how you tell your family they can't come over.
15

16 Ms. Minter read from the existing ordinance:

- 17
18 A. No persons other than members of the family residing in the premises shall be engaged
19 in such operation.
20

21 What staff has proposed is to remove the qualifying criteria that the person be a member of the family to
22 avoid having to establish a definition of "family". This would be difficult to do. Mr. Stapleton commented
23 that "family" and "employee" are two completely different things. Mr. Williams talked about family coming
24 over to help, but an employee is a paid person at a company. I think you definitely have to set a solid
25 number of how many employees you want to allow. We need to scale a number excluding family
26 members that can come to the site because that would outgrow the residential setting. Mr. Williams
27 stated he thinks they're right. It could be abused.
28

29 Mr. Verst asked what the Commission felt about the proposed text. Mr. Stapleton commented it says
30 one (1) employee other than family. Ms. Minter advised that staff's interpretation would be that you have
31 one (1) employee at any given time other than those residing on the premises. For example, you have
32 one (1) employee that comes only on Tuesdays and another that comes only on Thursdays, as long as
33 they are not on site at the same time, staff does not consider this more than one (1) employee. The
34 Commission agreed.
35

36 Mr. Barrow stated he knows of a specific instance that a teacher for a period of six (6) weeks over the
37 summer has two (2) other teaches come to her home and assist with summer education for disabled
38 students. How would she fit in there? Ms. Minter summarized that initially staff would ask if she has
39 more than one (1) employee at her home at any one time; in this instance there would be two (2). Ms.
40 Minter continued that in this instance the teacher would need to apply for some kind of waiver since she
41 has more than one (1) employee. Mr. Barrow asked Ms. Minter to confirm that there is a provision to
42 allow her to be considered and to continue. Ms. Minter agreed there was. Mr. Barrow asked who would
43 hear that request. Ms. Minter stated it would go to the Board of Adjustment. Mr. Barrow commented that
44 she would have to pay a fee to apply to the county; then another fee to go before the Board of Adjustment.
45 He is not happy with that situation.
46

47 Mr. Stapleton asked to be recognized and was. Mr. Stapleton stated in 2008 we had a market crash and
48 a lot of people in this county and in this country lost their jobs. A lot of those people who are my neighbors
49 now and neighbors of all those people out there began mowing grass, removing snow, building houses
50 and just doing whatever they do. I got on this Commission because the previous director who ran staff
51 did some things to people like me and other people in this room including people standing up here. My
52 goal has always been, and I think I speak for most of the Commission, is to be fair to all the people sitting

1 out there. So you understand what we do when you look at these things, you understand these
2 regulations. We don't want to make it so that the Neltner Family in Camp Springs is the only one in
3 Campbell County that can have a wedding on a farm. My comment to everybody including the
4 Commission is I'm not worried about the people. Everyone sitting up here are good people. My concern
5 is the people that come after us. And the people read these and understand them and it makes sense.
6 I have told you repeatedly why I came aboard. I understand the concerns of the City of Cold Spring and
7 we might be the City of Cold Spring or the City of Alexandria one of these days. Right now we're
8 somewhere between Camp Spring or Melbourne or Cold Spring or whatever it is. I don't think we are
9 ever going to agree with absolutely everything. I think, number one, we need to make it to where people
10 can understand it and number two it applies fairly to everybody. I appreciate what Mr. Dykes said about
11 having to move to Bracken County. I hope we can do this and do it right so it is fair to everybody. Like
12 one (1) employee thing, I don't want to make it so every time we get more than one (1) employee we
13 have to run to the BOA for a permit. I was willing to put as much time into this as we needed to in order
14 to get this right. I don't want to have to make my kids go through crap because of this.

15
16 Mr. Verst stated Mr. Painter had it right when he stated that we shouldn't let perfect be the enemy of
17 good. Our task is to get it as good as we can, but it still won't be perfect. We may be back here in a year
18 because we thought one (1) employee was good, but find out in practicality it doesn't work, but we take
19 our best shot at getting it right. Ms. Minter asked if the Commission wanted her to leave highlighted and
20 come back to it again. Mr. Stapleton stated he thinks this is a good place to start. Mr. Williams stated
21 he thinks we should just go with it and we can change it at a later date if we need to and he withdrew his
22 objections. Mr. Verst reminded everyone that we are complaint driven. If someone has two (2)
23 employees instead of one (1), it isn't going to be an issue unless someone complains. If the additional
24 employee is not causing an issue and no one is complaining, then the additional employee is not going
25 to be addressed. Once a complaint is received then there is a method to address that complaint.

26
27 The next items Mr. Verst had noted we needed to discuss was under Section 9.11 Home- Based
28 Business, A. General Requirements:, Item #6:, did anyone have something before that. Ms. Minter
29 stated that we had received a comment on proposed item #2 to strike the word "completely" before the
30 word "outdoors" and to remove any reference to the gross floor area because it would be so difficult to
31 try to calculate for enforcement purposes. It would now read:

- 32
33 2. The use of a structure for the Home-Based Business shall be clearly incidental and
34 subordinate to its use for residential purposes. The Home-Based Business shall be
35 conducted ~~completely~~ indoors. ~~When conducted within a residential dwelling, not more~~
36 ~~that twenty five (25) percent of the gross floor area of the total residential dwelling unit~~
37 ~~shall be used in the conduct of Home Based Businesses.~~

38
39 Mr. Verst asked if the Commission had any comment on that change. There being no comment, Mr.
40 Verst proceeded to the next item which was for the advertisement one - item #6:

- 41
42 6. ~~The address of the Home Based Business shall not be advertised in such a way that would~~
43 ~~encourage vehicle or pedestrian traffic in conflict with this ordinance. ~~to come to the~~~~
44 ~~property without an appointment.~~

45
46 Mr. Verst stated that the way he reads that is to be able to control the flow of traffic to the property which
47 is why I believe "by appointment only" is in there. Do we feel like the "by appointment only" is necessary?
48 Legal Counsel commented that we may not be able to address that by signage because it may be
49 considered regulation of content which is not permitted. Mr. Williams stated that he likes the idea of
50 having "by appointment only", but if we have to eliminate it from the context of advertising then if that is
51 the law then that's the law. I think that a home based business ought to just understand that your
52 customers, if any, should be by appointment only. You can't have that kind of traffic and that is the

1 concern is the traffic. Mr. Smith stated that, to stay away from the free speech issue and regulation of
2 content in advertisement, we have the controls in the number of employees and the limitation of traffic. I
3 think we have covered the issue. What we are really trying to prevent is excessive traffic or traffic that
4 impedes the normal setting in a residential area. In some businesses, they are just not conducive to
5 appointments. For example, accountants or lawyers, they are professionals, but you know you can think
6 of a day care facility or some other contemplated small business that would not be. Their business is
7 just not set up by appointment only. Mr. Williams asked if Mr. Smith's recommendation was to remove
8 the "to come to the property without an appointment". Mr. Smith stated that he thinks the Commission
9 focus on the number of employees and restrictions on traffic. Mr. Williams stated he withdrew his
10 comments. He thought it was brilliant at the time. Mr. Verst agreed. If you reviewed the list provided by
11 staff, most of those would be instances that you would schedule an appointment for. Mr. Verst asked
12 how the Commission felt about striking the entire item #6. No one opposed.

13
14 Mr. Verst continued to the next highlighted item...item #7:

- 15
16 7. No unreasonable traffic or parking shall be generated by a Home-Based Business,
17 ~~including appointments,~~ in greater volumes, location or type than would normally be
18 expected in a residential neighborhood.

19
20 Mr. Williams commented that Mr. Voelker never did give us a definition of "unreasonable" before leaving
21 the meeting tonight. Mr. Verst stated he didn't think we could define "unreasonable". Ms. Minter provided
22 some examples of where there were traffic issues before such as: when tow trucks drop off vehicles on
23 the street or block the street while cars are being dropped off; delivery of equipment causing disruption
24 to the regular traffic flow on the street. That is what I would consider to be "unreasonable" traffic. It is
25 more that it is disrupting the traffic that is out there by either volume or type. Mr. Verst commented on the
26 box truck that blocks the road for an hour while it is unloaded. Ms. Minter replied that was exactly it.
27 They are blocking the street because the residence is not providing the off-street parking or
28 loading/unloading zone or it is an exceptionally large vehicle that is not used to traveling the street it is
29 not designed for.

