

AN ORDINANCE AMENDING ARTICLES 1-11 AND 3-10 OF THE ZONING ORDINANCE TO MODERNIZE THE DEFINITION OF “HOME-BASED BUSINESS” AND “HOME OCCUPATION” TO BETTER COMPLY WITH THE ESTABLISHED STATE REGULATIONS. (PLANNING COMMISSION).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has initiated a text amendment to Articles 1-11 and 3-10 of the Zoning Ordinance to modernize the definition of “Home-based business” and “Home occupation” to better comply with the established state regulations; and

WHEREAS, the Planning Commission has considered a text amendment to Articles 1-11 and 3-10 of the Zoning Ordinance to modernize the definition of “Home-based business” and “Home occupation” to better comply with the established state regulations. The Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 1-11, definitions of “Home-based business” and “Home occupation”, of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

Sec. 1-11. – Definitions

*Home-based business* means a gainful occupation or profession carried on in a residence that involves:

- (a) Customers or clients coming to the residence; and/or
- (b) The use of materials or equipment that are potentially disturbing to surrounding properties due to noise, odors, flammability or some other risk factor.

Examples include, but are not limited to, individual music instruction; athletic training; counseling services; and upholstery work.

The term “home-based business” shall not include barber shops; beauty parlors; offices for escort services; massage parlors, automobile and small engine repair; medical or dental offices; palm reading or fortune telling; catering or food-handling requiring a commercial kitchen ; and uses, other than upholstery, which are first permitted in the B-

4, I-1 or I-2 zones.

*Home occupation* means a gainful occupation or profession carried on in a residence that does not involve customer or client visits to the residence (excluding pick-up or pre-ordered items or drop-off of items to be repaired); and materials or equipment used in the conduct of the home occupation is limited to items that have minimal potential for disturbing surrounding properties due to noise or potentially harmful chemicals. Examples include, but are not limited to, sewing, handicrafts, homebased processing, and computer graphics, and/or design.

Section 2 – That Article 3-10 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

Sec. 3-10-General Regulation for operation of a home office or home occupation.

Shall be as follows:

- (a) The use shall be clearly incidental and secondary to use of dwelling purposes with no more than three hundred (300) square feet of the dwelling devoted to each use;
- (b) The use shall be operated by and shall employ only residents of the dwelling;
- (c) No commodities or merchandise shall be stored on the property other than those produced and/or repaired by the residents on the premises; any firearms being modified or repaired on the premises as part of a home occupation shall be located in a locked safe and shall never be discharged on site;
- (d) The residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance of the building;
- (e) No outside signage shall be permitted on the premises;
- (f) The use shall be located in the dwelling unit and not in any accessory building;
- (g) On-site sales or visits to the home by customers, clients, patrons and the general public are not allowed, excluding the pick-up or pre-ordered items or drop-off of items to be repaired;
- (h) The use does not involve potentially disturbing equipment, materials or chemicals.

These provisions are not intended to restrict offices accessory to principal permitted agricultural uses located in homes on the same agricultural property.

A home office shall not include offices for escort services.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

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