CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

JULY 12, 2016
7:00 PM

AGENDA

1. Meeting called to order.

2. Pledge of Allegiance

3. Roll call and determination of quorum.

4. Approval of the May 10, 2016 minutes.

5. New Business
   A. FILE NUMBER: 163-16-TXA-02
      APPLICANT: Campbell County & Municipal Planning & Zoning Commission
      REQUEST: A proposed text amendment to Article IX, Section 9.11 Regulations Governing Home Occupations; Article X, Section 10.1 A-1 Agriculture Zone and Section 10.2 R-RE Residential Rural Estates for the Unincorporated Campbell County.

6. Old Business
   A. FILE NUMBER: 143-16-TXA-02
      APPLICANT: Campbell County & Municipal Planning & Zoning Commission
      REQUEST: A proposed amendment to the Sign Regulations for the Unincorporated Campbell County as well as the Cities of Crestview, Melbourne, Silver Grove, Southgate and Woodlawn

7. Approval of Training

8. Director's Report

9. Adjournment

IF YOU CANNOT ATTEND THE MEETING, PLEASE CALL THE P&Z OFFICE AT 859-292-3880.

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting. If there is a need for the Commission to be aware of, contact the office seven (7) days prior to the meeting.

Calendar Notes

Tuesday, July 26th **7:00 PM**	**Special Meeting** *Work Session on sign regulations.*
Tuesday, August 9th **7:00 PM**	**Monthly Public Hearing / Business Meeting** *The deadline to submit applications for this agenda is 4:30 PM on June 14th.*

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.

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

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

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

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

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

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

Background:

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

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

Proposed Text Amendments:

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

Recommendation:

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

Bases for Staff Recommendation:

1. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure, Kentucky Revised Statutes (KRS) 100.207 and KRS 100.211, the Campbell County & Municipal Planning & Zoning Commission has the authority to recommend the adoption of text changes to the County.

2. Proper notice of the public hearing has been given in accordance with KRS 424, Campbell County Zoning Ordinance Article XVII Amendment and the bylaws of the Campbell County & Municipal Planning & Zoning Commission.

3. The proposed modifications are consistent with the Campbell County Comprehensive Plan Update.

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

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

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

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

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

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

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

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

A. PERMITTED USES:

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

B. ACCESSORY USES

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

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

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

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

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

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

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

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

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

A. ***No persons other*** than members of the family ***residing in the premises*** shall be engaged in such operation.

D. ***No*** home occupation shall be conducted in any ***accessory building***, nor shall there be any ***exterior storage*** of any materials on the premises.

E. There shall be ***no commodity sold upon the premises*** in connection with such home occupation.

F. ***No traffic*** shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

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

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

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

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

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

Please be advised that the city is not in favor of this being added to the RRE zone for the county and certainly would be opposed to it within the city or anywhere that those RRE zones "touch" Cold Spring.

From: *Brandon Voelker, Attorney (email)*
Cindy, Is the hearing at CCMPZC to consider sponsoring text amendments to the RRE zone, or has the Fiscal Court or P and Z already voted to have the matter set for a hearing.

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

From: *Anonymous Business Owner (Phone call)*

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

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

Don't cared moved business elsewhere.

From: *Anonymous Business Owner (Phone call)*

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

From*: Doug Bray (email)*

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

From: *Anonymous Business Owner (Phone call)*

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

From: *Hutch Johnson, Attorney (Letter)*

Dear Cindy:

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

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

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

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

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

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

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

> *Under 9.11 A. General Requirements, number 7, we would ask that it read:*
>
> *7. No traffic or parking shall be generated by such a Home-Based Business, including appointments in greater volumes, location or type than would normally be expected in a residential neighborhood,* ***with consideration given to the character and nature of the area and/or the seasonal nature of the business."***

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

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

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

permitted with consideration given to the character and nature of the area and/or the seasonal nature of the business."

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

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

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

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

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

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

Sincerely,
Richard G. Johnson

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

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

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

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

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

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

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

- Types of Conditional Use Home-Based Business – Strike any reference to specific business. If a proposed business is not on that list, they will never have an opportunity to be heard by the Board of Adjustment. We simply don't know what kind of business could be proposed.

- Subsection E. Waiver -
  - The ability to appeal the zoning administrator's decision is outlined. This existed in the past, but we never called it out.

- Article X, Section 10.1 A-1 Agriculture Zone and Section, and
  - Subsection A. Uses Permitted
    - Item 4 – Move the reference to the setback requirement to item D of this section.
    - Item 7 – Move to item C. We have found that bed and breakfast to many refer also to event centers, restaurants, etc.
    - Item 8 – Move to item C. This can be a home-based business, but can also go to the commercial activity depending on the scope of operation.
  - Subsection B. Accessory Uses -
    - Item 3 – Correct to new terminology of Home-Based Business
  - Subsection C. Conditional Uses -
    - Item 16 – Add Taxidermy and wildlife services.
    - Item 17 – Add Bed and breakfast establishments
    - Item 18 – Add Event Facilities on an active farm with a minimum of 5 acres.
    - Item 19 – Add Butcher/meat processing with a minimum of 5 acres
    - Item 20 – Add Restaurants on an active farm.
  - Subsection D. Area and Height Regulations for Permitted Uses -
    - Opening Paragraph – Add "or stand" after "No building"
  - Subsection F. Other Development Controls -
    - Item 4 – Add "All permitted uses shall site a single-family dwelling which meets the applicable area and height regulations for all structures." This would be applicable when a property in the A-1 Zone is purchased with the intent to construct dwellings not pertaining to agricultural activity without a primary residence on site.