30
31 Mr. Verst stated that he did not feel "unreasonable" is something that could be defined. It is open to
32 interpretation and it pretty much has to be. Mr. Stapleton stated that the way it is written it explains itself.
33 If you park five (5) trucks on the street, this is an issue. Ms. Minter pointed out that we have the phrase
34 "including appointments" but we struck that reference elsewhere. Mr. Verst agreed that should be
35 deleted. Mr. Verst asked if the Commission had any comments or concerns with that item. No one
36 opposed.

37
38 Mr. Verst moved on to the next item which was the deletion of the temporary garage and/or yard sales
39 because the county does not require permitting for those and this text change is strictly for the
40 Unincorporated Campbell County.

- 41
42 8. ~~Temporary garage and/or yard sales may be governed by a separate county or city~~
43 ~~ordinance.~~

44
45 Mr. Verst stated he had no more items for Section A. General Requirements. Ms. Minter replied that
46 there was a proposed change to item 9 in Section A. We added the word "toxic" on the first line and
47 then delete the last sentence.

- 48
49 9. The use shall not involve the storage or use of toxic, hazardous, flammable or explosive
50 substances, other than types and amounts commonly found in a dwelling. ~~The use shall~~
51 ~~not involve the use or storage of toxic substances.~~

1 Mr. Verst agreed that would be appropriate. No one opposed.

2
3 Mr. Verst asked for the next item. Ms. Minter replied that there was a stand-alone paragraph at the end
4 of Section A that it has been recommended to make it bullet point item 11 and to delete the last portion
5 of the paragraph. To just keep it simple.

- 6
7 **11.** Based upon the potential nuisances of a proposed Home-Based Business, it may be
8 determined that a particular type, or intensity, or of use is unsuitable. ~~to be a Home Based~~
9 ~~Business or that the proposed lot area or setbacks are not sufficient.~~

10
11 Mr. Verst asked if that determination would be made by the Zoning Administrator and then appealable to
12 the Board of Adjustment or just directly apply to the Board of Adjustment as a conditional use. Ms. Minter
13 agreed. Mr. Verst asked if the Commission had any comments or questions on this one. No one spoke.

14
15 Mr. Verst stated that was all he had for Section A unless anyone had any other comments. There were
16 no comments from the Commission nor the public. Mr. Verst proceeded to Section B. Light Home-Based
17 Business. The only item he had highlighted to go back to was the issue of the "Trucking Owner/Operator".
18 Mr. Verst stated that he understands this to pertain to the motorized tractor itself and not the trailer. Do
19 we need a clarification on that?

20
21 Mr. Verst asked Mr. Stapleton his opinion. Mr. Stapleton stated that as long as it is one (1) tractor vehicle
22 without a trailer or one power unit with no trailer. Mr. Smith asked if there was anything in our Zoning
23 Ordinance about parking of tractor or trailer or any limitation on someone driving a trailer onto their
24 property and keeping it overnight. Ms. Minter stated that she was not aware of it. Mr. Williams asked if
25 it had ever been an issue. Ms. Minter stated she was aware a couple of the cities had concerns at times,
26 but not in the Unincorporated Campbell County. Mr. Smith stated what he struggling with is...if I owned
27 a trucking business and have two (2) parking pads and I park two (2) trailers on those pads...there's
28 nothing in our existing zoning that restricts me from doing that right now right? Ms. Minter stated she did
29 not think so. If you are bringing your take home vehicle home with you and you are employed somewhere
30 else there nothing that would come into play. Mr. Smith asked if under Section A. Light Home-Based
31 Business we are only stating that you are exempt from getting a permit if you have less than two (2)
32 trucks.

33
34 Mr. Stapleton said if you are talking about the R-RE or A-1 Zones even farmers have tractors to haul
35 stuff. Mr. Verst stated that would fall under the parameters of "agriculture uses". Mr. Stapleton said he
36 was talking about parking in a subdivision versus parking on a farm. Mr. Smith agreed but clarified that
37 he was asking if there is any existing text to stop someone from bringing that tractor trailer to you home
38 and parking it. Ms. Minter stated there are regulations about if you were parking an RV, but. Mr. Hunter
39 interrupted at this point. Mr. Hunter stated that there is a section in our Zoning Ordinance that may be
40 open to interpretation, but it does refer to the outside storage of "any trailer". Ms. Minter asked Mr. Hunter
41 to read Section 9.22 into the record as follows:

42
43 **SECTION 9.22 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS,**
44 **MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE**
45 **EQUIPMENT**

- 46
47 **A.** *No motor vehicle, which is inoperable, shall be stored on any lot in any zone or parcel of*
48 *ground unless it is in a completely enclosed building. Parking shall be limited to the*
49 *number of operable vehicles regularly used by members of a resident family and their*
50 *guests.*

1 B. *It shall be unlawful for any person or persons to live in any automobile, camper, bus, boat,*
2 *or truck, within the limits of the County, except mobile homes may be permitted as provided*
3 *herein and houseboats along the Licking and Ohio Rivers providing they are in accordance*
4 *with state requirements.*

5
6 C. **The outside storage of any trailer**, *mobile home, recreational vehicle, camper, boat, or*
7 *similar type equipment shall be restricted to the rear yard of all lots within the County,*
8 *except as herein provided and in cases where, due to unique conditions, topographic or*
9 *other, which do not allow use of the rear yard, the Planning and Zoning Commission may*
10 *permit such storage on another part of the lot.*

11
12 Mr. Verst stated that currently you are permitted to store that trailer. Ms. Blake commented that it says
13 “storage”. Mr. Smith agreed that there is a big difference between “storage” and “use”. Mr. Verst said
14 this is the Light Home-Based Business section of the text. So if you meet these requirements, it is
15 reasonable to allow you to have one (1) tractor, but if you have two (2) or more, you need to go before
16 the Board of Adjustment to obtain approval of the conditional use. Does everybody feel that allowing one
17 (1) vehicle would be acceptable? Mr. Smith stated that if it is just one (1) vehicle then it would fall under
18 the other regulations. You would be a General Home-Based Business. Mr. Verst stated you could still
19 park your trailer on your site overnight. Ms. Minter stated you would still be subject to Section 9.22
20 though. So you would have to store it in the back yard. Mr. Verst stated you could have that one vehicle
21 without trailer. Ms. Blake asked where the “without trailer” was located. Mr. Verst stated Mr. Stapleton
22 added that text with his comments. Mr. Williams stated we do have Section 9.22 so if it hasn’t been
23 problem, let’s not create one. Mr. Verst read out loud:

- 24
25 • Trucking Owner/Operator limited to one (1) **motorized vehicle without trailer.**

26
27 Mr. Verst stated his general stance is that according to our current Zoning Ordinance right now you can
28 park three (3) trailers in your back yard and they are allowed to do it. This is setting a higher standard
29 saying if you meet this standard you are not required to obtain a specific zoning permit, but if you are
30 creating a problem because you are bringing three (3) trucks home then you need to go before the Board
31 of Adjustment and be evaluated to see if you are making an nuisance issue or not. I think this the
32 appropriate place to put this. They guy still has the ability to park three (3) trucks in his back yard if he
33 wants, but if he wants to be a home-based business, he needs to get his conditional use permit.

34
35 Mr. Verst asked if there were any additional comments regarding this item. There being none, Mr. Verst
36 proceeded to the next item. Under Section C. General Home-Based Business:, were there any
37 comments or concerns. Ms. Minter commented that we defined some general criteria that needs to be
38 met to be a home-based business; then, in the Light Home-Based Business, we had additional criteria
39 that needed to be met. When we get to C. General Home-Based Business, we state:

40
41 *In addition to the General Requirements (listed above), General Home-Based Businesses are*
42 *subject to the additional requirements:*

43
44 I may be overthinking this, but do we need to say:

45
46 *In addition to the General Requirements (listed above), **and the additional guidelines provided in***
47 ***Light Home-Based Business (listed above), General Home-Based Businesses are subject to the***
48 ***additional requirements:***

49
50 Mr. Smith stated he did not think that needed to be included. Ms. Minter thanked him for his input.

