

## ARTICLE III

### REVIEW BODIES, ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

#### 300 Review Bodies

##### 300.1 Versailles-Midway-Woodford County Planning Commission

- A. **Duties and Responsibilities.** The duties of the Versailles-Midway-Woodford County Planning Commission (the "Planning Commission") in regard to this Ordinance are established by KRS 100 and shall include the following:
1. Hold a public hearing in accordance with State statutes and make a recommendation to the appropriate governing body in regard to Zoning Text or Zoning Map Amendments. The Planning Commission shall take action in compliance with KRS 100.
  2. Review and take Final Action on Development Plans.
  3. Hold a public hearing and take Final Action on Variances and Conditional Use Permits when concurrent with map amendments.
  4. Review and make a recommendation to the appropriate governing body in regard to designation of Local Historic Districts and individual Local Historic Sites.
  5. Provide oversight in the Building and Zoning Permit review process established in this ordinance.
- B. **Membership.** The Versailles-Midway-Woodford County Planning Commission shall consist of 9 citizen members. Four of the members shall be appointed by the Woodford County Fiscal Court, four by the City of Versailles, and one by the City of Midway, subject to the approval of the legislative bodies.
- C. **Terms of Office.** The term of office shall be four years. The term of all present members shall continue to be staggered as presently appointed.
- D. **Jurisdiction.** The area of jurisdiction of the Versailles-Midway-Woodford County Planning Commission shall include all land within Woodford County, including the cities of Versailles and Midway.

##### 300.2 Woodford County Board of Adjustments

- A. **Duties and Responsibilities.** The Woodford County Board of Adjustments shall have powers, duties and responsibilities set forth in Kentucky Revised Statutes, Chapter 100, and shall include the following:
1. Hear and decide Administrative Appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any Administrative Official in carrying out or enforcing any provision of this Ordinance.

2. To take Final Action on Conditional Use Permits.
  3. To take Final Action on Variances.
  4. Administer the Non-Conforming Use regulations per KRS 100.253.
- B. **Membership.** The Woodford County Board of Adjustments shall consist of 5 citizen members. Two of the members shall be appointed by the Woodford County Fiscal Court, two by the City of Versailles, and one by the City of Midway, subject to the approval of the legislative bodies.
- C. **Terms of Office.** The terms of office shall be 4 years. The term of all present members shall continue to be staggered as presently appointed.
- D. **Jurisdiction.** The area of jurisdiction of the Board of Adjustments shall include all land within Woodford County, provided, however, that each city may choose to have an additional board of adjustments as provided in Kentucky Revised Statutes, 100.217, whose jurisdiction shall be limited to that city's boundaries.

### **300.3 Board of Architectural Review**

- A. **Duties and Responsibilities.** The Board of Architectural Review shall take action necessary and appropriate to accomplish the purpose of this Ordinance. These actions may include, but are not limited to:
1. Review initiated surveys of historic buildings and areas.
  2. Recommending the designation of Local Historic Districts and individual Local Historic Sites to the Planning Commission.
  3. Regulating changes to designated property (including the issuance or denial of Certificates of Appropriateness).
  4. Recommending Historic Overlay Design Standards for changes to designated property.
- B. **Membership.** The Board of Architectural Review shall consist of 5 citizen members. Two of the members shall be appointed by the Woodford County Fiscal Court, two by the City of Versailles, and one by the City of Midway, subject to the approval of the legislative bodies.
- C. **Terms of Office.** The terms of office shall be 2 years. The term of all present members shall continue to be staggered as presently appointed.
- D. **Jurisdiction.** The area of jurisdiction Board of Architectural Review shall include all land within the any adopted Local Historic Site or Local Historic Overlay Zoning District within Woodford County, including the cities of Versailles and Midway.

### **300.4 Legislative Bodies**

- A. **Listed.** The following legislative bodies shall have jurisdiction under this Ordinance.
1. The Woodford County Fiscal Court.
  2. The Versailles City Council.
  3. The Midway City Council.
- B. **Duties and Responsibilities.** The duties of the appropriate legislative bodies in regard to this Ordinance shall include the following:
1. Take Final Action on any amendment of the Text of this Ordinance or the Official Zoning Map.
  2. Take final action on the designation of Local Historic Districts or sites.
  3. Appoint Board Memberships as defined in this Article of this Zoning Ordinance.

### **300.5 Planning Commission Director**

- A. **Duties and Responsibilities.** The duties of the Versailles-Midway-Woodford County Planning Commission Director (the "Director"), or designee, in regard to this Ordinance shall include the following:
1. Serve as the Administrative Official per KRS 100.271.
  2. Approve minor amendments to Development Plans.
  3. Review Building, Grading, Paving, Demolition, Sign and Zoning Permits for conformance with this Ordinance.
  4. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance.
  5. Issue citations for violations of this Zoning Ordinance in accordance to KRS 100.991
  6. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of any Legislative Body's Code Enforcement Board Ordinance and KRS 65.8801 through 65.8840 (Local Government Code Enforcement Board Act) for areas within the jurisdiction of any Governing Body's Code Enforcement Board.

### **300.6 Building Inspector**

- A. **Duties and Responsibilities.** The duties of the Building Inspector in regard to this Ordinance shall include the following:

1. Review Building Permits and Certificates of Occupancy (C.O.'s) for conformance with this Ordinance.
2. Review Grading, Paving, Demolition, Sign and Zoning Permits for conformance with this Ordinance.
3. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance.
4. Take final action on all Building Permits and Certificates of Occupancy.

## **301 Penalties and Violations**

### **301.1 Violations Pursuant to KRS 100.991**

Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:

- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- B. Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C. Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

### **301.2 Violations Pursuant to KRS 65.8801 through 65.8840**

Violations of this Zoning Ordinance pursuant to KRS 65.8801 through 65.8840 (Local Government Code Enforcement Board Act) shall be subject to the areas and civil fines established within the jurisdiction of any Governing Body's Code Enforcement Board.

## **302 Other Remedies**

In such case any building is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, the Planning Commission, any appropriate Codes Enforcement Officer of any Legislative Body, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

~~300~~ ~~Administrative Official~~

~~An Administrative Official (Zoning Administrator) shall be appointed by the Planning Commission with the approval of the City Councils of Midway and Versailles and the Fiscal Court of Woodford County and shall administer and enforce this ordinance. The official may be provided with the assistance of such other persons as the legislative bodies may direct.~~

~~If the Administrative Official shall find that any of the provisions of this ordinance are being violated, the official shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The official shall order discontinuance of illegal use of land, buildings, illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.~~

~~301~~ ~~Permits required for Construction, Demolition, Structures and Locations thereof:~~

~~Permits shall be required for the following activities and shall be issued by the appropriate Administrative Official in conformity with the provisions of this Zoning Ordinance.~~

~~301.1~~ ~~Permits Required~~ **MOVED TO ARTICLE IV**

~~No permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance, unless a written order from the Board of Adjustment is received in the form of an administrative review, conditional use, or variance as provided by this ordinance.~~

~~If no permit has been issued and construction begins or continues, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a permit shall establish a prima facie case for the issuance of the restraining order. This is in addition to penalties that may be imposed by Section 304 of this Ordinance.~~

- ~~A. Building Permits—No building or other structures shall be erected, moved, added to, or structurally altered, nor shall any said activities be commenced without a building permit therefore, issued by the Building Inspector and Zoning Administrator.~~
- ~~B. Wrecking Permits (Demolition Permits)—No building or other structures shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced without a wrecking permit therefore, issued by the Building Inspector.~~
- ~~C. Grading Permits—No grading, stripping, excavating, filling, stockpiling of earth or land shall be commenced without a grading permit therefore, issued by the Zoning Administrator.~~
- ~~D. Sign Permits—No sign shall be created, erected, moved, added to or structurally altered, nor shall any of said activities be commenced without a permit therefore, issued by the Zoning Administrator.~~
- ~~E. Permits Authorized by the Board of Adjustment—The Zoning Administrator and/or Building Inspector shall issue permits in conformance with the written authorization of the Board of Adjustment concerning administrative review appeals, conditional use permit appeals, variance appeals, or other appeals as authorized in this Zoning Ordinance.~~
- ~~F. Other Permits—Additional permits may be required by the Administrative Official to enforce the provisions of this Ordinance.~~