- Article X, Section 10.2 R-RE Residential Rural Estates
  - Subsection A. Uses Permitted
    - Item 2 – Move the reference to the setback requirement to item D of this section.
    - Item 3 – Move the reference to the setback requirement to item D of this section.
  - Subsection B. Accessory Uses -
    - Opening – Strike references to which accessory uses are for Permitted Use #1 and which are for the remaining Permitted Uses.
    - Item 2 – Add "Fences and walls as regulated by Article XIII of this ordinance."
    - Item 3 – Correct to new terminology of Home-Based Business
    - Item 4 – Strike "Living quarters for domestic servants…" This is antiquated and no longer relevant.
    - Item 6 – Strike "Privately owned swimming pools." This is an accessory structure as reflected in Subsection B. Item 1.
  - Subsection D. Area and Height Regulations for Permitted and Conditional Uses –
    - Opening Paragraph – Strike "and Conditional".
  - Subsection E. Area and Height Regulations for Conditional Uses -
    - Opening Paragraph – Add new Subsection E. Area and Height Regulations for Conditional Uses and change current E to Subsection F. New area requirements for Conditional Uses to match those in the A-1 Zone.
  - Subsection F. Other Development Controls -

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

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

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

Mr. Travis Dykes:

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

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

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

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

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

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

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

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

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

<u>Mr. Charlie Coleman</u>:

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

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

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

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

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

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

Mr. Eric Hermes:

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

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

of wild life, deer, a pond with fish that is stocked with fish. I want to live and I bought the property because 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 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Brandon Voelker:

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

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

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

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

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

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

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

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

There is a place for people to build heavy commercial. But, it is not in our neighborhoods. It is just I go back to why have zoning at all? If you are going to allow people to apply for a conditional use to build a manufacturing facility on a three (3) acre lot, take your zoning ordinance and just throw it down the toilet. There is no need for it. As it pertains to general standards, what someone would deem reasonable or not, I think that you need to define those and, at a minimum, what I would ask is if you are going to allow 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 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 zone for these types of uses you are proposing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Brian Painter:

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

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

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

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

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

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

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

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

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

Ms. Anna Zinkhon:

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

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

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

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

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

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

Mr. Charlie Krift:

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

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

Mr. Kevin Neltner:

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

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

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

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

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

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

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

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

[Brief recess occurred.]

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

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

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

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

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

Ms. Minter read from the existing ordinance:

A. No persons other than ***members of the family*** residing in the premises shall be engaged in such operation.

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

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

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

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

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

Mr. Verst stated Mr. Painter had it right when he stated that we shouldn't let perfect be the enemy of 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 because we thought one (1) employee was good, but find out in practicality it doesn't work, but we take our best shot at getting it right. Ms. Minter asked if the Commission wanted her to leave highlighted and come back to it again. Mr. Stapleton stated he thinks this is a good place to start. Mr. Williams stated 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 objections. Mr. Verst reminded everyone that we are complaint driven. If someone has two (2) employees instead of one (1), it isn't going to be an issue unless someone complains. If the additional employee is not causing an issue and no one is complaining, then the additional employee is not going to be addressed. Once a complaint is received then there is a method to address that complaint.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> *SECTION 9.22 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT*
>
> *A. No motor vehicle, which is inoperable, shall be stored on any lot in any zone or parcel of ground unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of a resident family and their guests.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. PERMITTED USES:

~~7. Bed and breakfast establishments.~~
~~8. Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.~~

C. CONDITIONAL USES:

16. Taxidermy and wildlife services.
17. Bed and breakfast establishments.

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

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

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

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

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

C. CONDITIONAL USES:

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

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

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

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

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

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

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

C. CONDITIONAL USES:

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

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

C. CONDITIONAL USES:

20. Restaurants on an active farm.

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

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

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

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

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

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

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

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

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

F. OTHER DEVELOPMENT CONTROLS:

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

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

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

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

A. USES PERMITTED:

1. Single family dwellings, detached.
2. Horse related uses, including riding and boarding stables 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~~.

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~~.

~~E~~F. 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.
~~2~~3. Home~~-occupations~~-Based Businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
~~3~~4. Signs as regulated by Article XIV of this Ordinance.
~~4. Living quarters for domestic servants, if attached to the main structure.~~
5. ~~The~~ K~~k~~eeping 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.

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

C. CONDITIONAL USES:

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

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

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

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

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

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

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

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

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

1. Minimum Lot Area - Three (3) acres
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

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

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

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

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

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

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

~~E~~F. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.

2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.

3. All buildings for the storage of animals and/or manure shall be located a minimum of two hundred (200) feet from all front, side, and rear property lines.

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

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

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

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

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

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

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

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

Respectfully Submitted,

Cynthia Minter
Director of Planning & Zoning

Approved:

Justin Verst
Chair

EXISTING TEXT

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS: Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:

A. No persons other than members of the family residing in the premises shall be engaged in such operation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more that twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated be Article XIV of this ordinance, shall be permitted.

D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.