1 Mr. Verst stated that in C. General Home-Based Business, item #1 we highlighted the word “employees”.
2 Why? Mr. Williams stated that was an issue he raised. He wants to exclude “employees” from the eight
3 (8) trips per day. It reads:

- 4
5 1. No more than eight (8) trips to the premises daily inclusive of all ~~employees,~~ visitors,
6 customers and/or delivery persons;
7

8 There is really no way for us to enforce that in regards to “employees”. Also, what if you have a kind of
9 business where one employee makes deliveries, and he makes three (3) and you have four (4) to five
10 (5) customers coming in then the poor delivery guy’s not allowed to return to the site. I think we should
11 eliminate the word “employees”.
12

13 Mr. Verst asked what you do if it were a pizza delivery place who makes thirty (30) trips a day. I think it
14 just falls under the requirements that if you can’t meet these requirements then you need to apply for a
15 conditional use permit. We had tier 1 for Light Home-Based Business where they are very unobtrusive.
16 Now we are at tier 2 with General Home-Based Business where you may have a little more impact in
17 your neighborhood. Then we have the final tier of Conditional Uses which we know needs to have a
18 review to determine if they are a home-based business or a commercial activity.
19

20 Mr. Williams commented that we have the “unreasonable” amount of traffic so why have this where we
21 are going to count trips. I agree with Mr. Stapleton that the goal of this Commission is to try to encourage
22 rather than discourage people and enterprising individuals. Why do that?
23

24 Mr. Stapleton commented that you need to use common sense and remember we are complaint driven.
25 So you can make thirty (30) trips, but if no one complains then we will never know about it. We can put
26 any number you want in there and that would remain the same. I don’t think we can get this perfect, but
27 we can get it to where it is reasonable. The people that enforce this stuff needs to use common sense.
28

29 Ms. Blake asked do we need a different number or no number. Mr. Williams stated he does not feel we
30 need any number to be called out. Mr. Verst stated he thinks it sets up a situation that if the little old lady
31 next door doesn’t like you sits there and counts to nine (9) trips and calls Ms. Minter to complain. Whereas
32 if we leave it as “unreasonable” traffic, there is no specific number and it is up to the interpretation of staff.
33 Ms. Blake and Mr. Williams did not feel we needed it. Mr. Stapleton stated it is the Unincorporated
34 Campbell County not within city limits. I agree with them. Mr. Verst asked if the Commission wanted to
35 strike item #1. The consensus was yes so item #1 was completely deleted.
36

37 Mr. Verst had a question on item #2. The last sentence sounds a little funny to him. It reads:

- 38
39 2. Include a minimum of one (1) off-street parking space (which may include a space for the
40 dwelling). The front yard should not be used as a parking space **in order** to retain the residential
41 character of the property.
42

43 Mr. Verst proposed adding the words “in order” before “to retain”. Ms. Minter agreed. Mr. Williams stated
44 he took that to mean we didn’t want people parking on the grass. Is that what it means? Ms. Minter
45 stated that not only do we not want people parking on your grass, but then also don’t pave your entire
46 front yard so your customers can park. You want to maintain that feeling of a residential neighborhood.
47 There were no other comments.
48

49 Mr. Verst asked if there were any other items under C. General Home-Based Business. Mr. Williams
50 asked, in item #3, is 10:00 PM too late? Mr. Williams stated Mr. Hermes was concerned about the hours
51 of business. Ms. Minter stated she goes to bed at 8:30 PM so we are past her bed-time now. Mr. Williams
52 stated he had no opinion on this, but wanted to ask anyway. Ms. Minter pointed out that it says you can

1 still operate your business but it cannot be perceptible from beyond the lot lines. It's like observing quiet
2 time. There were no other comments on this item.

3
4 Mr. Verst asked if there were any other items under C. General Home-Based Business. Mr. Barrow
5 asked Ms. Minter about the "At-home childcare". He thinks the state has a different parameter of four (4)
6 other than your own children. Ms. Minter replied that she did some research, and acknowledging that
7 she is not an expert on childcare, and she thinks the was if you had yourself and one other employee,
8 the maximum number of children was ten (10). Mr. Barrow stated if it was a single person it is four (4),
9 but with one (1) employee it is ten (10).

10
11 Mr. Barrow asked about the "Gun/Archery Repair". Is that under the ATF guidelines? Ms. Minter replied
12 that was correct. That is one of our most requested Home-Based Businesses because as part of the
13 ATF review they want documentation that the activity is permitted by the jurisdiction. These people
14 actually come to us asking for zoning permits for this.

15
16 Mr. Williams asked about "Craftsmanship including woodworking/metalworking". When I think of
17 woodworking I think of saws which are kind of loud, should this be moved to a conditional use? Mr. Verst
18 pointed out that in the General Requirements item #10 it states:

- 19
20 **10.** No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical
21 interference detectable to the normal sense beyond the boundary of the property shall be
22 used in such Home-Based Business. Noise shall be limited to those typical to a residential
23 neighborhood. ~~detectable to the normal senses off the lot, shall be used in such home~~
24 ~~occupation. In the case of electrical interference, no equipment or process, which creates~~
25 ~~visual or audible interference in any radio or television receivers off the premises, or~~
26 ~~causes fluctuations in line voltage off the premises, shall be used.~~
27

28 We had "noise" in there. Ms. Minter stated you could definitely put "noise" back in there if you wish. Mr.
29 Verst asked if the Commission wanted to add it back in. Mr. Williams stated he brings this up only
30 because he knew a person who did woodworking in his garage very early on Saturday mornings, and
31 when he started, no one could sleep. Mr. Verst asked if adding the "noise" back in acceptable to
32 everyone. There were no other comments.

33
34 Mr. Verst continued to Section D. Conditional Use Home-Based Business and the issue of should it be
35 three (3) acres or five (5) acres. Ms. Minter stated we have also had comments from the audience that
36 would like to see this go in the other direction to one (1) acre.

37
38 Ms. Blake stated that she would like to see this whole section re-worked. Mr. Verst recommended to the
39 Commission to let's start with the acreage and then we will work on each concern. How does the
40 Commission feel about the acreage? This is a conditional use so basically you have to come to the
41 Board of Adjustment and say I want to apply for a conditional use, this is what I want to do, this is how I
42 anticipate it being set up on the property, and I don't think this will be egregious to the neighbors or the
43 neighborhood. Do we think it is necessary to put an acreage requirement? If they can do it on one and
44 a half (1 ½) acres, let them.

45
46 Mr. Williams agreed with Mr. Verst that he does not see that an acreage requirement is really needed.
47 Let the Board of Adjustment determine if it will work or not. What hangs me up is what kind of
48 manufacturing? Do you really need three (3) acres to make duck calls?

49
50 Ms. Minter stated that, if you look at the current A-1 Zone, any conditional use permits must be on a
51 minimum lot area of three (3) acres. Staff is proposing that you make that consistent in your R-RE Zone

1 and make that three (3) acres as well. It is already defined at three (3) acres in the A-1 Zone in your
2 current Zoning Ordinance.

3
4 Mr. Stapleton asked if we really needed to put this in. Mr. Smith stated it is three (3) acres in the A-1
5 Zone currently.

6
7 Mr. Verst clarified that if it already exists in the A-1 Zone the question becomes do we want the same
8 requirement for Home-Based Businesses in the R-RE Zone. Ms. Minter added that maybe the question
9 is really what do you want the acreage requirement to be listed under the Home-Based Business section
10 of the Ordinance or do you want to refer them to the Conditional Use requirements for whichever zone
11 they fall into. Mr. Stapleton stated that if it is listed as three (3) in the A-1, then it should be consistent in
12 the R-RE Zone. Mr. Verst asked if the Commission wanted to remove that reference here and wait until
13 you get to the Zone Text Changes and address it there. The Commission agreed to strike the acreage
14 requirement under the Home-Based Business section.