~~301.2~~ ~~Compliance with Other Codes, Statutes, and Regulations~~

~~Nothing in this section or other sections of the Zoning Ordinance shall be construed to exempt any applicant from a permit from compliance with all local, state and federal codes, statutes and regulations.~~

### ~~301.3 Permit Application Requirements and Procedures~~

~~All applications for permits shall be accompanied by such plans and information as the Administrative Official deems to be necessary to determine compliance and provide enforcement of this Zoning Ordinance. The application materials listed below shall be the minimum. Additional information may be required.~~

~~All applications for building permits shall be submitted to the appropriate Administrative Official. The applicant shall submit a completed application form; a site plan or lot layout (as specified below); floor plans of the proposed new structure or alterations of existing structure, drawn to scale; building elevations of exterior of the new or existing structure or structures; and any other information necessary for determining compliance with this ordinance and/or the Kentucky Building Code. Two copies of all of the above information shall be required. One copy of the plans shall be returned to the applicant by the Administrative Official after each copy has been marked as approved or disapproved, and attested to the same by his/her signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official until such time that a Certificate of Occupancy is issued, then the plans may be returned to the applicant, upon request. If approved, a permit will be issued upon payment of a fee based on an approved Fee Schedule as posted in the Zoning Administrators Office.~~

~~A. Building Permits for Single Family and Two Family Dwellings — All applications for permits for detached single family and two family dwellings and their accessory buildings shall be accompanied by a lot layout drawn to scale showing the location and dimension of any existing or proposed principal or accessory buildings on the lot, the location and dimension of all required yards, easements, height of the building and the location and dimension of the required parking. Lot layouts may not have to be drawn to scale in A-1 Districts, but proof of a recorded deed or plat is required.~~

~~B. Building Permits for All Other Buildings — All applications for building permits, including associated permits, other than those for single family or two family dwellings and their accessory buildings, shall be accompanied by a site plan drawn to scale showing the actual shape and dimension of the lot to be built upon; including, but not limited to the following information:~~

- ~~1. Ingress and egress to the property.~~
- ~~2. Off street parking and loading facilities, and other paving.~~
- ~~3. Refuse and service areas; structures.~~
- ~~4. Water and sewer utilities, indicating the size and access point of the services.~~
- ~~5. Screening and buffering proposals (where applicable).~~
- ~~6. Proposed sign locations.~~
- ~~7. Signature of review and approval by the Health Department and, where applicable, County Road Department and State Fire Marshall.~~
- ~~8. Storm water drainage specifications and proposals; designed to the satisfaction of the Planning Commission's engineer in accordance with the Subdivision Regulations.~~
- ~~9. Reference to the location of the site by either an address or firegate number, lot number of a recorded plat and a vicinity sketch showing the site and surrounding roads and other features necessary to determine the exact location of the site.~~
- ~~10. The existing and intended use of each building or part of the building including the number of existing and proposed dwelling units the building is designed to accommodate.~~
- ~~11. Statement that the use is located outside of the floodplain designated by the Federal Insurance Administration, or an indication of the actual location of the site and its' accessory uses within the floodplain.~~
- ~~12. Show adjacent zones.~~
- ~~13. The applicant shall be required to supply such supplementary information as necessary to comply with all requirements of this Section 301.4, to insure compliance with all requirements of the Zoning Ordinance.~~

~~Other Approvals — If this Zoning Ordinance requires approval by another agency of certain site plan features, such approval shall be obtained prior to issuance of a building permit.~~

~~Previous submission of development plans as a requirement to map amendment applications and/or approved subdivision plats may fully, or in part, satisfy the requirements of this section. Where a development plan has been approved by the Planning and Zoning Commission as a condition to a zoning district map amendment, building permits shall be issued in accordance with said plan.~~

~~C. Grading Permits—Grading permits may be issued by the Zoning Administrator for grading, stripping, excavating, filling or stockpiling of earth or land as a part of any approved construction plan pertaining to subdivision development, site design proposals and/or development plans. Plans submitted shall provide sediment control measures as required in the Subdivision Regulations and must be designed to the satisfaction of the Planning Commission's engineer. No grading permit shall be required for the following:~~

- ~~1. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.~~
- ~~2. Accepted agricultural land management practices such as plowing, cultivation, and construction of agricultural structures.~~
- ~~3. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.~~

#### ~~301.4 Certificates of Occupancy~~

~~It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.~~

~~Temporary Certificates of Occupancy—A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during alterations, or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.~~

#### ~~301.5 Expiration of Building Permit~~

~~If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected.~~

~~If the work described in a building permit has not been completed and a Certificate of Occupancy has not been issued within one year of the date of the issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. A building permit may be extended for a period of up to six (6) months. Application for extension of said permit must occur within thirty (30) days of the expiration date of the original building permit. Buildings subject to review and permitting by the State Department of Housing Building and Construction are exempt from the one (1) year restriction. No refund shall be made of any fees for building permits so judged to be expired or that have been canceled, nor shall any additional fees be imposed for any extension thereof. There shall be a fifty percent (50%) refund of the fee for a building permit, if the request for refund is made within forty five (45) days of the date that the building permit was issued.~~

~~301.6 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy~~

~~Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by Section 304 hereof.~~

~~302 Schedule of Fees and Expenses~~

~~The legislative bodies adopting this ordinance do hereby grant the Planning Commission and Board of Adjustment the power to establish a reasonable schedule of fees, charges, and expenses and a collection procedure for certificates of occupancy, appeals, applications for amendments, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrative Official, and may be altered or amended as the Planning Commission and/or Board of Adjustment see fit.~~

~~Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.~~

~~303 Complaints Regarding Violations~~

~~Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Administrative Official. The Official shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.~~

~~304 Penalties for Violation~~

~~For failure to pay any required permit fee when due, a penalty of one hundred percent (100%) of the required permit fee is hereby imposed, and shall be increased to fifty (\$50.00) per day from the date of written notice from the Commission until a permit is applied for. Such penalties shall be in addition to other penalties imposed by this ordinance.~~

~~Violation of the provisions of any zoning ordinance or failure to comply with any of the requirements herein including, but not limited to, violations of conditions and safeguards established in connection with grants of variance or special exceptions and violations of 503.3 (F) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two hundred and fifty dollars (\$250) or imprisoned in the county jail for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense; provided, however, that the total term of imprisonment for any violator may not exceed twelve (12) months.~~

~~The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.~~

~~Nothing herein contained shall prevent the Legislative Body from taking such other lawful action as is necessary to prevent or remedy any violation.~~



# ARTICLE IV

## DEVELOPMENT REVIEW PROCEDURES BOARD OF ADJUSTMENTS

### 400 General

#### 400.1 Application Forms

Every application for development approval shall be in a form specified by the Versailles-Midway-Woodford County Planning Commission.

#### 400.2 Standard Application Submission Cycle

Applications that will be reviewed by the Versailles-Midway-Woodford County Planning Commission or the Versailles-Midway-Woodford County Board of Adjustments shall be filed at least 21 days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report.

#### 400.3 Application Fees

- A. No application shall be accepted by the Versailles-Midway-Woodford County Planning Commission until the established fee has been paid. This nonrefundable fee may be adjusted periodically by the Versailles-Midway-Woodford County Planning Commission to defray the actual cost of processing the application and providing public notice.
- B. No application fee shall be required when a text or map amendment is being proposed by the Versailles-Midway-Woodford County Planning Commission or any member government.