E. There shall be no commodity sold upon the premises in connection with such home occupation.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

G. No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot, shall he used in such home occupation. In the case of electrical interference, no equipment or process, which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

SECTION 10.1 A-1 AGRICULTURE ZONE:

A. USES PERMITTED:

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
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 fifty feet from any street.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. Bed and breakfast establishments.
8. Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.
9. Animal Hospitals and Veterinary Clinics.
10. Agritourism uses.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Home occupations subject to the restrictions and limitations established in Section 9.11 of this ordinance.
4. Signs as regulated by Article XIV of this ordinance.
5. The keeping of not more than four (4) roomers or boarders by a resident family.
6. Living quarters for persons employed on a farm.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.

6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:

    a. golf courses
    b. country clubs
    c. semi-public swimming pools
    d. tennis courts/clubs
    e. fishing lakes
    f. gun clubs and ranges
    g. boat harbors and marinas

8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.
9. Essential services and public utility stations.
10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
12. Sawmills.
13. Plants for the processing and storage of agricultural products.
14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
15. Kennels.

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

    a. Total - Twenty five (25) feet
    b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

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

1. Minimum Lot Area - Three (3) acres
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

    a. Total - Twenty five (25) feet
    b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.
3. Storage of manure shall not be permitted within one hundred (100) feet of a public or private street, or within fifty (50) feet of a side or rear lot line.

SECTION 10.2 R-RE RESIDENTIAL RURAL ESTATE

A. USES PERMITTED:

1. Single family dwellings, detached.
2. Horse related uses, including riding and boarding stables 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.
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.

B. ACCESSORY USES:

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

1. Customary accessory buildings and uses.
2. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
3. 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

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following-nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for higher education providing they are located adjacent an arterial street.
4. Nursery schools.
5. Public and parochial schools.
6. Publicly owner and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:

a. golf courses
b. country clubs
c. semi-public swimming pools
d. tennis courts/clubs
e. fishing lakes and clubs
f. gun clubs and ranges
g. riding stables and saddle clubs

8. Institutions for human medical care-hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located on arterial streets.
9. Police and fire stations provided they are located adjacent to an arterial street.
10. Essential services and public utility stations.
11. Noncommercial structure without a detached single-family dwelling provided that the location for a detached single-family has been sited meeting all applicable area and height regulations for all structures.

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

E. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.
3. All buildings for the storage of animals and/or manure shall be located a minimum of two hundred (200) feet from all front, side, and rear property lines.

SECTION 9.11 ~~SPECIAL REQUIREMENTS GOVERNING~~ HOME-~~OCCUPATIONS~~BASED BUSINESS~~:~~

Home occupations or a ~~HBB~~Home-Based Business is a business, profession or other economic activity conducted full- or part-time at the principal residence of the person conducting the business. ~~shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location).~~ Home-Based Businesses are frequently used as incubators during the start-up phase of the operation. Existing or new businesses which exceed the regulations of this ordinance may be deemed as ready to transition to a professional environment and are subject to action by the Planning Commission or their duly authorized representative regarding non-conformance with this ordinance.

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

A. General Requirements: The following requirements shall apply to a Home-Based Business~~home occupations when permitted herein~~:

1. No more than one (1) employee ~~persons~~ other than ~~members of the family~~those residing ~~in~~ on the premises shall be engaged in a ~~such operation~~Home-Based Businesses on the premises at any one point in time.

2. The use of ~~the dwelling unit~~a structure for the H~~h~~ome~~-occupation~~-Based Business shall be clearly incidental and subordinate to its use for residential purposes~~ by its occupants~~. The Home-Based Business shall be conducted completely indoors. When conducted within a residential dwelling, n~~N~~ot more that twenty-five (25) percent of the gross floor area of ~~any one floor of~~ the total residential dwelling unit ~~(including the basement or cellar)~~ shall be used in the conduct of ~~the~~ Home-Based Businesses~~home occupation~~.

3. There shall be no outdoor operations or storage of materials, products or equipment for a Home-Based Business in a residential zone. Accessory structures may be used for a Home-Based Business in the R-RE and A-1 zones but shall be limited to one (1) accessory structure per lot.

4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of ~~such~~ a Home-Based Business ~~home occupation~~ that will indicate from the exterior that the building is being utilized in part for any purpose other than ~~that of a dwelling~~

~~unit~~its primary permitted use. ~~, except that a name plate as regulated be Article XIV of this ordinance, shall be permitted~~.

5. Signage is subject to Article XIV of this ordinance.

~~There shall be no commodity sold upon the premises in connection with such home occupation.~~

6. The address of the Home-Based Business shall not be advertised in such a way that would encourage vehicle or pedestrian traffic to come to the property without an appointment.

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

~~1.~~8. Temporary garage and/or yard sales may be governed by a separate county or city ordinance.

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

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

Based upon the potential nuisances of a proposed Home-Based Business, it may be determine that a particular type or intensity of use is unsuitable to be a Home-Based Business or that the proposed lot area or setbacks are not sufficient.

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

- Office-type work,
- Custom sewing and fabric crafts,
- Creation of visual or musical arts,
- Sales and surveys over the phone or computer,

- Off-site sales or work, where the premises are used only for office and/or storage,
- Instruction or tutoring limited to a maximum of two (2) students on the premises at any one time, or
- Trucking Owner/Operator limited to one (1) vehicle.

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

1. No more than eight (8) trips to the premises daily inclusive of all employees, visitors, customers and/or delivery persons;
2. Include a minimum of one (1) off-street parking space (which may include a space for the dwelling). The front yard should not be used as a parking space to retain the residential character of the property.
3. Hours of operation, including delivery and receiving, shall be conducted in a way that is not perceptible from beyond the lot line between the hours of 10:00 p.m. and 7:00 a.m.