15
16 Ms. Minter stated it was recommended that we delete any reference to a specific business that would
17 qualify as a conditional use, because that list would be too long and still manage to exclude potential
18 businesses. We just don't have a way to say what kinds of businesses may be proposed. Basically, as
19 long as it doesn't qualify as a "Light Home-Based Business" or "General Home-Based Business" it will
20 automatically fall into the "Conditional Use" classification. Mr. Verst agreed that would be best. No one
21 opposed the striking of the list of Conditional Uses.

22
23 Mr. Verst asked if there were any comments about Section E. Waiver. It's nice to have it spelled out in
24 the waiver section. Is there anything else on the general text for Home-Based Business? Is there
25 anything outstanding to prevent anyone from making a motion on this? Mr. Smith asked if the intent is
26 to allow an application for any kind of home-based business regardless if it is in the A-1 or R-RE Zone
27 as long as the Board of Adjustment approves or is it just limited to those conditional uses under the A-1
28 or R-RE Zone regulations. Ms. Minter stated she believes the intent is to open it up as a potential
29 conditional use as long as it is a home-based business but not as separate stand-alone businesses. Mr.
30 Smith asked if staff felt that was clearly represented in Section D. You used the term "Conditional Use"
31 Home-Based Business, but it leads me to go back to the zone specifications to see what they have listed
32 as a "Conditional Use" for that zone when really it is any other home-based business. That can be
33 interpreted two (2) different ways. We could change it from "Conditional Use Home-Base Business" to
34 "Other Home-Based Business", and make that correction throughout the paragraph. The true intent is to
35 not limit the home-based business to whatever would be listed under each zone as a "Conditional Use".

36
37 Mr. Verst stated that he would recommend that you add "as part of a Conditional Use Permit" before "by
38 the Board of Adjustment" in the body of the paragraph. It would then read as follows:

39
40 **Conditional Use Other Home-Based Business:** In addition to the General Requirements,
41 ~~Conditional Use Other~~ Home-Based Businesses are commonly subject to additional
42 requirements. No zoning or building permit shall be issued for a ~~Conditional Use Other~~ Home-
43 Based Businesses or any customary accessory buildings until and unless the location of said use
44 shall have been applied for and approved **as part of a Conditional Use Permit** by the Board of
45 Adjustment as set forth in Section 9.14. ~~A Conditional Use Home based Business requires a~~
46 ~~minimum lot size of three (3) acres.~~ **Other Home-Based Businesses are those not specifically**
47 **identified by Light or General Home-Based Businesses.**

48
49 ~~Conditional Use Home Based Businesses are limited to the following types of activities and shall~~
50 ~~require a conditional use permit:~~

- 51 ● ~~Bait Shop~~
- 52 ● ~~Heavy equipment operators~~

- ~~● Limited on-site sales~~
- ~~● Manufacturing/Assembly~~
- ~~● Storage units/lots for lease~~
- ~~● Vehicle repair, including body shops~~

Mr. Smith stated he feels it may be pertinent to provide a definition in the regulations for “Other Home-Based Business” as: those not identified by “Light Home-Based Business” and/or “General Home-Based Business”. The Commission agreed. Mr. Verst directed Ms. Minter to add that at the end of the opening paragraph.

Mr. Verst asked if there were any other comments on Section 9.11 Home Based Business before we move to the next section up for review. There being no additional comments, Mr. Verst asked Ms. Minter to bring up the text for Article X, Section 10.1 Agriculture Zone.

Ms. Minter identified that for Article X, Section 10.1 Agriculture Zone we would start with the proposed changes to the permitted uses. These are land uses that are not required to obtain any prior approval from either the Planning Commission or the Board of Adjustment. The first change recommended by staff is to delete the words “provided that no roadside stands of any type...fifty feet from any street” in item #4. Staff’s reasoning is that the setback requirements are covered in Section D. Area and Height Regulations for Permitted Uses. If we add the words “or stand” to the introductory paragraph of Section D, we can consolidate all the setback requirements to one location. Mr. Stapleton previously indicated that he would prefer that this remains as it already exist. He stated that he wants it to be perfectly clear that the stands must meet the setback requirement for public safety.

A. PERMITTED USES:

- 4. Stands for sale of products that are raised, produced, and processed on the premises, ~~provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifth feet from any street.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building **or stand** shall be erected or structurally altered hereafter except in accordance with the following regulations:

Mr. Verst asked Ms. Minter to repeat the reasoning for the proposed change and she did so. Mr. Verst advised Mr. Stapleton that he would prefer to not have to mention a specific setback requirement under Section A. His reasoning being that, if there was ever a change to the setback requirements under Section D, he didn’t want to have this “fifty feet” hanging out there in a different location from the rest of the setback requirements. Mr. Verst summarized that he would not be opposed to adding back in “, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within” and then add “the setback requirement as listed in Section D below.” Mr. Verst asked what everyone thought of that.

Ms. Blake asked for a clarification. If you have an active farm growing produce, you are not allowed to sell that produce at the side of the road? You have to sit fifty (50) feet from the road? What is the reasoning for this? Mr. Verst and Ms. Minter explained that there is a safety concern for the public when you have people selling produce directly adjacent to the road. People stop their cars in the middle of the road to purchase their goods disrupting traffic and potentially causing a deadly accident. They can sell their produce in a stand at the roadside as long as they are fifty (50) feet back to allow for the cars to pull over and safely purchase their goods.

1 Mr. Verst asked the Commission if they had any preference on this item. Mr. Stapleton stated he feels it
2 is pertinent that they know clearly that they must be fifty (50) feet even for a road side stand. Ms. Minter
3 stated that we could add it back in if the Commission wished it. The Commission agreed to leave Section
4 A., item #4 as it currently exists.

5
6 Ms. Minter moved to the next proposed change which was to Section A., items #7 and 8. Staff has
7 proposed to move item #7 "Bed and breakfast establishments." to Section C. Conditional Uses. The
8 reasoning is that staff has determined that when you use the terminology of "Bed and breakfast" it seems
9 to be a trend to think that includes a restaurant or reception facility or other more commercial activities.
10 Staff felt that Section A., item #8 "Taxidermy..." could be moved to a Conditional Use or remain a
11 Permitted Use. It really depends on the scope of the business as to if you would consider it a normal
12 agricultural activity or a more commercial activity. Ms. Minter also asked that "with sales portion not to
13 exceed 10% of the gross floor area of the operations." be permanently struck. It is difficult to calculate
14 and harder to enforce.

15
16 A. PERMITTED USES:

17
18 ~~7. Bed and breakfast establishments.~~

19 ~~8. Taxidermy and other related wildlife resources and service, with sales portion not~~
20 ~~to exceed 10% of the gross floor area of the operations.~~

21
22 C. CONDITIONAL USES:

23
24 16. Taxidermy and wildlife services.

25 17. Bed and breakfast establishments.

26
27 Mr. Williams asked how a home-based business of taxidermy could be a conditional use. Ms. Minter
28 stated that it really depended on how large a taxidermy business it was. There are taxidermy home-
29 based businesses and there are taxidermy commercial businesses and we have both in the A-1 Zone
30 currently. There may be a taxidermy who is not a home-based business but wants to be in the A-1 Zone.
31 Mr. Williams stated that if we are going to allow it as a home-based business then we shouldn't require it
32 to be a conditional use. If you look at Section 9.11 and what we just proposed, it isn't a conditional use
33 there. Ms. Minter reviewed Section 9.11 and agreed it was listed in that section as a "General Home-
34 Based Business". If you follow that logic then in the Section 10.1 we would leave taxidermy as a permitted
35 use in which case we could actually take it out of the home-based business Section 9.11.