#### 400.4 Completeness of Application

No application shall be processed until it has been deemed complete. The Director shall have 5 working days following the submission of the application to determine its completeness. After that review period, the applicant may request a list of any deficiencies in the application in writing. The application shall not be scheduled for a public hearing until all deficiencies are corrected.

#### 400.5 Public Notice

- A. Public notice shall be provided in accordance with the following table.

<b>Procedure</b>	<b>Published</b>	<b>Mailed</b>	<b>Posted</b>
<b>Variance Application</b>	✓	✓	–
<b>Conditional Use Permit</b>	✓	✓	✓
<b>Zoning Map Amendment</b>	✓	✓	✓
<b>Zoning Text Amendment</b>	✓	–	–
<b>Development Plan/ Amendment</b>	–	–	–
<b>Local Historic Site/ District Designation</b>	✓	✓	✓

**B. Published Notice.** When required above, notice shall be published in a newspaper of general circulation in Woodford County at least 7 and no more than 21 days before the public hearing in accordance with KRS 424.130. The notice shall be the responsibility of the Planning Commission.

**C. Mailed Notice.**

1. **Zoning Map Amendment and Historic Site or District Designation.** Notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least 14 days prior to a public hearing. Additionally, notice of Zoning Map Amendment required public hearings shall be sent by mail to addresses that are within 200 feet of the boundary of the land that is the subject of the application.
2. **Map Amendments Originating with the Planning Commission or Member Legislative Bodies.** Per KRS 100.211(6), when an amendment originates with the Planning Commission or a member legislative body, notice of the public hearing shall be given at least 30 days in advance of the hearing to an owner of every parcel of property for which the classification is proposed to be changed.
3. **Variance, Conditional Use Permit or Administrative Appeals.** When required above, notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least 14 days prior to a public hearing. Additionally, notice of required Conditional Use Permit public hearings shall be sent by mail to addresses that are within 200 feet of the boundary of the land that is the subject of the application.
4. Owners of real property shall be identified by reference to the most recent tax records and shall be provided to the Planning Commission by the applicant. Records maintained by the Woodford County Property Valuation Administrator may be relied upon exclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.
5. Mailing of required notice shall be the responsibility of the Planning Commission. Proof of mailing shall include:
  - a. A copy of the notice letter; and
  - b. The Woodford County Property Valuation Administrators list of affected owners provided to the Planning Commission by the applicant.
  - c. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service, properly addressed with postage prepaid.

**D. Content of Published or Mailed Notice.** Published or mailed notices shall provide at least the following information:

1. A summary of the subject property's legal description or a street address per KRS 100.211(3);
  2. The substance of the application;
  3. The time, date and location of the public hearing; and
  4. The Planning Commission's telephone number.
- E. Posted Notice.** When required above, notice of the public hearing shall be posted conspicuously on the subject property for 14 consecutive days immediately prior to the hearing. The posting of the notice shall be the responsibility of the Planning Commission. Posted notice shall contain:
1. The substance of the application;
  2. The time, date and location of the public hearing; and
  3. The Planning Commission's telephone number.
- F. Public Hearing.** The property owner and/or contract vendee must attend the public hearing or be represented by an attorney at the hearing.
- G. Continuation of Public Hearings.** A public hearing for which proper notice was given may be continued to a later date by majority vote of the Planning Commission or Board of Adjustments, without complying with the notice provisions above provided that the continuance is set for a date and time certain announced at the public hearing.
- H. Withdrawal of Application.** Any application may be withdrawn prior to final action by Planning Commission, Board of Adjustments or the Legislative Body. No fee shall be returned or credited for such a withdrawal.
- I. Time Limit for Reapplication.** The Planning Commission shall not consider, unless initiated by the Planning Commission Staff, a parcel of land, or any portion thereof, for Official Zoning Map amendment, until 12 consecutive months shall have elapsed from any final action as defined in Sec. 400.5.L below upon any application for such Official Zoning Map amendment. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application.
- J. Construction Initiation.** The Planning Commission as a condition to the granting of any Official Zoning Map amendment shall require that substantial construction be initiated within 5 years of the date of any final action upon the Official Zoning Map amendment as defined in Sec. 400.5.L below. If such construction is not initiated within the said 5-year period, the Planning Commission may initiate an application to revert the Official Zoning Map designation to its previous designation. Any action to revert the Official Zoning Map amendment to its previous zoning classification which originates as a result of the provisions of this section of the Ordinance shall be taken in the same manner as any other Official Zoning Map amendment. Failure of the Planning Commission to commence action to revert the Official Zoning Map classification immediately after 5 years shall not prevent the Commission from taking such action at a later date.

K. **Time Limit for Rehearing before Board of Adjustments.** The Board of Adjustments shall not consider, unless initiated by the Planning Commission Staff, a parcel of land or any portion thereof for any Variance, Conditional Use Permit or Appeal from any Administrative Official until 12 consecutive months shall have elapsed from any final action as defined in Sec. 400.5.L below upon any application for such Variance, Conditional Use Permit or Appeal from any Administrative Official. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application.

L. **Final Action.** For purposes of this Ordinance, "Final Action" shall be defined as any final adjudication of the application for any:

1. Zoning Map Amendment or Zoning Text Amendment by the Legislative Body;
2. Variance, Conditional Use Permit or Administrative Appeal by the Board of Adjustments;
3. General or Site Development Plan or Amendment by the Planning Commission; or
4. The appeal from the decision of the Board of Adjustments, Planning Commission or Legislative Body to the highest State or Federal court to which any appeals shall be taken.

#### **401 Building Permit**

It shall be unlawful to begin the construction of any structure or to begin the moving or alteration of any structure or begin or change the use of a premises until the Building Inspector has issued a Building Permit.

401.1 A complete application for a Building Permit shall be submitted to the Building Inspector, along with the appropriate review and inspection fee. Upon determination that the proposed development is in compliance with all requirements, including but not limited to this Ordinance and the adopted applicable Building Code, the Building Inspector shall issue a Building Permit. A Building Permit application shall include the following: Plot Plan - A dimensioned sketch or to scale exhibit which indicates the existing site information and features, the extent of improvements on the site, of all buildings, the existing and intended use of all structures, and such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance and the adopted Building Code are being observed. A Building Permit application may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; Drainage Plan; Paving Plan; and/or a Zoning Permit.

401.2 No permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless a written order from the Board of Adjustment is received in the form of an administrative review, conditional use, or variance as provided by this ordinance.

- A. Building Permits - No building or other structures shall be erected, moved, added to, or structurally altered, nor shall any said activities be commenced without a building permit therefore, issued by the Building Inspector and Zoning Administrator.

- B. Demolition Permits - No building or other structures shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced without a wrecking permit therefore, issued by the Building Inspector.
- C. Sign Permits - No sign shall be created, erected, moved, added to or structurally altered, nor shall any of said activities be commenced without a permit therefore, issued by the Zoning Administrator.

**401.3 Compliance with Other Codes, Statutes, and Regulations** - Nothing in this section or other sections of the Zoning Ordinance shall be construed to exempt any applicant from a permit from compliance with all local, state and federal codes, statutes and regulations.

**401.4 Permit Application Requirements and Procedures** - All applications for permits shall be accompanied by such plans and information as the Administrative Official deems to be necessary to determine compliance and provide enforcement of this Zoning Ordinance. Previous submission of development plans as a requirement to map amendment applications and/or approved subdivision plats may fully, or in part, satisfy the requirements of this section. Where a development plan has been approved by the Planning and Zoning Commission as a condition to a zoning district map amendment, building permits shall be issued in accordance with said plan. The application materials listed below shall be the minimum. Additional information may be required.