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

- At-home childcare with a maximum child care capacity of ten (10) at any one (1) time,
- Auto detailing excluding body shop
- Beauty/Cosmetology
- Catering for off-site consumption
- Craftsmanship including woodworking/metalworking
- Electronic repair
- Gun/archery repair
- Landscaping/mowing
- Pet grooming excluding kennels and pet daycares
- Printing/engraving
- Small engine repair
- Taxidermy
- Upholstery

C. Conditional Use Home-Based Business: In addition to the General Requirements, Conditional Use Home-Based Businesses are commonly subject to additional requirements. No zoning or building permit shall be issued for a Conditional Use Home-Based Businesses or any customary accessory buildings until and unless the location of said use shall have been applied for and approved by the Board of Adjustment as set forth in Section 9.14. A Conditional Use Home-based Business requires a minimum lot size of three (3) acres.

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

- Bait Shop
- Heavy equipment operators
- Limited on-site sales
- Manufacturing/Assembly
- Storage units/lots for lease
- Vehicle repair, including body shops

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

SECTION 10.1 A-1 AGRICULTURE ZONE:

A. USES PERMITTED:

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
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 fifty feet from any street~~.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. ~~Bed and breakfast establishments.~~
8. ~~Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.~~

~~9.~~7. Animal Hospitals and Veterinary Clinics.
~~10.~~8. Agritourism uses.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Home~~ occupations~~ **Based Businesses** subject to the restrictions and limitations established in Section 9.11 of this ordinance.
4. Signs as regulated by Article XIV of this ordinance.
5. The keeping of not more than four (4) roomers or boarders by a resident family.
6. Living quarters for persons employed on a farm.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.
4. Police and fire stations provided they are located adjacent to an arterial street.

5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:

    a. golf courses
    b. country clubs
    c. semi-public swimming pools
    d. tennis courts/clubs
    e. fishing lakes
    f. gun clubs and ranges
    g. boat harbors and marinas

8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.
9. Essential services and public utility stations.
10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
12. Sawmills.
13. Plants for the processing and storage of agricultural products.
14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
15. Kennels.
16. **Taxidermy and wildlife services.**
17. **Bed and breakfast establishments.**
18. **Event facilities on an active farm with a minimum of 5 acres.**
19. **Butcher/meat processing with a minimum of 5 acres.**
20. **Restaurants on an active farm.**

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:

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet

4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

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

1. Minimum Lot Area - Three (3) acres
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.

2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.

3. Storage of manure shall not be permitted within one hundred (100) feet of a public or private street, or within fifty (50) feet of a side or rear lot line.

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

SECTION 10.2 R-RE RESIDENTIAL RURAL ESTATE

A. USES PERMITTED:

1. Single family dwellings, detached.
2. Horse related uses, including riding and boarding stables 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.~~
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.~~

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.**
~~2~~3. Home-**Based Businesses** ~~occupations~~ subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
~~3~~4. Signs as regulated by Article XIV of this Ordinance.
~~4. Living quarters for domestic servants, if attached to the main structure.~~
5. ~~The~~ **K**~~k~~eeping 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~~

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following-nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for higher education providing they are located adjacent an arterial street.
4. Nursery schools.
5. Public and parochial schools.

6. Publicly owner and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
   a. golf courses
   b. country clubs
   c. semi-public swimming pools
   d. tennis courts/clubs
   e. fishing lakes and clubs
   f. gun clubs and ranges
   g. riding stables and saddle clubs
8. Institutions for human medical care-hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located on arterial streets.
9. Police and fire stations provided they are located adjacent to an arterial street.
10. Essential services and public utility stations.
11. Noncommercial structure without a detached single-family dwelling provided that the location for a detached single-family has been sited meeting all applicable area and height regulations for all structures.
12. Event facilities on an active farm with a minimum of 5 acres.
13. Restaurants on an active farm.

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

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

1. Minimum Lot Area - Three (3) acres
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet

4. Minimum Side Yard Width

   a. Total - Twenty five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

~~E~~F. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.

2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.

3. All buildings for the storage of animals and/or manure shall be located a minimum of two hundred (200) feet from all front, side, and rear property lines.

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

SECTION 9.11 ~~SPECIAL REQUIREMENTS GOVERNING~~ HOME-~~OCCUPATIONS~~BASED BUSINESS~~:~~

Home occupations ~~shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:~~or a Home-Based Business is a business, profession or other economic activity conducted full- or part-time at the principal residence of the person conducting the business. Home-Based Businesses are frequently used as incubators during the start-up phase of the operation. Existing or new businesses which exceed the regulations of this ordinance may be deemed as ready to transition to a professional environment and are subject to action by the Planning Commission or their duly authorized representative regarding non-conformance with this Section 9.11.

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

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

1. ~~A. No persons other than members of the family residing in the premises shall be engaged in such operation.~~No more than one (1) employee other than those residing on the premises shall be engaged in a Home-Based Businesses on the premises at any one point in time.

2. ~~B.~~ The use of ~~the dwelling unit~~a structure for the ~~home occupation~~Home-Based Business shall be clearly incidental and subordinate to its use for residential purposes ~~by its occupants~~. The Home-Based Business shall be conducted indoors. ~~Not more that twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.~~

3. There shall be no outdoor operations or storage of materials, products or equipment for a Home-Based Business in a residential zone. Accessory structures may be used for a Home-Based Business in the R-RE and A-1 zones but shall be limited to one (1) accessory structure per lot.