36
37 Mr. Williams stated that he felt strongly that taxidermy should remain a permitted use in Section 10.1.
38 Mr. Verst agreed, but asked what does "other related wildlife resources and services" means. Mr.
39 Stapleton stated he thinks this is what they are referring to for the meat processing and deer processing.
40 Ms. Minter stated that this has been in the text for so long that she has no idea what it is referencing. Mr.
41 Stapleton stated he feels the entire statement for taxidermy as it reads now should stay the same. The
42 Commission consensus was that it remain in the permitted uses.

43
44 Mr. Verst asked if the Commission desired to strike the words pertaining to the sales portion of the gross
45 floor area as staff requested. Mr. Stapleton stated he did not feel that was really pertinent and should be
46 deleted. Mr. Verst asked if there were any comments or questions on that change. There were no other
47 comments. Ms. Minter stated if we are going to leave taxidermy and other related services as a permitted
48 use in the A-1 Zone then we need to readdress that issue under the Section 9.11. Home-based
49 businesses would allow taxidermy in the A-1 Zone and in the R-RE Zone. Do you feel it is necessary to
50 remove taxidermy from options for home-based business in the R-RE Zone? Mr. Williams did not feel it
51 was necessary to distinguish from the A-1 or R-RE Zone when it comes to taxidermy. Mr. Stapleton
52 proposed that in the R-RE Zone he could see a potential taxidermy business. However, he would never

1 propose the “other related wildlife resources and services” to be allowed in the R-RE Zone. That is an
2 agricultural activity and should remain in the agriculture zone. The general consensus was to leave
3 “Taxidermy” in Section 9.11; however, “Taxidermy and other related wildlife resources and services”
4 would remain as a permitted use in the A-1 Zone.
5

6 Mr. Verst asked if there were any other questions or comments on this issue. There being none, Ms.
7 Minter moved to the related item added to the conditional uses of “Butcher/meat processing with a
8 minimum of 5 acres”. There are currently businesses in the A-1 Zone where they are not only processing
9 the meat of the livestock from their own farm, but of other farms in the community. I’m sure they started
10 just doing their own, but it has grown to processing the livestock of other farms in and around Campbell
11 County.

12
13 C. CONDITIONAL USES:

14
15 19. Butcher/meat processing with a minimum of 5 acres.
16

17 Mr. Smith stated he really feels this is an agricultural activity and should not be listed as a conditional
18 use. Ms. Minter asked him to verify he felt that way even if the livestock is not from their own farm. Mr.
19 Smith gave the example of a farmer who owns twenty (20) acres, but allows his friend to use five (5)
20 acres to grow nothing but corn. Isn’t that still an agricultural activity? The same logic would then say that
21 you can process livestock from your own farm as well as another local farm and it would still remain an
22 agricultural activity. It is difficult to separate. If you are engaged in any agricultural activity, you are
23 exempt from zoning. The difficulty is determining the line at which it is no longer an agricultural activity
24 but a different type of activity. The courts are always more in favor of determining something to be an
25 agricultural activity.
26

27 Mr. Verst asked if meat processing would be considered an agricultural activity if there were no farming
28 or raising of livestock going on at that site. Mr. Smith stated that if Ms. Minter called him for his opinion
29 about a property in the A-1 Zone that was actively processing meat, my first question would be to ask if
30 there were any livestock, farming, or other agricultural activity occurring on that site. If there are any
31 agricultural activity, it is considered agricultural even if it were so minute as to have a small garden on
32 the property. If there is absolutely no agricultural activity, then it would be difficult to prove. Ms. Minter
33 stated that we have properties that are actively pursuing other agricultural activities on the same property,
34 but we also have a property where they have a farm at a different location and are just importing them to
35 this different site for easy accessibility to perform the processing. Mr. Williams stated he would be inclined
36 to follow legal counsel recommendation and just leave it as an agricultural activity.
37

38 Mr. Stapleton raised a point. If the Kahn’s factory wanted to buy a property and begin processing meat,
39 that is completely different than a farmer processing meat. For agricultural activity, it would not be for
40 packaging or for wholesale; whereas, Kahn’s would definitely be for marketability. Mr. Smith stated that
41 was a good point. Mr. Stapleton said if they were going to sell meat to the public there are other
42 requirements from the Health Department. Ms. Minter stated this is more of I shot a deer and I’m taking
43 it to the butcher down the street who is going to process it into small wrapped bundles and I’m going to
44 pick it up and put it in my freezer. Mr. Stapleton stated that is purely an agriculture activity. Mr. Smith
45 agreed and suggested that if you wanted you could add a permitted use of “Butcher/processing in
46 connection with agricultural activity not for retail sale to the public”. There was a brief discussion on if it
47 should read “not for retail sale to the public”; “not for retail sale to the general public”; “not for commercial
48 sale to the public”. The Commission settled on “not for commercial sale”.
49

50 Ms. Zinkhon asked to be recognized and was by Mr. Verst. Ms. Zinkhon asked for a clarification on the
51 sale of the processed meat. Does this include when you take your product off site to be USDA inspected
52 and then packaged and brought back to your property for re-sale? Many farmers have developed a

1 “brand” by selling their own product. Ms. Minter stated that brings up a good point. There are many
2 farms that butcher their meat, have it inspected and then sell it as their own specialty like “organic beef”.
3 They may take it to one of these local butcher to get it processed and then it comes back to them to sell.
4 Mr. Smith asked if we just left it as “Butcher/processing in connection with agricultural activity.” Mr. Verst
5 stated that is the intent. We are not opposed to it as an agricultural activity, but we do not want a
6 wholesale butcher trying to establish a processing plant in the A-1 Zone. The public comments were in
7 agreement of this change.
8

9 Ms. Minter stated that the next item for discussion is the proposal of a conditional use in the A-1 Zone for
10 event facilities. Let me reiterate that Neltner Farm has been great. They have been operating under the
11 permitted use of agritourism. It is an active farm. It is a historic farm. They started having events there
12 and it has done well. We have been getting an increasing number of individuals requesting to setup a
13 similar type of event, but they do not have an active farm going on. We have had a lot of calls on here’s
14 a couple of acres and I want to put an event facility out there. I’m going to build a barn or take a barn
15 that is already there and convert it to a facility for receptions and other events. There is no agriculture
16 activity component to this situation at all. How do you want to deal with these? Many times they are not
17 living on the farm.
18

19 C. CONDITIONAL USES:
20

21 18. Event facilities on an active farm with a minimum of 5 acres.
22

23 Mr. Stapleton questioned the “on an active farm” portion. If they only have two (2) acres, they are not an
24 active farm. [You have to have ten (10) acres for agricultural exemption per KRS.] Mr. Stapleton doesn’t
25 want to discourage someone that has an active farm and wants to make extra money from having
26 weddings or whatever just because they do not have five (5) acreage. Mr. Verst asked if the “on an active
27 farm” part is agreeable and this is just a discussion of acreage. Ms. Minter stated that she does not have
28 an issue at with the agritourism part of this. It’s when they do not want to have any agricultural activity
29 and they just want to buy a piece of ground and have a party venue. Mr. Smith asked what you would
30 consider a vineyard that had a restaurant. Ms. Minter stated that is why the next item on the proposed
31 conditional use list.
32

33 C. CONDITIONAL USES:
34

35 20. Restaurants on an active farm.
36

37 Mr. Smith asked Ms. Minter if they get a lot of request. Ms. Minter stated we do get quite a few requests
38 for it. Mr. Smith asked if it would be a part of agritourism. Ms. Minter replied she does consider it
39 agritourism for vineyards that have events at them. Mr. Stapleton asked if these go on now in the county.
40 Ms. Minter stated they do go on right now. Mr. Stapleton added that it goes on a lot. Ms. Minter agreed,
41 but we have not received any complaints on those yet. What we are getting a spike on are calls for
42 instances where people are calling saying they have spent thousands of dollars for a venue and then
43 decided they can make some money if I just go buy a couple acres and put up my own party venue. Mr.
44 Stapleton asked if the regulations dealt with parking, off-street parking, and all that other stuff. If someone
45 buys two (2) acres and meets all the zoning setbacks and parking spaces, they’re only going to have only
46 about fifty (50) left for parking if they build a large facility. Ms. Minter agreed that was correct. Mr.
47 Stapleton asked Ms. Minter was comfortable with that. Ms. Minter stated she was comfortable with
48 reviewing those plans as long as the Commission is willing to consider those uses. Mr. Williams added
49 that as a conditional use, the Board of Adjustment would have to review and approve the conditional use.
50 Then the applicant would need to submit a site plan for review and approval by this Commission. We
51 can always determine at that time if there needs to exist any conditions limiting size, location or other
52 features.

