

**FAYETTE COUNTY AREA PLAN COMMISSION
PETITION APPLICATION
HOME OCCUPATION**

Applicant Information			
Name of property owner:	Address:	Phone:	
Name of tenant (if applicable):	Address:	Phone:	
Name of applicant (if not property owner or tenant):	Address:	Phone:	
Property Information			
Project address:	Legal Description:	Parcel Number:	
Size of property:	Total building size:	Zoning district:	
Township name:	Section number:	Township number:	Range number:
Project Information			
Describe the proposed use:			
Number of Employees:			
Days and hours of operation:			
Will there be business related visitors?			
Identify any variances that may be required:			
Documentation			
The following information must be submitted with the application in order for the application to be processed.			
Required documentation	Petitioner Check-off	APC Staff Check-off	
1. Site plan: must show the location of existing buildings, proposed construction, septic field (if used), easements, setback lines, distance from new construction to existing buildings and property lines, location of drives and parking areas including distance to property line, and any screening between parking areas and adjacent residential properties.			
2. Sign plan: show the location of all distance to property lines and edge of public right-of-way.			
3. Plat map: show all neighboring properties and the name of the owners of the abutting properties (includes the property owners on the other side of any road or alley).			
4. Property owner list: A list of the name and address of the owners of all abutting properties.			
4. Copy of deed restrictions and restrictive covenants. *** The Fayette County Board of Zoning Appeals will not approve any project that is violation of any restrictive covenants or deed restrictions governing the use of the property.***			
5. Proof of ownership, tenancy, or purchase of property contingent on BZA approving petition.			

Petitioner Proposed Finding

The petitioner is responsible for providing information that demonstrates the proposed home occupation will not constitute a nuisance to nearby residential uses.

1. Describe how under the home occupation regulations the proposed use “will not be detrimental to or endanger the public health, safety, or general welfare.”

2. Describe how under the home occupation regulations the proposed use “will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.”

3. Describe how under the home occupation regulations the proposed use “will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.”

4. Describe how under the home occupation regulations the proposed use “Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.”

5. Describe how under the home occupation regulations the proposed use “Adequate ingress or egress so designed as to minimize traffic congestion in the public streets.”

Additional Requirements

1. *The petitioner* is responsible for providing an accurate site plan.
2. *The petitioner* is responsible for providing a copy of plat maps which is available at the Fayette County Surveyor’s office.
3. *The petitioner* is responsible for providing an up-to-date list of abutting property owners. Property owner addresses are available from the Fayette County Assessor’s office or from the Fayette County Assessor’s website at: <http://in-fayette-assessor.governmaxa.com>.

4. If for any reason the petitioner wants to table the petition request for one month that request must be made prior to the meeting at which the petition will be heard. The request to table must be made in writing and must tell the APC and BZA why the request to table is being made.
5. Failure to appear at the public hearing without a request to table being made will result in the petition being rejected. This will require that the petitioner repeat the entire process over including all fees, public notice requirements and certified mailings.
6. In order to have the BZA approve the petition *the petitioner must demonstrate the following*:
 - a. The establishment, maintenance, or operation of the Home Occupation will not be detrimental to or endanger the public health, safety, or general welfare.
 - b. The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
 - c. The establishment of the Home Occupation will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - d. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - e. Adequate ingress or egress so designed as to minimize traffic congestion in the public streets.
7. Upon approval of a special exception or home occupation petition the petitioner must get the Home Occupation Permit from the APC office.

Name of Applicant / Agent

I THE APPLICANT, ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS APPLICATION AND ALL ATTACHMENTS. I THE APPLICANT CERTIFIES THAT ALL STATEMENTS HEREIN AND ALL ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

Print

Signature

Date

Name of property owner / tenant (Property owner may substitute a notarized letter stating that they are aware of the proposed special exception and approve of the proposed use.)

Print

Signature

Date

APC Staff

Print

Signature

Date

Section 153.35 HOME OCCUPATIONS EXCEPTIONS

(A) Intent. A Home Occupation Exception may be permitted as a temporary use to accompany residential uses by the grant of a Temporary Improvement. Location Permit issued by the Board of Zoning Appeals, subject to the requirements of this Section and Section 153.34.

(B) Procedure for Approval. Upon receipt of an application for a Home Occupation Exception, the Executive Director shall refer the application to the Commission for public hearing. After said hearing (and any necessary deferrals), the Commission shall forward a recommendation based upon the findings set forth below, of either approval or denial, along with all necessary stipulations, to the Board of Zoning Appeals for public hearing and final approval or denial of the petition.