4. ~~C.~~ There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of ~~such home occupation~~ a Home-Based Business that will indicate from the exterior that

the building is being utilized in part for any purpose other than ~~that of a dwelling unit~~its primary permitted use~~, except that a name plate as regulated be Article XIV of this ordinance, shall be permitted~~.

5. Signage is subject to Article XIV.

~~D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.~~

~~E. There shall be no commodity sold upon the premises in connection with such home occupation.~~

6. ~~F.~~ No unreasonable traffic or parking shall be generated by ~~such home occupation~~ a Home-Based Business in greater volumes, location or type than would normally be expected in a residential neighborhood.

7. The use shall not involve the storage or use of hazardous, toxic, flammable or explosive substances, other than types and amounts commonly found in a dwelling.

8. ~~G.~~ No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses~~ off the lot~~ beyond the boundary of the property~~,~~ shall ~~he~~ be used in such ~~home occupation~~Home-Based Business. Noise shall be limited to those typical to a residential neighborhood. ~~In the case of electrical interference, no equipment or process, which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.~~

9. Based upon the potential nuisances of a proposed Home-Based Business, it may be determined that a particular type, intensity, or use is unsuitable.

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

- Office-type work,
- Custom sewing and fabric crafts,
- Creation of visual or musical arts,
- Sales and surveys over the phone or computer,
- Off-site sales or work, where the premises are used only for office and/or storage,
- Instruction or tutoring limited to a maximum of two (2) students on the premises at any one time, or

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

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

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

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

- At-home childcare with a maximum child care capacity of ten (10) at any one (1) time,
- Auto detailing excluding body shop,
- Beauty/cosmetology,
- Catering for off-site consumption,
- Craftsmanship including woodworking/metalworking,
- Electronic repair,
- Gun/archery repair,
- Landscaping/mowing,
- Pet grooming excluding kennels and pet daycares,
- Printing/engraving,
- Small engine repair,
- Taxidermy, or
- Upholstery

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

E. WAIVER: A Home-Based Business may apply for a waiver of one or more of the General Requirements through the Board of Adjustments. KRS 100.247 states that a variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land,

building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

SECTION 10.1 A-1 AGRICULTURE ZONE:

A. USES PERMITTED:

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
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 fifty feet from any street.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. ~~Bed and breakfast establishments.~~
8. Taxidermy and other related wildlife resources and services~~, with sales portion not to exceed 10% of the gross floor area of the operations~~.
9. Animal Hospitals and Veterinary Clinics.
10. Agritourism uses.
11. Butcher/meat processing in connection with other agricultural activities.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Home~~ occupations~~ -Based Businesses subject to the restrictions and limitations established in Section 9.11 of this ordinance.
4. Signs as regulated by Article XIV of this ordinance.
5. The keeping of not more than four (4) roomers or boarders by a resident family.
6. Living quarters for persons employed on a farm.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries.

2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:

    a. golf courses
    b. country clubs
    c. semi-public swimming pools
    d. tennis courts/clubs
    e. fishing lakes
    f. gun clubs and ranges
    g. boat harbors and marinas

8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.
9. Essential services and public utility stations.
10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
12. Sawmills.
13. Plants for the processing and storage of agricultural products.
14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
15. Kennels.
16. **Bed and breakfast establishments.**
17. **Event facilities.**
18. **Restaurants.**

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty-five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

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

1. Minimum Lot Area - Three (3) acres
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

   a. Total - Twenty-five (25) feet
   b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Thirty-five (35) feet
6. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.

2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.

3. Storage of manure shall not be permitted within one hundred (100) feet of a public or private street, or within fifty (50) feet of a side or rear lot line.

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

SECTION 10.2 R-RE RESIDENTIAL RURAL ESTATE ZONE:

A. USES PERMITTED:

1. Single family dwellings, detached.
2. Horse related uses, including riding and boarding stables 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.~~
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.~~

B. ACCESSORY USES:

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

1. Customary accessory buildings and uses.
2. Home~~ occupations~~ -Based Businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
~~4. Living quarters for domestic servants, if attached to the main structure.~~
~~5~~4. 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.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, ~~-~~nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for higher education providing they are located adjacent an arterial street.
4. Nursery schools.
5. Public and parochial schools.

6. Publicly owner and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:

    a. golf courses
    b. country clubs
    c. semi-public swimming pools
    d. tennis courts/clubs
    e. fishing lakes and clubs
    f. gun clubs and ranges
    g. riding stables and saddle clubs

8. Institutions for human medical care-hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located on arterial streets.
9. Police and fire stations provided they are located adjacent to an arterial street.
10. Essential services and public utility stations.
11. Noncommercial structure without a detached single-family dwelling provided that the location for a detached single-family has been sited meeting all applicable area and height regulations for all structures.

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width

    a. Total — Twenty--five (25) feet
    b. One Side - Ten (10) feet

5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

E. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.

2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.

3. All buildings for the storage of animals and/or manure shall be located a minimum of two hundred (200) feet from all front, side, and rear property lines.