1
2 Ms. Minter asked the Commission if they wanted to consider removing the “on an active farm” as that
3 would remove any type of agritourism from this review process. They generally want to cut out the portion
4 of land being used for the restaurant due to liability issues. It may be directly adjoining a farm, but it is
5 legally a cut out one (1) lot. After a brief discussion among the Commission with input from staff, it was
6 decided that, if either the event facility or restaurant were to occur on an active farm, it is a part of
7 agritourism which is a permitted use. Therefore, “on an active farm” could be removed from both
8 proposed new conditional uses.
9

10 Ms. Zinkhon asked to be recognized and Mr. Verst did so. Ms. Zinkhon does the farm exemption rules
11 cover the farm and what they are required to follow and regulations. If you are farming, you will have to
12 follow one set of rules for agriculture exemption. Whereas, if you are not farming, you will need to follow
13 all the building codes and other regulations. There is a big difference. If you are farm exempt, you can
14 build several residences without getting electrical permits and things like that. Ms. Minter corrected her
15 that you are not exempt from electric permits. There are some differences, but that is a different
16 discussion.
17

18 Ms. Minter stated that the point comes back to we have requests event facilities and/or restaurants and
19 they are for properties that may not fall under the umbrella of farm exemption. Mr. Smith asked if we
20 were already covered because we allow other business to apply under the Board of Adjustments and all
21 this would do is send them to the Board of Adjustments as well. The Board can then review them as they
22 would any other business. Mr. Barrow asked this would apply in instances such as you cut an acre off
23 for the restaurant so you could make it a LLC (limited liability company). Mr. Smith agreed. Mr. Verst
24 stated that if we want to allow event facilities and restaurants in the A-1 Zone then we need to make them
25 permitted uses. If you want the opportunity to review each request and determine on a case by case
26 basis if the potential event facility or restaurant would work in the A-1 Zone then we need to make them
27 conditional uses. Ms. Minter agreed. If anyone were to come to our office and stated they want to put in
28 an event facility, and there is not agricultural activity, the answer is “No”. By allowing them as conditional
29 uses, we provide other businesses with the same opportunity active farms have for event facilities and
30 restaurants.
31

32 Mr. Neltner asked to be recognized and Mr. Verst did so. Mr. Neltner asked if you knock off the “on active
33 farm”, where does this leave him. Does this mean he needs to apply for a conditional use permit to
34 operate his events? Mr. Verst reassured Mr. Neltner that he was an active farm and therefore
35 agriculturally exempt. If they leave the “on an active farm” in there, it would require the Commission to
36 regulate his events. Mr. Williams asked Mr. Neltner if he wanted to be regulated. Mr. Neltner replied he
37 did not and sat down. Mr. Neltner stated he was really enjoying this discussion tonight.
38

39 Mr. Verst asked the Commission if the determined action was that they wanted to allow “event facility”
40 and “restaurant” as a conditional use and just leave them at that without any acreage requirements. Ms.
41 Minter reminded the Commission that this was just for the A-1 Zone. Mr. Verst commented he feels there
42 is a need for it, but they do generate more traffic. However, as a conditional use, there is an opportunity
43 for us to review them and make a case by case determination if it is appropriate for the location is it apply
44 to. Mr. Williams stated he didn’t understand why we wouldn’t allow them to at least apply. The
45 Commission agreed to allow both as conditional uses.
46

47 Ms. Minter was looking to identify the next item for discussion when Mr. Williams asked everyone to look
48 at Section F. Other Development Controls, item #3. Mr. Williams asked if this was really enforceable.
49 Can you tell a farmer where to store his manure? Mr. Smith stated he doubted it from a zoning
50 perspective. Ms. Zinkhon asked to be recognized and Mr. Verst did so. Ms. Zinkhon stated that she did
51 have a conditional use permit for her Misty Ridge Farm dating back to 1994 and it was a condition that
52 she not only store her manure a distance from the property line, but she is required to remove excess

1 manure once a year. Mr. Smith stated he did not think we could enforce it. Ms. Minter stated she was
2 asking that it remain in the text because there are times where you have a relatively small lot that does
3 not allow the property to be considered agriculturally exempt. Mr. Verst asked if we needed to add a
4 phrase "if you are not agriculturally exempt". Mr. Smith stated he would defer to staff if this was really
5 needed or not.

6
7 Ms. Minter moved to the next item proposed to be added to the text. Similar to what we require in the R-
8 RE Zone, that all permitted uses would be required to cite a location for a home on a lot when you are in
9 the A-1 Zone; are not agriculturally exempt; and you want to build an accessory structure without building
10 a primary structure first.

11 F. OTHER DEVELOPMENT CONTROLS:

- 12
13 4. All permitted uses shall site a single-family dwelling which meets the applicable
14 area and height regulations for all structures.
15

16 Mr. Verst agreed that was a good idea. Eventually someone will want to put a home on the site more
17 than likely. Ms. Minter replied that we do have permitted uses such as veterinary clinic or animal hospital
18 would not want to construct a home on their site. Mr. Verst stated he understood exactly what staff's
19 objective is. Mr. Stapleton asked how we are going to require them to cite a house if we can't regulate
20 agriculturally exempt properties. Mr. Verst stated that the Board of Adjustment gets variance requests
21 continually because they built the barn first and then can't meet the setback requirements for the house.
22 That is the concern because it happens a lot. Mr. Verst asked if the Commission felt they should just
23 leave it for now and come back later to remove if there is an issue. Mr. Stapleton stated he thought we
24 just leave it for now.

25
26 Mr. Verst stated that concluded the proposed changes to the A-1 Zone and asked if the Commission
27 wanted to proceed to the R-RE Zone. The Commission and staff decided to proceed. Mr. Verst stated
28 he did not have as many items highlighted in the R-RE Zone. A gentleman in the audience asked to be
29 recognized and Mr. Verst did so. Mr. Mark Fussinger of 9101 Royal Oak Lane, Union, Kentucky stepped
30 forward. The butchering and meat processing was moved to be a permitted use if connected to other
31 agricultural activities, but it was stricken from the conditional uses. Shouldn't it be in both places in case
32 it is not connected to other agricultural activities? Mr. Verst stated that was point for discussion among
33 the Commission. Do we want a butcher or meat processing located in the A-1 Zone when it is not
34 agriculturally related? I don't think that is something we want in the A-1 Zone. It is a more industrial facility
35 at that point and needs to be in an industrial zone. What do you think? Mr. Williams and Mr. Barrow
36 readily agreed. There being no other comments from the Commissioners. Mr. Verst stated that was not
37 an activity they wanted in the A-1 Zone if it wasn't an agricultural activity. He asked Mr. Fussinger if he
38 had any other question, comments or concerns. Mr. Fussinger replied he did not, but he did want to
39 bring that to their attention.

40
41 Mr. Verst asked Ms. Minter to bring up the Article X, Section 10.2 R-RE Zone so we could proceed with
42 our review. Ms. Minter began with Section A. Uses Permitted. To be consistent with the way we worded
43 the accessory structures prior to the primary structures, staff is asking to delete the "provided that the
44 location for a detached single family...for all structures." from items #2 & 3 of the permitted uses. Instead,
45 staff would like to see this listed under what would be Section F. Other Development Controls.