- (1) Upon such hearings, if the Commission/Board finds that:
 - (a) the establishment, maintenance, or operation of the Home Occupation Exception will not be detrimental to or endanger the public health, safety, or general welfare;
 - (b) the Home Occupation Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (c) the establishment of the Home Occupation Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (d) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
 - (e) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; the Board shall direct the Executive Director to issue an Improvement Location Permit for such Home Occupation Exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.
- (2) The Board may impose additional conditions to assure that the Home Occupation Exception will conform to the intent of this Code.
- (3) A Home Occupation Exception may be granted as a Temporary Improvement Location Permit issued by the Board of Zoning Appeals, renewed annually, may be extended from year to year by the Executive Director or his designated representative, provided that the provisions of the Home Occupation Exception are not violated, this Home Occupation Exception shall not be transferable, subject to the requirements of this Section and Section 153.34.

(C) General Provisions.

- (1) A Home Occupation Exception shall be permitted when said occupation is conducted on residentially used premises (in a District where business uses are not permitted) is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.
- (2) Home Occupation Exceptions will be of a personal service nature limited to domestic crafts and professional services, including but not limited to:
 - (a) Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair, etc.;
 - (b) Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring, etc.; provided, however, the service is limited to conditions set forth by the Board of Zoning Appeals.
- (3) Home Occupation Exceptions shall be subject to all the regulation of the applicable district in which they are located.
- (4) Home Occupation Exceptions shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

(D) Standards.

- (1) The primary use of the structure or dwelling unit shall remain residential and the operator of the Home Occupation Exceptions shall remain a resident in the dwelling unit.

- (2) The operator conducting the Home Occupation Exceptions shall be the sole entrepreneur, and he shall employ only the number of employees designated by the Board of Zoning Appeals.
- (3) No structural additions, enlargements, or exterior alterations changing the residential appearance to be a business appearance shall be permitted.
- (4) Such Home Occupation Exceptions shall be conducted entirely within the primary building or dwelling unit used as a residence. No Home Occupation Exceptions shall be conducted in any accessory building, unless granted by the Board of Zoning Appeals.
- (5) No additional separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the Home Occupation exceptions.
- (6) No provision for more than one extra off—street parking or loading facility, other than the requirements and permitted facilities of the Zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such Home Occupation Exceptions shall be permitted, unless granted by the Board of Zoning Appeals.
- (7) No external display of goods or external evidence of the Home Occupation Exceptions shall be permitted, except for one (1) non-animated, non-flashing sign, indicating not more than the name of the occupation and name and address of the resident. Said sign shall not exceed four (4) square feet per side of sign facing surface area.
- (8) Only stock in trade or commodities, associated with the Home Occupation Exceptions or those prepared, produced, or created on the premises by the operator of the Home Occupation Exceptions shall be kept or sold on the premises.
- (9) No electrical or mechanical equipment shall interfere with local radio communication and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Section 153.06.
- (10) Any retail related activity must be clearly associated with and secondary to domestic crafts and services identified in 153.35 (C)(2) or as a stock in trade or commodities as specified in 153.35 (D)(8).

Section 153.35 HOME OCCUPATIONS EXCEPTIONS

- (D) Intent. A Home Occupation Exception may be permitted as a temporary use to accompany residential uses by the grant of a Temporary Improvement. Location Permit issued by the Board of Zoning Appeals, subject to the requirements of this Section and Section 153.34.
- (E) Procedure for Approval. Upon receipt of an application for a Home Occupation Exception, the Executive Director shall refer the application to the Commission for public hearing. After said hearing (and any necessary deferrals), the Commission shall forward a recommendation based upon the findings set forth below, of either approval or denial, along with all necessary stipulations, to the Board of Zoning Appeals for public hearing and final approval or denial of the petition.
- (4) Upon such hearings, if the Commission/Board finds that:
- (f) the establishment, maintenance, or operation of the Home Occupation Exception *will not be detrimental to or endanger the public health, safety, or general welfare;*
 - (g) the Home Occupation Exception *will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*
 - (h) *the establishment of the Home Occupation Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;*
 - (i) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
 - (j) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; the Board shall direct the Executive Director to issue an Improvement Location Permit for such Home Occupation Exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.
- (5) *The Board may impose additional conditions to assure that the Home Occupation Exception will conform to the intent of this Code.*
- (6) A Home Occupation Exception may be granted as a Temporary Improvement Location Permit issued by the Board of Zoning Appeals, renewed annually, may be extended from year to year by the Executive Director or his designated representative, provided that the provisions of the Home Occupation Exception are not violated, this Home Occupation Exception shall not be transferable, subject to the requirements of this Section and Section 153.34.
- (F) General Provisions.
- (5) A Home Occupation Exception shall be permitted when said occupation is conducted on residentially used premises (in a District where business uses are not permitted) is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.
- (6) Home Occupation Exceptions will be of a personal service nature limited to domestic crafts and professional services, including but not limited to:
- (a) Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair, etc.;
 - (b) Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring, etc.; provided, however, the service is limited to conditions set forth by the Board of Zoning Appeals.
- (7) Home Occupation Exceptions shall be subject to all the regulation of the applicable district in which they are located.
- (8) Home Occupation Exceptions shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.
- (D) Standards.
- (11) The primary use of the structure or dwelling unit shall remain residential and the operator of the Home Occupation Exceptions shall remain a resident in the dwelling unit.