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

163-16-TXA-01

Section 9.11

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

A. No persons other than members of the family residing in the premises shall be engaged in such operation.

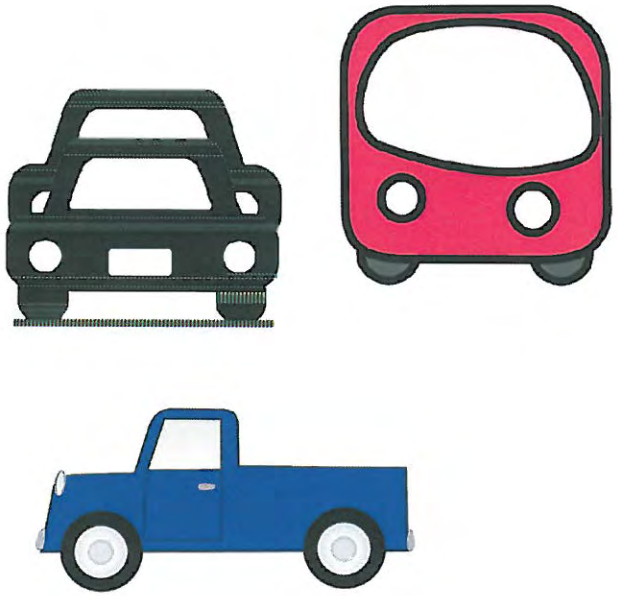
D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.

E. There shall be no commodity sold upon the premises in connection with such home occupation.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

Example A1

Childcare



Example A2

Accountant

163-16-TXA-01

Section 9.11

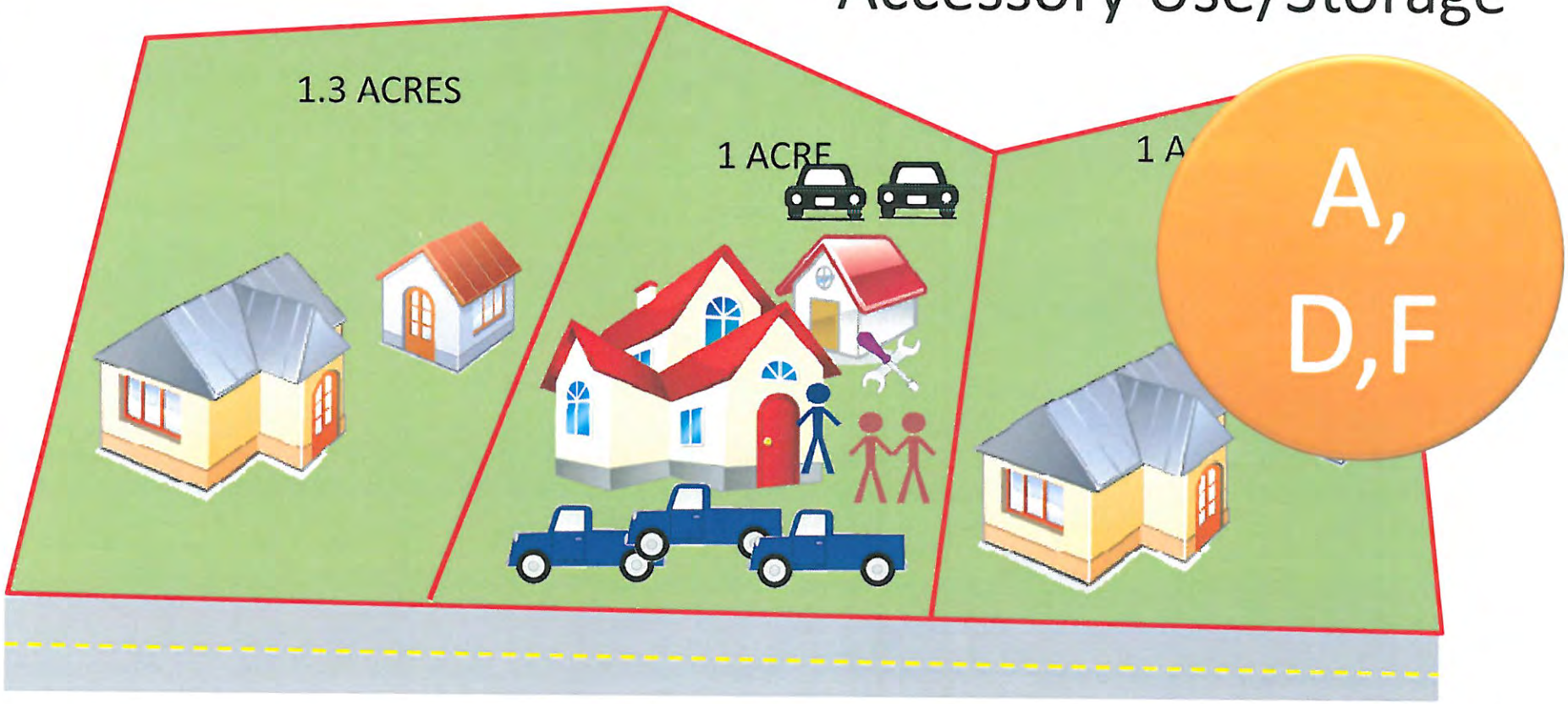
SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

A. No persons other than members of the family residing in the premises shall be engaged in such operation.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