- A. Building Permits for Single Family and Two Family Dwellings - All applications for permits for detached single family and two family dwellings and their accessory buildings shall be accompanied by a lot layout drawn to scale showing the location and dimension of any existing or proposed principal or accessory buildings on the lot, the location and dimension of all required yards, easements, height of the building and the location and dimension of the required parking.
- B. Building Permits for All Other Buildings - All applications for building permits, including associated permits, other than those for single family or two family dwellings and their accessory buildings, shall be accompanied by a site plan drawn to scale showing the actual shape and dimension of the lot to be built upon; including, but not limited to the following information:
  - 1. Ingress and egress to the property.
  - 2. Off-street parking and loading facilities, and other paving.
  - 3. Refuse and service areas; structures.
  - 4. Water and sewer utilities, indicating the size and access point of the services.
  - 5. Screening and buffering proposals (where applicable).
  - 6. Proposed sign locations.
  - 7. Signature of review and approval by the Health Department and, where applicable.
  - 8. Storm water drainage specifications and proposals; designed to the satisfaction of the Planning Commission's or City/County engineer.
  - 9. Reference to the location of the site by either an address or firegate number, lot number of a recorded plat and a vicinity sketch showing the site and surrounding roads and other features necessary to determine the exact location of the site.

10. The existing and intended use of each building or part of the building including the number of existing and proposed dwelling units the building is designed to accommodate.
11. Statement that the use is located outside of the floodplain designated by the Federal Insurance Administration, or an indication of the actual location of the site and its' accessory uses within the floodplain.

## **402 Grading and Paving Permit**

**402.1** Any grading, excavation, filling or removal of soil, or paving, on any lot or parcel of ground, which significantly affects the permanent drainage characteristics of a site shall require a grading permit first being obtained from the Planning Commission. Every person, subdivider, builder, contractor, or developer of any project shall submit to the Planning Commission for written approval a site plan and a topographic survey which will provide for the proper drainage of surface water from the development or construction site so as to prevent flooding of property in the area. See the Subdivision Regulations for the detailed requirements of a site plan and topographic survey. No grading permit shall be required for the following:

- A. Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.
- B. Accepted agricultural land management practices such as plowing, cultivation, and construction of agricultural structures.
- C. Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.

## **403 Zoning Permit**

**403.1** It shall be unlawful within the incorporated limits of the City Versailles to begin the construction moving or alteration of any accessory structure, above ground pool, fence, deck or the operation of a Temporary Use until the Planning Commission has issued a Zoning Permit.

**403.2** A complete application for a Zoning Permit shall be submitted to the Planning Commission, along with the appropriate review fee. Upon determination that the proposed development is in compliance with all requirements within this Ordinance, the Planning Commission shall issue a Zoning Permit. A Zoning Permit application shall include the following: Plot Plan - A dimensioned sketch or to scale exhibit which indicates the existing site information and features, the extent of improvements on the site, of all buildings, the existing and intended use of all structures, and such other information as may be required by the Planning Commission for determining whether the provisions of this Ordinance are being observed. A Zoning Permit application may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; Drainage Plan; Paving Plan; and a Building Permit.

## **404 Certificate Of Occupancy**

**404.1 Applicability** - No land or structure or part thereof hereafter erected or altered in its use of structure, shall be used until the Building Inspector has issued a certificate of occupancy. The certificate of occupancy shall state that such land, structure, premises or use thereof are found to be in conformity with the provisions of this Ordinance.

### **404.2 Final Inspection**

- A. After notification that a structure, land or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy, in duplicate, if the structure, premises or use thereof are found to conform with the provisions of this Ordinance.
- B. If such certification is refused, the Building Inspector shall state the refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. One copy of the completed certificate of occupancy will be issued to the applicant and one copy filed in the office of the Building Inspector.
- C. Where applicable, the project engineer shall certify the drainage system functions as intended and has been constructed in accordance with any previously submitted plans.
- D. Where applicable, the Planning Commission staff shall review any site approved as part of a Development Plan, as outlined in this Article to ensure compliance prior to the issuance of a Certificate of Occupancy.
- E. Temporary Certificates of Occupancy - A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during alterations, or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

## **405 Administrative Appeal**

### **405.1 Who May Apply**

An Administrative Appeal may be taken by an applicant where there is an alleged error in any order, requirement, decision, grant, or refusal made by an Administrative Official in the enforcement of this Ordinance.

### **405.2 Timing of Appeal**

Such appeal shall be made within 30 days of the aggrevance by filing a notice of appeal with the Board of Adjustments, specifying the grounds therefore and giving notice of such appeal to any and all parties of record.

### **405.3 Effect of Filing**

Once a complete application for an administrative appeal has been received, no other development approvals or permits shall be issued for the subject property pending a decision on the appeal, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property.

### **405.3 Required Findings**

The Board of Adjustments review on appeal shall be limited to a determination of whether or not the decision that is being appealed was (1) based upon substantial evidence and (2) arbitrary and capricious. The Board shall affirm the decision that is being appealed unless one or both of the factors set forth above exists. The Board shall not substitute its judgment for the judgment of the Administrative Official.

### **405.5 Action on Appeal**

- A. The Administrative Official shall transmit to the Board of Adjustments all papers constituting the record upon which the action appealed was taken and shall be treated as and be the respondent in such further proceedings.
- B. The Board of Adjustments shall fix a reasonable time for the hearing of an appeal.
- C. At any hearing by the Board, any interested person may appear and enter their appearance, and all shall be given an opportunity to be heard.
- D. Approval of an Administrative Appeal shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.

## **406 Variances**

### **406.1 Who May Apply**

The owner of the property in question or an agent for the owner bearing a written power of attorney granting authority for this purpose may apply for a Variance.

### **406.2 Application Requirements**

- A. All Variance applications shall be accompanied by an accurate boundary survey of the property in question. The survey shall be prepared by a surveyor licensed in the State of Kentucky and contain the following information:
  - 1. Owner(s) and applicant(s) names;
  - 2. Scale;
  - 3. Bearings and distances;
  - 4. Locating distance to nearest road centerline or right-of-way;
  - 5. House number of property or intersecting street on each side;
  - 6. North arrow;
  - 7. Right(s)-of-way of road and pavement width;
  - 8. Adjacent property, showing property lines;
  - 9. Names of adjacent property owner(s);
  - 10. Acreage of property;
  - 11. Vicinity map;
  - 12. Surveyor's stamp;
  - 13. Flood plain areas(s) and FEMA certification;
  - 14. Location of existing buildings and property boundary lines;
  - 15. Location of proposed buildings and property boundary lines;
  - 16. Lot coverage; and
  - 17. Proposed grade elevation.



### **406.3 Permitted Variances**

- A. The Board of Adjustments shall have the authority to hear and decide applications for Variance from the terms of this Ordinance, but only in the following situations and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.
  - 1. Where, by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of the adoption of the ordinance was a lot of record; or
  - 2. Where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of dimensional requirements would cause practical difficulties to or exceptional and undue hardship upon the owner of such property.
- B. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

### **406.4 Required Findings**

Before any Variance is granted, the board must find that the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow for an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- A. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or the same zone;
- B. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

### **406.5 Conditions**

In granting a Variance, the Board may attach thereto such conditions regarding the location of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Ordinance.

### **406.6 Action by Board**

- A. Approval of a Variance shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.

- B. In the event that the applicant files for a Variance concurrently with a Zoning Map Amendment request, the Planning Commission may hold the public hearing concurrently with the map amendment. Approval of a Variance shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum.

#### **406.7 Prohibited Variances**

- A. Variances shall not be issued within any designated floodway.
- B. Variances shall not be issued to allow the extension of a nonconforming use.
- C. Variances shall not be permitted to increase the density of a use above that permitted by the applicable district.
- D. Variances shall not be permitted to allow a use prohibited by this Ordinance.
- E. Variances shall not be permitted which arise from circumstances that are the result of willful violations of the zoning regulations.