46
47 A. USES PERMITTED:

- 48
49 1. Single family dwellings, detached.
50 2. Horse related uses, including riding and boarding stables for personal use with
51 minimum lot area of 4 acres ~~provided that the location for a detached single family~~

~~dwelling has been sited meeting all applicable area and height regulations for all structures.~~

3. Greenhouse, nurseries or gazebo for personal use with minimum lot area of 4 acres ~~provided that the location for a detached single family dwelling has been sited meeting all applicable area and height regulations for all structures.~~

EF. OTHER DEVELOPMENT CONTROLS:

4. All permitted uses shall site a single-family dwelling which meets the applicable area and height regulations for all structures.

Ms. Minter stated this was just so there was some consistency between the zones and for no other reason. Mr. Verst agreed that was a good catch. He asked if there were any concerns with this item. There being none, Mr. Verst indicated that Ms. Minter should proceed.

Ms. Minter moved to the next item which was for Section B. Accessory Uses. Just moving fences and walls up to all accessory uses instead of separating them out. Right now what it is saying is that, only with a single family dwelling, can you have normal accessory structures like sheds and barns; fences and walls; home-based businesses; signs; boarders and pools. If you do not have a single family home on the site, the only thing you are permitted to have is a fence or wall.

B. ACCESSORY USES:

~~Accessory uses applicable to Permitted Use A. 1. only.~~

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
23. Home ~~occupations~~-Based Businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
34. Signs as regulated by Article XIV of this Ordinance.
4. ~~Living quarters for domestic servants, if attached to the main structure.~~
5. ~~The~~ Keeping of not more than two (2) roomers or boarders.
6. ~~Privately owned swimming pools.~~

~~Accessory uses applicable to all permitted uses~~

1. ~~Fences and walls as regulated by Article XIII of this ordinance~~

Ms. Minter stated, now that she has read it out loud, she's not certain we want to change this after all. Mr. Verst stated he thought he understood it before the meeting now he's not sure. Mr. Stapleton asked Ms. Minter to re-explain that one. As it currently reads today, with the permitted use listed in A.1. above (which was a single family dwelling detached), you can have customary accessory structures; fences and walls; home-based businesses; signs; living quarters for domestic servants; boarders and pools. If you have horse related uses and greenhouses, all you can have are fences and walls. With this horse related facilities and greenhouse, you cannot have a home-based business, signs, living quarters, and other items.

Ms. Minter thinks we leave these items as they exist with the only changes being that we strike item #6 because a privately owned swimming pool is an accessory structure which is listed as item #1 and we strike item #4 because it is antiquated and outdated. I honestly don't know how you regulate that. Mr. Williams, Ms. Blake and Mr. Stapleton all agreed that it sounded good to delete those.

1 Mr. Verst asked Ms. Minter to present the conditional use changes for the Commission's consideration.
2 Ms. Minter stated that we added the event facilities and restaurant to the conditional uses for the A-1
3 Zone. Do you want to consider those same changes for the R-RE Zone? Ms. Minter reminded the
4 Commission that the concerns expressed earlier by neighboring communities is that they did not desire
5 any changes to the R-RE Zone.

6
7 C. CONDITIONAL USES:
8

- 9 12. Event facilities on an active farm with a minimum of 5 acres.
10 13. Restaurants on an active farm.
11

12 Mr. Stapleton asked if anyone had ever asked for either of these in the R-RE Zone. Ms. Minter replied
13 that we have received requests for these. Mr. Stapleton asked if staff denied their request. Ms. Minter
14 replied that they did not qualify as an agricultural exemption according to state law so we were not in a
15 position to consider them to be agritourism. Mr. Verst stated that it came down to do we want these
16 activities in the R-RE Zone. Mr. Stapleton stated that five (5) acres really isn't very big if you had someone
17 cranking the music up to twelve (12) and it could be heard by neighbors. Mr. Stapleton stated he did not
18 think we want this in the R-RE Zone. Mr. Williams asked if they would want in on a conditional use
19 manner where the Board of Adjustment can review the request and make the decision if it was appropriate
20 or not. Mr. Stapleton stated he did not feel it should be added to the R-RE. Mr. Barrow stated that he
21 thinks we should respect the city's wish to have the R-RE remain compatible with their zoning.
22

23 Mr. Verst asked if the Commission wanted these uses as conditional uses for the R-RE. Ms. Minter
24 stated that we do have agriculturally exempt farms in the R-RE Zone. They don't exist only in the A-1
25 Zone. Mr. Verst stated that means one property could have the event facility as agritourism because it
26 meets the criteria to be agriculturally exempt, but his neighbor who has fewer acreage and does *not* meet
27 the criteria to be agriculturally exempt would not be allowed to have the same feature. Ms. Minter stated
28 that was correct.
29

30 Mr. Williams stated why not leave it as conditional so that they have at least the opportunity to apply to
31 the Board of Adjustment. Mr. Stapleton stated he has twenty-eight (28) acres and he can hear the music
32 from his neighbors sometimes. Five (5) acres isn't really big enough if they want a large facility. The
33 building and the parking will take up all the space. Mr. Williams stated he know exactly how large a five
34 (5) acre tract would look, but a smaller facility might be able to fit. Ms. Minter stated they could have an
35 event facilities in commercial zones. In the R-RE Zone, you are starting to get closer to the cities where
36 the neighbors are a little closer. Mr. Williams asked Mr. Stapleton if he was against these uses in the R-
37 RE Zone. You know the rural culture better than I do and I will defer to your judgement. Mr. Stapleton
38 said, if you are going to have a place like that, I think you need more acreage. Mr. Verst stated that he
39 thinks if you are in the R-RE Zone and you want an event facility because it has a nice pastoral field and
40 you don't want to put it in a commercial zone and if you're in the R-RE you are setting a higher bar. It
41 has a high potential to be an egregious use. Mr. Williams asked why not leave it in and just increase the
42 acreage.
43

44 Ms. Minter stated that what she is hearing is that not everyone is comfortable adding these items as
45 conditional uses. Let's just strike them for now and if in the future we get a text change or decide to make
46 this change, we can do so at that time. Mr. Williams, Mr. Stapleton and Mr. Verst agreed.
47

48 Ms. Minter moved to the next items for discussion. When it comes to setback requirements, there is
49 usually one version for whatever is considered a permitted use and then another, a little more restrictive,
50 for the conditional uses. In the R-RE Zone currently, there is no separation. There is one set of setback
51 requirements and it is for all uses. Staff is proposing to delete the words "AND CONDITIONAL" from
52 Section D and create a new setback requirements for all conditional uses and add that as Section E. As

1 the basis for the new setbacks for conditional uses, staff used the same requirement as exist currently
2 for conditional uses in the A-1 Zone.

3
4 D. AREA AND HEIGHT REGULATIONS FOR PERMITTED ~~AND CONDITIONAL~~ USES: No
5 building shall be erected or structurally altered hereafter except in accordance with the
6 following regulations.

- 7
- 8 1. Minimum Lot Area - One (1) acre
- 9 2. Minimum Lot Width - One hundred (100) feet
- 10 3. Minimum Front Yard Depth - Fifty (50) feet
- 11 4. Minimum Side Yard Width
 - 12
 - 13 a. Total - Twenty five (25) feet
 - 14 b. One Side - Ten (10) feet
 - 15
- 16 5. Minimum Rear Yard Depth - Twenty-five (25) feet
- 17 6. Maximum Building Height - Thirty-five (35) feet
- 18

19 E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USE: No
20 building shall be erected or structurally altered hereafter except in accordance with the
21 following regulations:

- 22
- 23 1. Minimum Lot Area - Three (3) acres
- 24 2. Minimum Lot Width - One hundred (100) feet
- 25 3. Minimum Front Yard Depth - Fifty (50) feet
- 26 4. Minimum Side Yard Width
 - 27
 - 28 a. Total - Twenty five (25) feet
 - 29 b. One Side - Ten (10) feet
 - 30
- 31 5. Minimum Rear Yard Depth - Thirty-five (35) feet
- 32 6. Maximum Building Height - Thirty-five (35) feet
- 33

34 Ms. Minter stated the only real change is that for permitted uses in the R-RE Zone you are required to
35 have a minimum lot area of one (1) acre right now and we are proposing that you be required to have a
36 minimum lot area of three (3) acres for conditional uses. Mr. Verst commented that we did receive
37 comments from the public to change that to five (5) acres. Ms. Minter reviewed what we have listed as
38 acceptable conditional uses: cemeteries, churches and other religious worships, higher education,
39 nursery schools, schools, recreational uses, institutions for clinics, convalescent homes, etc., police and
40 fire stations, and public utilities. These are all conditional in the R-RE Zone. Mr. Verst reminded everyone
41 that, when you have a conditional use, the Board of Adjustment will need to review and approve the use.
42 They have the latitude to put additional restrictions on the property to make sure it is not injurious to the
43 neighborhood.