Example B1
Accessory Use/Storage

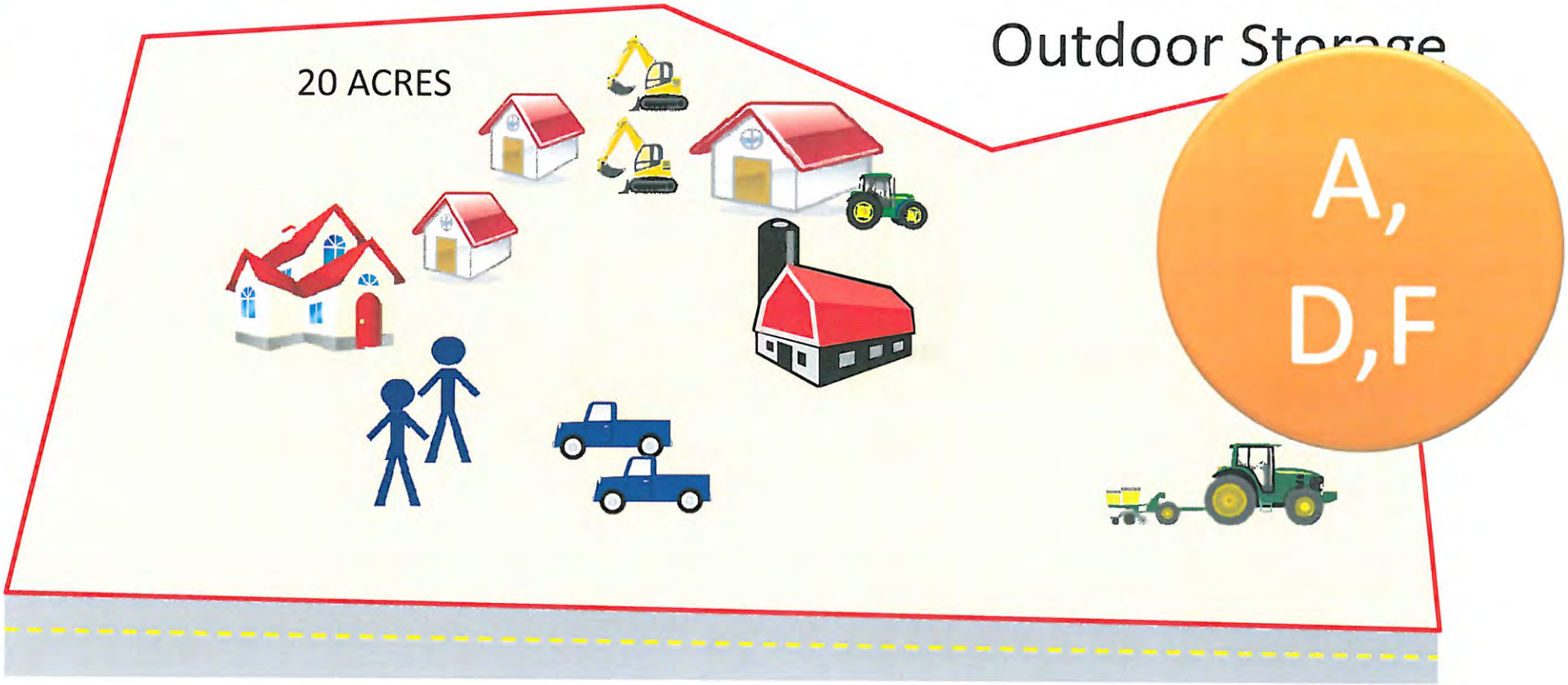
Example B2
Accessory Use/Storage



Example B3

Accessory Use

Outdoor Storage



163-16-TXA-01

Section 9.11

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

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Example C1

Active Accessory Use

163-16-TXA-01 Section 9.11

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

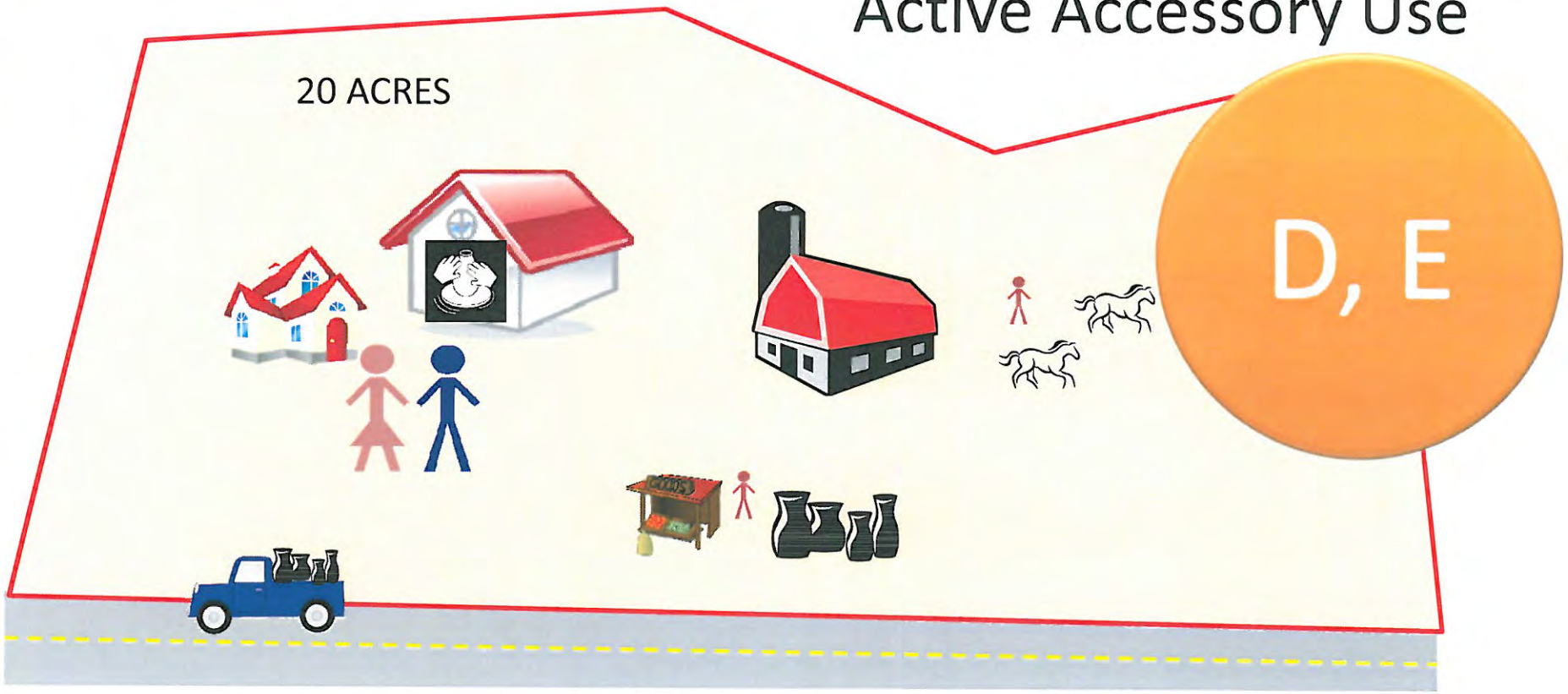
A. No persons other than members of the family residing in the premises shall be engaged in such operation.