#### **407 Conditional Use Permit**

##### **407.1 Who May Apply**

The owner of the property in question or an agent for the owner, bearing a written power of attorney granting authority for this purpose, may apply for a Conditional Use Permit.

##### **407.2 Application Requirements**

- A. All Conditional Use Permits applications which propose new structures, additions and/or new parking areas shall be accompanied by an accurate boundary survey of the property in question. The survey shall be prepared by a surveyor licensed in the State of Kentucky and contain the following information:
  - 1. Owner(s) and applicant(s) names;
  - 2. Scale;
  - 3. Bearings and distances;
  - 4. Locating distance to nearest road centerline or right-of-way;
  - 5. House number of property or intersecting street on each side;
  - 6. North arrow;
  - 7. Right(s)-of-way of road and pavement width;
  - 8. Adjacent property, showing property lines;
  - 9. Names of adjacent property owner(s);
  - 10. Acreage of property;
  - 11. Vicinity map;
  - 12. Surveyor's stamp;
  - 13. Flood plain areas(s) and FEMA certification.
  - 14. Location of existing buildings and property boundary lines;
  - 15. Location of proposed buildings and property boundary lines;
  - 16. Lot coverage; and
  - 17. Proposed grade elevation.

### **407.3 Action by Board**

- A. Approval of a Conditional Use Permit shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.
- B. In the event that the applicant files for a Conditional Use Permit concurrently with a Zoning Map Amendment request, the Planning Commission may hold the public hearing concurrently with the map amendment. Approval of a Conditional Use Permit shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum.

### **407.4 Review Criteria**

The Board of Adjustments shall approve an application for a Conditional Use Permit if, and only if, the applicant has demonstrated that the proposed use and any associated development:

- A. Granting the Conditional Use Permit does not substantially conflict with the purposes of this Ordinance;
- B. Will be consistent with the "Intent" statement for the district in which it is located;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes or other general nuisance;
- E. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- F. Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;
- G. Will have adequate water and sewer supply, stormwater facilities, transportation facilities, waste disposal and other public services;
- H. Will be developed in a way that will preserve and incorporate any important natural features of the site; and
- I. Will conform to any specific criteria or conditions specified for that use elsewhere in this Article.

### **407.5 Findings Required**

The Board of Adjustments shall make the following findings prior to approval of any Conditional Use Permit.

- A. The use is not detrimental to the public health, safety or welfare in the zone in which it is proposed.
- B. The use will not contribute toward an overburdening of utility services.

- C. The use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance.
- D. That the use otherwise meets the requirements of this Ordinance.

#### **407.5 Conditions of Approval**

When considering a Conditional Use Permit, the Board of Adjustments may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would be located.

#### **407.6 Periodic Review for Compliance**

- A. The Director shall have the power to inspect the land or structure where the Conditional Use Permit is located in order to ascertain that the landowner is complying with all of the conditions listed on the Conditional Use Permit.
- B. If the landowner is not complying, the Director shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairman of the Board of Adjustments.
- C. The Board shall hold a hearing on the report within a reasonable time and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.
- D. If the Board of Adjustments finds that the facts alleged in the report are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Director to revoke the Conditional Use Permit and take the necessary legal action to cause the termination of the activity on the land which the Conditional Use Permit authorizes.

### **408 TEXT AMENDMENT**

#### **408.1 Who May Apply**

Applications for amendment of the ordinance text may be initiated by:

- A. The Versailles-Midway-Woodford County Planning Commission; or
- B. The Legislative Body having zoning authority over an affected property.

#### **408.2 Planning Commission Action**

The procedure for obtaining a text amendment shall be the same as defined in KRS Chapter 100. In their review of a text amendment, the Planning Commission shall consider and make findings as to whether the text amendment is in agreement with the adopted Comprehensive Plan. The Planning Commission shall make a recommendation to the Legislative Body on the requested amendment.

### **408.3 Legislative Body Action**

The findings of fact that are recommended for approval or disapproval by the Planning Commission shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed zoning text amendment within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.

## **409 MAP AMENDMENT (REZONING)**

### **409.1 Who May Apply**

Applications for amendment of the Official Zoning Map may be initiated by:

- A. The Versailles-Midway-Woodford County Planning Commission, including flood plain designations initiated by the Planning Commission;
- B. The Legislative Body having zoning authority over an affected property;
- C. The owner of the property in question or an agent for the owner bearing a recorded written power of attorney granting authority for this purpose.

### **409.2 Pre-application Conference**

- A. Prior to formal application for amendment of the Official Zoning Map, the applicant, and/or his attorney, shall hold a conference with the Planning Commission staff to discuss the effect of the Comprehensive Plan, this Ordinance, the Subdivision Regulations and other land development controls on the proposed development.
- B. The pre-application conference shall include discussions of apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be utilized for discussing whether a General Development Plan should be submitted with the application for amendment of the Official Zoning Map.

### **409.3 Application Requirements**

Application for amendment of the Official Zoning Map shall be filed with the Planning Commission in accordance with this section and shall contain the following:

- A. **Demonstration of Appropriateness.** Any application for amendment to the Official Zoning Map shall be submitted with a written detailed explanation as to the following:
  - 1. How the proposed map amendment would conform to the Comprehensive Plan;
  - 2. Why the original zoning classification of the property in question was inappropriate or improper;
  - 3. What major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and which have substantially altered the basic character of the area, which make the proposed amendment to the Official Zoning Map appropriate. The explanation for this section shall include:

- a. A list of such specific changes;
- b. A description as to how said changes were not anticipated by the Comprehensive Plan;
- c. A description as to how said changes will alter the basic character of the area; and
- d. A description as to how said changes make the proposed amendment to the Official Zoning Map appropriate.

**B. Property Owners Signature.** All applications for amendment to the Official Zoning Map submitted by an owner or agent shall:

1. Be signed by all persons necessary to convey in fee simple absolute the property in question or the attorney for all such persons;
2. Identify all lessees, option-holders and developers of the subject property; and

**C. Zoning Plat/ Boundary Survey.** An accurate boundary survey of the property in question shall be filed with the application and shall contain the following information:

1. Owner(s) and applicant(s) names;
2. From: (present zoning) to: (proposed zoning);
3. Scale;
4. Bearings and distances;
5. Locating distance to nearest road centerline or right-of-way;
6. House number of property or distance to intersecting street on each side;
7. North arrow;
8. Right(s)-of-way of road and pavement width;
9. Adjacent property, showing property lines and zoning;
10. Names of adjacent property owner(s);
11. Acreage of property to be rezoned;
12. Vicinity map;
13. Surveyor's stamp;
14. Flood plain areas(s) and FEMA certification; and
15. Corporate limits (if adjacent).

**D. Legal Notice Drawing.** A drawing is to be included with the zone change application in addition to the zone change survey for the purpose of legal notification.

1. Drawing must fit on 8 ½ X 11 sheet of paper.
2. A copy of the Zoning Plat/ Boundary Survey (Item C above).

**E. Development Plan.** As a condition to the granting of any amendment to the Official Zoning Map, the Planning Commission is authorized to require the submission of a Development Plan. The Development Plan shall be filed in accordance with the provisions and requirements of Sec. 410, Development Plans. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. A Development Plan may be either a General Development Plan or a Site Development Plan or both as specified by Section 410.

F. **Traffic Impact Study.** Any development requiring the submission of a Traffic Impact Study shall illustrate the effect of the proposed project on the surrounding roadways and intersections. Such effect shall be measured against the existing level of service standard and circulation patterns for the roadways affected by the proposed development's impact. Any project which proposes:

1. Greater than 50,000 square feet of non-residential space;
2. Greater than 50 residential units; or,
3. Any other use generating 500 or more average daily trips, shall be required to submit a Traffic Impact Study.