- (12) The operator conducting the Home Occupation Exceptions shall be the sole entrepreneur, and he shall employ only the number of employees designated by the Board of Zoning Appeals.
- (13) No structural additions, enlargements, or exterior alterations changing the residential appearance to be a business appearance shall be permitted.
- (14) Such Home Occupation Exceptions shall be conducted entirely within the primary building or dwelling unit used as a residence. No Home Occupation Exceptions shall be conducted in any accessory building, unless granted by the Board of Zoning Appeals.
- (15) No additional separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the Home Occupation exceptions.
- (16) No provision for more than one extra off—street parking or loading facility, other than the requirements and permitted facilities of the Zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such Home Occupation Exceptions shall be permitted, unless granted by the Board of Zoning Appeals.
- (17) No external display of goods or external evidence of the Home Occupation Exceptions shall be permitted, except for one (1) non-animated, non-flashing sign, indicating not more than the name of the occupation and name and address of the resident. Said sign shall not exceed four (4) square feet per side of sign facing surface area.
- (18) Only stock in trade or commodities, associated with the Home Occupation Exceptions or those prepared, produced, or created on the premises by the operator of the Home Occupation Exceptions shall be kept or sold on the premises.
- (19) No electrical or mechanical equipment shall interfere with local radio communication and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Section 153.06.
- (20) Any retail related activity must be clearly associated with and secondary to domestic crafts and services identified in 153.35 (C)(2) or as a stock in trade or commodities as specified in 153.35 (D)(8).

(Amended Fayette County Board of Commissioners Ordinance No. 95-4, Date March 6, 1996; City of Connersville Common Council Ordinance No. 3341, Date March 6, 1996.)

(Amended Fayette County Board of Commissioners Ordinance No. 98-4, Date March 23, 1998; City of Connersville Common Council Ordinance No. 3685, Date March 16, 1998.)

(Amended Fayette County Board of Commissioners Ordinance No. 03-07, Date April 22, 2003; City of Connersville Common Council Ordinance No. 4356, Date April 21, 2003.)

Section 153.36: OFF-STREET PARKING AND LOADING

(A) Intent.

- (1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 153.24, or elsewhere in this Code.
- (2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

(G) Minimum Off-Street Parking Requirements.

(4) Automobile and Truck Repair	One for each 200 square feet of net floor area.
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Property Owner Notification

	Property Address	Property Owner	Property Owner Address
1	123 W 30TH ST Connersville, IN 47331	WITT, JOHN THOMAS & C. MICHELE	330 W 11TH ST Connersville, IN 47331
2	2916 OHIO AVE Connersville, IN 47331	TAYLOR, GEORGE	PO BOX 1019 Connersville, IN 47331
3	2917 PARK AVENUE Connersville, IN 47331	SOCHINSKI, ALLISON ANN	2917 PARK AVENUE Connersville, IN 47331
4	2929 PARK AVE. Connersville, IN 47331	GROCE, ROBERT	101 W 30TH ST Connersville, IN 47331
5	101 W 30TH ST Connersville, IN 47331	GROCE, ROBERT	101 W 30TH ST Connersville, IN 47331
6	104 W 30TH ST. Connersville, IN 47331	Foursome, LLC	2700 W Main Street Greenfield, IN 46140
7	114 W 30TH ST. Connersville, IN 47331	30TH STREET RENTALS, L.L.C.	2701 IOWA AVE Connersville, IN 47331