



STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

PLN-ZOTA-22-00004: AMENDMENT TO PROFESSIONAL OFFICE (P-1) ZONE TO MODIFY RESTRICTIONS ON BEAUTY SHOPS AND BARBER SHOPS

APPLICANT: COURTNEY AND RODNEY CARPENTER

PROPOSED TEXT: (Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

ARTICLE 8-15 PROFESSIONAL OFFICE (P-1) ZONE

(b) Principal Uses.

19. Beauty shops and barber shops ~~not exceeding two thousand (2,000) square feet in floor area, which employ not more than five (5) cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.~~

STAFF REVIEW:

The petitioner, Courtney and Rodney Carpenter, own and operate numerous salons in Fayette County, doing business as Bombshell Salons. They are requesting a text amendment to the Zoning Ordinance in order to remove the existing restrictions associated with beauty shops and barber shops in the Professional Office (P-1) zone.

Beauty shops and barber shops were added to the P-1 zone in 1997 (ZOTA-97-7; Ord. No 245-97) at the request of a private citizen. At that time, the applicant argued that the operation of a beauty shop was already allowable in the zone or substantially similar to a trade school for cosmetology (i.e. a beauty or barber school), and that the proposed use was compatible with other professional office uses, such as dentists, podiatrists, or doctors. The applicant opined that cosmetologists were professionally licensed by the Commonwealth of Kentucky and should be viewed as providing a professional service. Due to a concern with potential retail sales associated with cosmetology, the Urban County Council incorporated restrictions on the size of a beauty shop and/or barber shop (2,000 square feet), as well as the number of professionals operating in such a location (five cosmetologists).

The P-1 zone does address incidental retail sales associated with any principal permitted use by limiting it to ten percent (10%) of the building's gross square footage or five-thousand (5,000) square feet, whichever is greater (Article 8-15(c)(3)), which likely addresses the Council's original concerns. In addition, the Division of Planning is not aware of any compliance issues or complaints about the operation of beauty shops or barber shops in the P-1 zone over the past decade. Lastly, the staff recognizes that the current restrictions do limit the utilization of existing professional office land within the Urban Service Area. The proposed amendment may allow for increased utilization of such land, which could partially address the 2018 Comprehensive Plan, *Imagine Lexington*, Theme C: Jobs



and Prosperity, Prosperity Policy #9, which recommends recruiting professional services that utilize vacant office space.

Due to the existing restrictions related to retail sales in the P-1 zone, the lack of concerns from the public to-date, and that the Comprehensive Plan supports regulatory changes to the zone, the staff supports the proposed text amendment as submitted.

The Staff Recommends: **Approval** of the proposed text amendment to the Zoning Ordinance, for the following reason:

1. The proposed text amendment to remove restrictions for beauty shops and barber shops in the Professional Office (P-1) zone will increase the opportunity to utilize land inside the Urban Service Area for professional services that are necessary for the community. Allowing beauty shops and barber shops to expand may help to reduce vacant office space within the community, as recommended by Theme C: Jobs and Prosperity, Prosperity Policy #9 of the 2018 Comprehensive Plan.

TLW/HB/AG

4/5/22

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