Exceptions to this requirement may be approved after consultation between the applicant, the Planning Commission and affected agencies (City or County and/or KYTC). The applicant must provide documentation, in writing, from all affected agencies, exempting their particular development from the TIS requirement.

G. **Other Concurrent Applications.** Applications for Variances, and/ or Conditional Use Permits may be filed concurrently with the application for Official Zoning Map Amendment on the same property to be considered by the Planning Commission for a map amendment.

#### 409.4 Responsibility for Accuracy

The applicant shall be responsible for the accuracy of the information filed and shall demonstrate that the identity of all adjoining property owners is made known to the Planning Commission as part of the Official Zoning Map Amendment application. The applicant may rely on the records of the property valuation administrator for this purpose.

#### 409.5 Planning Commission Action

The procedure for obtaining a Zoning Map Amendment shall be the same as defined in KRS Chapter 100 and in addition, as follows:

A. The Planning Commission requires, as a condition to the granting of a Zoning Map Amendment, the submission of a General Development Plan. Where agreed upon by the applicant, the General Development Plan shall be followed and binding upon the applicant, his heirs, successors, and assigns.

B. If the Planning Commission considers a General Development Plan concurrently with an application for Zoning Map Amendment pursuant to KRS 100.203(2), the Commission shall vote upon the application for Zoning Map Amendment at the same time as it considers the applicant's request that the General Development Plan be a condition to the granting of the Zoning Map Amendment. The recommendation of the Planning Commission to approve a Zoning Map Amendment shall be conditioned upon compliance with the submitted General Development Plan and enforced accordingly.

C. The Planning Commission and applicant may agree to amend the General Development Plan during the public hearing. In such case, the revised General Development Plan shall be prepared by the applicant within 14 calendar days of the approval of the Planning Commission. If the revised General Development Plan, has not been submitted to the Planning Commission within 14 days, the Commission may hold a public hearing to rescind the approval on the next available agenda.

- D. No Development Plan approved by the Planning Commission shall permit the development or use of land in a manner prohibited by this Ordinance. To the extent a condition of a Development Plan may purport to grant such permission, it shall be deemed in conflict with the zoning district regulations and be void and of no effect.

#### **409.6 Review Criteria, Findings Required**

In their review of a map amendment, the Planning Commission shall consider and make findings on the following matters:

- A. The map amendment is in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding,
- B. That one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission of the legislative body or Fiscal Court:
  - 1. The original zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
  - 2. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

#### **409.7 Legislative Body Action**

The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed Zoning Map Amendment within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.

#### **409.8 Condition of Enactment of Map Amendment.**

The following condition shall apply to the enactment of any Zoning Map Amendment; Building permits for improvement of the subject property shall be issued only in conformance with the elements of the General Development Plan and, where required, a Site Development Plan.

#### **409.9 Action on Concurrent Applications**

- A. In the event the applicant files for a Variance or Conditional Use Permit concurrently, the Planning Commission shall hold the public hearing concurrently with the map amendment.
- B. For the purpose of carrying out this subsection, each requested Variance or Conditional Use Permit shall be considered as separate applications and shall otherwise be administered, advertised and handled in accordance with the requirements of this Ordinance and KRS 100 except that notice by mail for the Zoning Map Amendment shall include notice for the Variance or Conditional Use Permit and shall state that these items will be concurrently heard by the Planning Commission.



- C. The Planning Commission shall assume all the powers and duties otherwise executed by the Board of Adjustments in considering a Variance or Conditional Use Permit but shall only have this authority when the subject Variance or Conditional Use Permit is being considered concurrently with property being considered for a map amendment.

#### **409.10 Parties Bound by Development Plan**

The Development Plan, General or Site, enacted under the provisions of Section 410, including any amendment thereto, shall be binding upon the property and the owner at the time of approval by the Planning Commission, his heirs, successors in title, personal representatives, assigns, the Planning Commission and legislative bodies.

#### **409.11 Recording of Development Plan**

Following the approval of a map amendment and General Development Plan, or any amendment thereto, a statement shall be filed in the office of the Woodford County Clerk. The statement shall contain the name of the owner at the time of approval by the Planning Commission, a description of the property in question, source of title, and enumeration of the specific plan or conditions as adopted by the Planning Commission and date of adoption and same shall be signed by them owner.

### **410 DEVELOPMENT PLANS, GENERAL OR SITE**

#### **410.1 Purpose and Intent of Development Plan Review**

- A. The Development Plan is a review procedure whereby the Planning Commission may determine the character and objectives of the proposed development in order to ascertain the following:
  - 1. Impact the development will have on capacity of community facilities and services.
  - 2. Impact the development will have on the character of the neighborhood.
  - 3. Impact the development will have on the neighborhood and community.
- B. The General Development Plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the proposed development and to determine what shall be binding on the use and development of the property in question.
- C. A Site Development Plan is intended to contain specific plans for developing the property in question including implementation of the conditions of an approved General Development Plan.
- D. A Development Plan is intended as a review of the proposed project site as a whole, especially where multiple zoning districts are proposed.
- E. All references herein to the filing and approval of an initial Development Plan shall include all amendments thereto.

#### **410.2 General Development Plan Required**

- A. A General Development Plan shall be filed with the application for an amendment to the Official Zoning Map in a form recordable in the Woodford County Courthouse.

- B. Where large parcels of land are proposed for various zoning districts or for differing standards, each parcel may have separate General Development Plan for separate tract.

#### **410.3 Elements of a General Development Plan**

“Development plan” means written and/ or graphic material for the provision of a development, including any or all of the following:

- A. location and bulk of buildings and other structures,
- B. intensity of use,
- C. density of development,
- D. streets, ways, access points, and parking facilities,
- E. signs,
- F. drainage of surface water,
- G. a plan for screening or buffering,
- H. utilities,
- I. existing manmade and natural conditions, and
- J. all other conditions agreed to by the applicant.

#### **410.4 Site Development Plan Required**

Prior to the issuance of Building Permits and Zoning Permits, a Site Development Plan shall be approved by the Planning Commission for the following:

- A. All commercial developments or uses containing over 4,000 sq. ft. in total building area;
- B. Townhomes, multifamily housing, or group living uses with eight (8) or greater units;
- C. All institutional developments or uses containing over 10,000 sq. ft. in total building area; or
- D. All industrial developments or uses containing over 3,000 sq. ft. in total building area.

#### **410.5 Elements of Site Development Plan**

When a Site Development Plan is required by this Section, the plan shall contain the following information:

- A. Name of development, name and addresses of owners, developers, engineers, surveyors, landscape architects, and architects; vicinity map with accurate measurements to existing streets, date, scale, source of title and north arrow.
- B. Names of adjacent subdivisions and/or names of recorded owners of adjacent land.

- C. Names, location, arrangement and dimensions of all existing platted streets, driveways or other public ways within or adjacent to the property and existing utility easements.
- D. Names, location, arrangement and dimensions of proposed streets and driveways or other public ways, including width of rights-of-way, parking areas and number of parking spaces (including total area of off-street parking), points of ingress and egress and sight distances of all entrances to existing streets.
- E. Building setback lines or building envelopes whichever is appropriate.
- F. Preliminary size and location of all proposed underground utilities lines (water, sewer and gas, if applicable).
- G. A topographic survey of the site. Upon review of the survey, a drainage plan may be required.
- H. Copy of proposed property owners' association covenant or master deed or restrictions if applicable.
- I. Lot size and location.
- J. Height, floor area and arrangement of proposed buildings or structures and number of dwelling units.
- K. Location of all existing buildings, structures and parking.
- L. Boundary survey including area and bearings and dimensions of all exterior property lines.
- M. When mixed uses are proposed, show location of these uses by general type, i.e., commercial, industrial, office and residential.
- N. Existing tree masses, significant rock outcroppings, streams, flood plains and other natural features.
- O. Provisions for landscaping, if applicable.
- P. Recreational and open space area, if applicable.
- Q. Proposed stages of development if applicable and the anticipated time required to develop each stage.
- R. Traffic Impact Study (if required) prepared and stamped by a professional engineer qualified in transportation engineering.
- S. All Site Development Plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the Site Development Plan.

