

A. ZONING ORDINANCE TEXT AMENDMENTS (ZOTAS)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

- a. PLN-ZOTA-21-00006: AMENDMENT TO ARTICLE 1: BARBER SHOPS AND BEAUTY SALONS – petition for a Zoning Ordinance text amendment to Article 1-11 of the Zoning Ordinance to allow barber shops and beauty parlors to operate as a Home-Based Business.

INITIATED BY: Urban County Council

PROPOSED TEXT:

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 businesses" 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 zone.

The Staff Recommended: Approval of the proposed Text Amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, as it was developed in response to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).
2. The proposed changes can stimulate startup businesses allowing for economic growth and upward mobility of Fayette County residents.

Staff Presentation: Mr. Baillie presented and summarized the staff report and recommendations for this text amendment, noting that the Urban County Council initiated this Zoning Ordinance text amendment in order to allow barber shops and beauty parlors to operate as a Home-Based Business.

Mr. Baillie explained that, in the 1950s, Lexington made the choice to prohibit barber shops and beauty parlors as Home-Based Businesses. The staff considered some of the health, safety, and welfare concerns that were raised at the time of that decision, and determined that they were based mainly on questions of government oversight to maintain cleanliness and licensing. Since that time, the State has regulated barber shops and beauty parlors extensively, including training programs and licensing requirements that focus on maintaining the health and safety of customers.

Mr. Baillie said, with regard to the proposed text, that in order for a barber shop or beauty parlor to operate as a Home-Based Business, it must be restricted to less than 300 square feet in size; operated by individuals who live at the residence; maintained with a residential character; prohibited from any outdoor signage; and operated within the primary residence, rather than an accessory building. The state regulations also require a secondary entrance into the residence to access the use. In addition, these Home-Based Businesses must not generate excessive traffic, or adversely affect the surrounding community. These Home-Based Businesses would be regulated as conditional uses, and would require the approval of the Board of Adjustment. Mr. Baillie stated that the staff was recommending approval of this text amendment, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Pohl asked why barber shops and beauty parlors were proposed to be restricted to the main structure. Mr. Baillie responded that these uses were intended to be accessory to the main residential use, and that allowing them to occupy accessory structures could result in activity that was too commercial for a residential area.

Ms. Meyer asked if the intent of this text amendment was to limit the business to one chair. Mr. Baillie answered that a barber shop or beauty parlor could have more than one chair, as long as all of the operators lived in the residence and did not travel there from another location.

Mr. Michler asked if the Council initiated this text amendment at the request of a particular business. Mr. Baillie responded that this issue was brought to the Council by a member of the community. Mr. Michler opined that this text amendment was very narrow, and it could be broadened. Mr. Baillie answered that the Council initiation of this text amendment was very narrowly focused, but the staff would be bringing some changes forward in the future that could affect Home-Based

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Businesses more broadly. Mr. Baillie added that one of the reasons for this proposed text amendment was the need for barbers and cosmetologists to operate from their homes due to the ongoing COVID-19 pandemic, as that would allow them to remain in business.

Citizen Comments: There were no citizens present to comment on this request.

Action: A motion was made by Mr. Davis, seconded by Ms. Worth, and carried 7-0 (Barksdale, Bell, de Movellan, and Penn absent) to approve **PLN-ZOTA-21-00006: AMENDMENT TO ARTICLE 1: BARBER SHOPS AND BEAUTY SALONS**, for the reasons provided by staff.