44
45 Mr. Williams asked Mr. Verst if he was stating the Commission should leave it at three (3) acres or make
46 it less. Ms. Minter stated the questions is do you leave it at one (1) because that is the current requirement
47 or do you increase it to three (3) or some magic number in between. Mr. Williams reminded the
48 Commission that the first speaker thought it should remain at one (1). Mr. Stapleton stated he thinks it
49 should stay the same and let the Board of Adjustment determine what is appropriate. He continued that
50 one (1) acre may be a little small for a cemetery though and proposed it may need to be increased to
51 three (3). Mr. Williams stated we could always require three (3) or more. Mr. Verst stated at the same

1 time, if we leave it at one (1), the Board of Adjustment could always review the plan and say “we don't
2 think you have enough space” and left them go out and get more acreage.

3
4 Mr. Dykes asked to be recognized and Mr. Verst did so. Mr. Dykes pointed out that by increasing the
5 acreage to three (3) acres you are totally eliminating some people from even having the option to go to
6 the Board of Adjustment and ask for approval. If you leave at one (1), you at least give me the opportunity
7 to go before you all and letting you shoot me down. If you increase it to three (3), I can't even walk
8 through the door to speak with you. As a citizen of our community, I encourage you to leave it at one (1).
9 I trust the Board of Adjustment to make the appropriate decision versus just being stopped before I can
10 even get my foot in the door. Thank you.

11
12 Mr. Verst thanked Mr. Dykes for his comments. Mr. Williams recommended the Commission leave it at
13 one. Mr. Verst asked how the Commissioners felt about it. There being no comment, Mr. Verst advised
14 Ms. Minter to leave the acreage at one (1). Mr. Verst identified there was another difference between
15 the permitted uses and conditional uses that being the rear yard. It is currently twenty-five (25) fee for
16 the rear yard setback and staff was proposing it me increased to thirty-five (35) feet. Do we want to
17 increase the rear yard setback or just leave the setbacks completely as they exist today? The general
18 consensus was that the setbacks should remain as they exist with no changes to them.

19
20 Ms. Minter stated the final item in the text was to Section F. Other Development Controls which she
21 touched on before. To remain consistent with the A-1 Zone, the citing of a single family dwelling which
22 is required for horse related activities and greenhouse should be moved to this section. Mr. Verst asked
23 if there were any comments and questions on this item. There were none.

24
25 **F. OTHER DEVELOPMENT CONTROLS:**

- 26
27 1. Off street parking and loading or unloading shall be provided in accordance with
28 Articles XI and XII of this Ordinance.
- 29
30 2. No lighting shall be permitted which would glare from this zone into any street, road,
31 highway, deeded right-of-way or into any residential zone.
- 32
33 3. All buildings for the storage of animals and/or manure shall be located a minimum
34 of two hundred (200) feet from all front, side, and rear property lines.
- 35
36 4. All permitted uses shall site a single-family dwelling which meets the applicable
37 area and height regulations for all structures.

38
39 Mr. Verst commented that we had gone through a lot of text changes and covered a lot of territory tonight.
40 Mr. Verst asked the Commission, prior to closing the public hearing, are there any items for further
41 discussion before a motion was to be proposed. There were no comments, questions or concerns from
42 the Commission or the public. Mr. Verst closed the public hearing.

43
44 Mr. Verst asked the Commission if anyone wanted to make a motion on case #163-16-TXA-01 to approve
45 the proposed text changes as reviewed, discussed and modified here tonight to Article IX, Section 9.11
46 Regulations Governing Home Occupations; Article X, Section 10.1 A-1 Agriculture Zone; and Article X,
47 Section 10.2 R-RE Residential Rural Estates. Mr. Smith injected that the motion should provide staff with
48 the latitude to make grammatical corrections. Mr. Verst agreed that staff could make non-substantive
49 changes as a result of grammar and formatting. Mr. Williams made the motion to approve the text
50 changes as reviewed, discussed and modified at the meeting this evening for Article IX, Section 9.11
51 Regulations Governing Home Occupations; Article X, Section 10.1 A-1 Agriculture Zone; and Article X,
52 Section 10.2 R-RE Residential Rural Estates of the Campbell County Zoning Ordinance and allowing for

1 staff to make non-substantive corrections for grammar and formatting. Mr. Verst asked if there were any
2 questions on the motion. There being none, Mr. Verst called for a second. Mr. Stapleton seconded the
3 motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Blake, Mr. Stapleton,
4 Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. No one opposed or abstained. Motion
5 passed.

6
7 Mr. Verst announced that was a motion to recommend to the Campbell County Fiscal Court to make the
8 text changes we discussed this evening. Ms. Minter asked Mr. Verst if he could clarify the bases for the
9 recommendation for the record. Mr. Verst apologize for overlooking that aspect of the motion. Mr. Verst
10 asked Mr. Williams if he would like to amend his motion to clarify the bases for the motion. Mr. Williams
11 stated that he did so. Mr. Smith asked if the bases of his motion the staff report, testimony from staff and
12 the public, and discussion among the Commission this evening. Mr. Williams stated that was correct.
13 Mr. Verst asked Mr. Stapleton if he wished to clarify his seconding of the motion. Mr. Stapleton seconded
14 the amendment to the motion. Mr. Verst called for a second roll call vote just for clarity in the record. A
15 roll call vote found Mr. Barrow, Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor
16 of the motion. No one opposed or abstained. Motion passed.

17
18 Mr. Verst thanked the audience for their participation this evening and for staying so late. The audience
19 was advised that they could leave if they want or stay for the rest of the meeting. Those remaining in the
20 audience chose to leave at that point.

21
22 The next item on the Agenda was to resume discussion on a previous case that was tabled. Mr. Verst
23 introduced case #143-16-TXA-02, a request by the Campbell County Planning & Zoning Commission to
24 update the sign regulations. Due to the lateness of the hour, Mr. Verst asked if the Commission cared to
25 make a motion to table this discussion until our next meeting in August. The Commission agreed. Mr.
26 Williams made a motion to table case #143-16-TXA-02, a request by the Campbell County Planning &
27 Zoning Commission to update the sign regulations until our next meeting in August. Mr. Verst called for
28 a second. Ms. Blake seconded the motion. Mr. Verst asked if there were any comments or questions
29 on the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake,
30 Mr. Stapleton, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in agreement. No one opposed or
31 abstained. Motion passed.

32
33 Mr. Verst asked Ms. Minter if there was any training to approve. Ms. Minter indicated there was none to
34 be approved. Mr. Verst moved to the Director's Report. Ms. Minter stated that, due to the lateness of
35 the hour, she did not have a Director's Report this evening. Ms. Minter announced there would not be a
36 work session in July and any discussion regarding sign regulations would be addressed at our next
37 meeting. Mr. Verst asked if anyone had any topics for discussion this evening. There being none, Mr.
38 Verst called for a motion to adjourn. Mr. Stapleton made a motion to adjourn the meeting. Mr. Verst
39 called for a second. Mr. Williams seconded the motion. An oral vote found all in favor, none opposed
40 and none abstained. Motion passed. Meeting adjourned at 11:10 PM.

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42
43
44 Respectfully Submitted,

Approved:

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48 _____
49 Cynthia Minter
Director of Planning & Zoning

45
46
47
48 _____
49 Justin Verst
Chair