#### **410.6 Action on Development Plan**

- A. General Development Plan. The Planning Commission shall consider the General Development Plan as part of a Zoning Map Amendment request and shall take action on the map amendment as outlined in Sec. 409. Applications for Variances and/or Conditional Use Permits may be filed concurrently with

the application for a General Development Plan on the same property to be considered by the Planning Commission for a Zoning Map Amendment.

B. The Planning Commission shall review the Site Development Plan and shall take one of the following actions:

1. Approve the Site Development Plan, or,
2. Disapprove the Site Development Plan.
  - a. When the Planning Commission's action is disapproval, the Planning Commission shall state the reasons for the action and shall transmit these reasons to the applicant within 10 days after its action.
  - b. Within 30 days of the transmittal, the applicant may make a written response concurring with the required modifications. Upon receipt of the applicant's concurrence, the Site Development Plan shall be deemed to have approval of the Planning Commission.
  - c. If the applicant fails to concur with the required conditions or does not reply within 30 days of the date of the transmittal, then the Site Development Plan shall be deemed disapproved by final action.
3. The Planning Commission shall approve the Site Development Plan when it makes a determination that the Site Development Plan conforms to the General Development Plan and other requirements of this Ordinance.

#### **410.7 Amendments to Enacted General Development Plan**

Section 410.7 applies only to General Development Plans adopted after the effective date of this ordinance. Amendments to an approved General Development Plan shall require the approval of the Planning Commission. Requests for amendment of any such plan shall be submitted to the Planning Commission and shall contain the signature of all property owners necessary to convey fee simple title to the land within the tract or phase that is subject to the General Development Plan. Amendments shall be processed in the same manner as the original General Development Plan. Any such amendment shall be considered no earlier than one year, unless initiated by the Planning Commission Staff, after final action of the General Development Plan, except upon appeal or court order. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application. A public hearing on the proposed amendment to the plan shall be held by the Planning Commission in the same manner as the original General Development Plan. An amendment to any approved General Development Plan shall be approved only if the proposed amendment remains consistent with the adopted Comprehensive Plan and upon a finding that there have developed construction conditions which would limit the development of property in question in accordance with the General Development Plan which is being amended.

**410.8 Amendment to the Adopted Site Development Plan.** The applicant or owners may apply to the Planning Commission for amendment to the Site Development Plan. The application for an amendment must contain the signature of the property owners for at least 51 percent of the property within the original Site Development Plan. Any such amendment shall be considered no earlier than one year after final action on the Site Development plan. The Planning Commission may initiate an amendment to the Site Development Plan under this Section. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application. The Planning Commission shall act on the application for amendment to the Site Development Plan in the same manner as originally approved.

**410.9 Minor Amendments and Changes to a Site Development Plan.** The items and conditions of the Site Development Plan may be changed from time to time as follows:

The Director may approve minor modifications of the adopted Site Development Plan so long as the modification shall not violate any standard or regulation set forth in the approved General Development Plan. The total of such modifications approved by the Director shall never exceed 5 percent of the gross leasable floor area (non-residential), 5 percent of parking, landscaping or vehicle use areas or 5 percent of total residential units as shown by the adopted Site Development Plan. The Director shall not approve modifications of permitted uses.

## **411 LOCAL HISTORIC DESIGNATION**

### **411.1 Who May Apply**

Consideration of the designation of a Local Historic Site or a Local Historic District may originate from the Legislative Body, the Board of Architectural Review or the landowner of the property in question. A person or an organization proposing a Local Historic site designation shall file a Zoning Map Amendment application with Planning Commission pursuant to Section 409 of this Ordinance. The Board of Architectural Review shall recommend to the Planning Commission the designation of Local Historic sites and Local Historic Districts. After a public hearing and a recommendation by the Planning Commission, the Legislative Body shall make these designations by the enactment of an ordinance.

### **411.2 Planning Commission Public Hearing and Notice Required**

The Board of Architectural Review shall assemble information about a property or district being considered for designation and shall then hold at least one fact finding meeting to draft a recommendation to the Planning Commission. When a hearing before the Planning Commission is scheduled on a proposal designating individual Local Historic Sites and Local Historic District, the following notice shall be given by the Planning Commission in addition to any other notice required by statute, by local regulation or ordinance:

- A. Notice of the Planning Commission hearing shall be posted conspicuously on the property for which the designation is proposed for 14 consecutive days immediately prior to the hearing. The Planning Commission public hearing sign shall be constructed of durable material, shall be written in letters sufficiently large enough to be read from the public street, shall state the telephone number of the Planning Commission, and shall state the time, place and date of Planning Commission hearing.

- B. Notice of the Planning Commission hearing shall be given at least 14 days in advance of the hearing by first-class mail, to the owner of every parcel of property adjoining the property for which the designation is proposed. It shall be the duty of the person or persons proposing the designation to furnish to the Planning Commission the names and addresses of the owners of all affected and adjoining property. Records maintained by the Woodford County Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

#### **411.3 Conduct of Public Hearing**

Upon receipt of the written recommendation report, the Planning Commission shall then hold a public hearing in accordance with the requirement of a Zoning Map Amendment pursuant to Section 409 of this Ordinance.

#### **411.4 Legislative Body Action**

- A. The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed Local Historic Site or a Local Historic District within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.
- B. The Local Historic Site, or Local Historic Districts shall be shown on the Official Zoning Map by the use of the letters "HD"; this identification and designation shall be in addition to the other categories shown on the Official Zoning Map.

### **400—Appointment and Proceedings of Board**

~~Matters of the Board of Adjustments s, pertaining to membership, appointment, terms, vacancies, oath, compensation, removal and officers, shall be in accordance with KRS 100.~~

~~The Board of Adjustments s shall adopt rules necessary to the conduct of its' affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting which notice shall contain the date, time and place for the meeting and the subject or subjects to be discussed.~~

~~The Board of Adjustments s shall keep minutes and records of all proceedings including regulations, transactions, findings and determinations, and the number of votes for and against each question all of which shall be public record and be immediately filed in the office of the Board.~~

### **401—Powers and Duties**

~~The Board of Adjustments s shall have the following powers and duties:~~

#### ~~A.——Administrative Review—Appeals to the Board~~

~~The Board of Adjustments s shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. Such appeal shall be taken within thirty (30) days.~~

- ~~1. Procedures – Appeals to the Board of Adjustments s may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing with said officer and with the Board a notice of appeal specifying the grounds thereof and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board of Adjustments, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.~~
- ~~2. Public Notices – The Board shall find a reasonable time for hearing the appeal and give public notice in accordance with KRS 424, as well as written notice to the appellant and the Administrative Official at least one (1) week prior to the hearing and shall decide the same within sixty (60) days. The affected party may appear at the hearing in person or by agent or attorney.~~
- ~~3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustments after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Administrative Official from whom the appeal is taken and/or due cause shown.~~

~~B. Conditional Use Permits – The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance which may be suitable only in specific locations in the zone and only if certain conditions are met.~~