D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.

E. There shall be no commodity sold upon the premises in connection with such home occupation.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

Example C2
Active Accessory Use

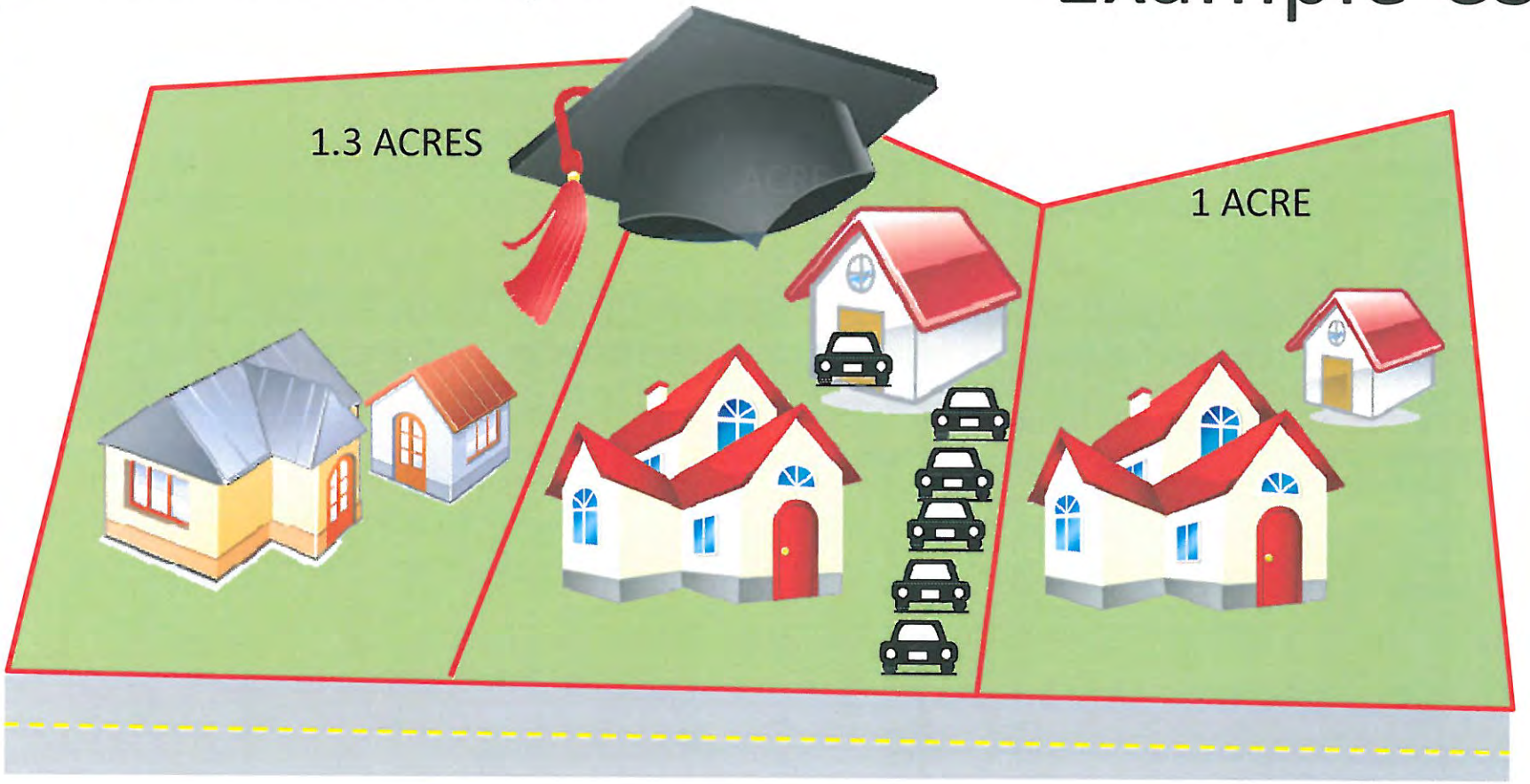


163-16-TXA-01 Section 9.11

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.

E. There shall be no commodity sold upon the premises in connection with such home occupation.

Active Accessory Use

Example C3