- ~~1. All Districts: The following conditional uses may be approved in all zoning districts:
  - ~~a. Non-local public utility and private transmission lines and pipes.~~
  - ~~b. Radio, T.V. and telephone transmission structures.~~
  - ~~c. Large utility structures and public service buildings.~~
  - ~~d. Expansion of railroads and appurtenances.~~
  - ~~e. Government buildings and uses.~~
  - ~~f. Churches and Libraries.~~~~
- ~~2. Specified Zoning Districts: Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.~~
- ~~3. Procedure: An applicant shall submit an application for a conditional use permit to the Administrative Official, and the applicant shall follow all procedures set forth in Article IV Section 401 of this ordinance and KRS~~

~~100.237. The Administrative Official shall refer the application to the Board of Adjustments. Payment of a fee shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:~~

- ~~a. The Board of Adjustments s may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use, along with reference to the specific section in the zoning regulation listing the conditional use permit under consideration. The Board of Adjustments shall have the power to revoke conditional use permits, or variances for non-compliance with the conditions thereof. The Board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such costs. Furthermore, the Board of Adjustments may, where appropriate, base their findings and recommendations on information provided by the Agricultural Advisory Review Committee, appointed by the Woodford County Fiscal Court.~~
- ~~b. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, building, housing, and other regulations.~~
- ~~c. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.~~
- ~~d. The Administrative Official shall review all conditional use permits except for those for which all conditions have been permanently satisfied, at least once annually, and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative Official shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions of the permit. A copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairman of the Board of Adjustments. Upon hearing the report, as required by KRS 100, if the Board finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative Official to revoke the conditional use permit and to cause the termination of the activity on the land which the conditional use permit authorizes.~~
- ~~e. Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon the request of the applicant may, if the facts warrant, make a determination that the conditions have been satisfied. The Administrative Official shall compile a report including findings of fact to be included in the file and attached to the file a copy of the conditional use permit. Thereafter said use, if it continues to meet the~~



~~other requirements of the regulations, will be treated as a permitted use.~~

~~f. Notice of the public hearing shall be given at least 14 days in advance of the hearing in accordance with KRS 100.~~

~~g. Recording: As required by KRS 100, a copy of the conditional use permit must be filed with the County Court Clerk at the applicant's expense.~~

~~C. Variances - The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site, on the effective date of the zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building, or size of yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.~~

~~1. Findings Necessary - The Board may grant a variance provided that the granting of the variance will not adversely affect the public's health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:~~

~~a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.~~

~~b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.~~

~~c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.~~

~~d. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.~~

~~2. Procedures - An applicant shall submit an application for a variance to the Administrative Official, and the applicant shall follow all procedures set forth in Article IV of this ordinance. The Administrative Official shall refer the application to the Board of Adjustments. Payment of a fee shall be required of the applicant before the issuance of the permit. Other regulations for variances are as follows:~~

~~a. Notice of public hearing shall be given as in Section 401.A (2).~~

~~b. The public hearing shall be held. The affected party may appear in person or by agent or attorney.~~

- ~~c. The Board of Adjustments shall make findings that the requirements of Section 401.C (1) have been met by the applicant. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that these findings shall be recorded along with any imposed conditions or resolutions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.~~
- ~~d. If the property adjoins residential property, the adjoining property owners must be notified in writing 14 days in advance of the meeting date.~~
- ~~3. Recording - As required by KRS 100, a copy of the variance must be filed with the County Court Clerk at the applicant's expense.~~
- ~~4. Variance Runs with The Land - A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site, as per KRS 100.~~
- ~~D. Non-Conforming Use and Structure Appeals - The Board of Adjustments shall have the authority to hear and decide appeals as authorized in Article VIII concerning non-conforming uses and structures per KRS 100. The Board shall not allow the enlargement, substitution or extension of a non-conforming use beyond the scope and area of its operation at the time the ordinance, which makes its use non-conforming, was adopted. Nor shall the Board permit a change from one non-conforming use to any other non-conforming use. If it approves the appeal, the Board must find, in addition to all requirements of Article VI, that the non-conformity of the use or the non-conformity of the structure would not be increased in scope or area of its operation, and that it would not have an adverse effect on existing or future development of the subject property or the surrounding area. In approving an appeal the Board may require appropriate conditions be met to insure the health, safety, and welfare of the community and to protect the essential character of the surrounding area.~~
- ~~E. Limits of Authority - The Board shall act only within the strict limits of its authority as defined in the Zoning Ordinance. 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. (KRS 100)~~
- ~~F. Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official - In exercising the above mentioned powers, the Board of Adjustments may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.~~
- ~~G. Interpretation of Zoning Map - Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the zoning map, the Board after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this ordinance for the particular section or district in question.~~

~~402 — Duties of Administrative Official, Board of Adjustments, Legislative Bodies and Courts on Matters of Appeal~~

~~It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustments only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustments shall be to the courts as provided by law.~~

~~It is further the intent of this ordinance that the duties of the governing bodies in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the governing bodies shall have only the duty of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law.~~

## ARTICLE V

### GENERAL PROVISIONS

#### 500 Establishment of Zoning Districts: Provision for Official Zoning Map and Interpretations

##### 500.1 Official Zoning Map

The County and all incorporated cities therein are hereby divided into zones, or districts, as shown on the Official Zoning Map, Woodford County, Kentucky, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the County Judge and/or Mayors and attested by the City and/or County Clerk and bearing the seal of the legislative bodies under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 101 of the Woodford County Zoning Ordinance," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and KRS 100, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within thirty (30) days (KRS 100) after the amendment has been approved by the legislative body involved with an entry on the Official Zoning Map as follows: "On (date) by official action of the (legislative body), the following (change) changes were made in the Official Zoning Map: (brief description of nature of change), "which entry shall be signed by the County Judge or Mayor, and attested by the County or City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section ~~302~~ 304.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Planning and Zoning Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County (including all incorporated areas).

##### 500.2 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the legislative body (bodies) may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayors and/or the County Judge attested by the City and/or County Clerk, and bearing the seal of the legislative body under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the

Official Zoning Map adopted (date of adoption of map being replaced) as part of the Woodford County Zoning Ordinance."

Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

### **500.3 Interpretation of Zoning District Boundaries**

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the Zoning Map:

- A. Where a zoning district boundary follows a street, highway, alley, or railroad, the center line of the street, highway, alley, or railroad right-of-way, is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shoreline is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. In any case where the location of a boundary is not clear, the Board of Adjustment shall use these rules to determine the exact location upon application by the Administrative Officer for an original interpretation.

### **500.4 Annexed Lands**

In every case where land becomes a part of a city through annexation, such newly annexed land shall automatically be zoned as it was in the County. Such zoning shall remain in effect unless amendment procedures are followed. In cases where county land is annexed, zoning authority is transferred from the county to the city that has annexed.

~~501—Reserved~~

### 501 Temporary Uses

#### 501.1 Temporary Construction Unit

Temporary construction units may be permitted in accordance with the following requirements:

- A. A temporary construction unit may be located following the issuance of a Zoning Permit for construction upon the parcel where the temporary construction unit is to be located.
- A. The temporary construction unit shall be removed from such parcel within 30 days of occupancy of the building or facility constructed pursuant to such building permit or within 30 days after the termination or expiration of such building permit, whichever shall first occur.

### **501.2 Model Homes**

Residential units constructed and established for sales display in a residential subdivision may be temporarily used as an office for the subdivision developer, homebuilder, or other accessory sales purposes. The unit must revert to its intended residential use before or upon completion of units on 75 percent of the subdivision lots.

### **501.3 Other Temporary Uses**

The following temporary uses, that involve no permanent structures, shall require a Temporary Use Zoning Permit from the Planning Commission.

- A. Festivals, Sporting Events, Carnivals, Circus, Music Events, Concerts, Product Vending, Food-Trucks or any other similar use which may be located on a property for no greater than seven (7) consecutive days; shall also be required to be located within an appropriate commercial zoning classification.
- B. The sale of seasonal materials, including but not limited to, Product Vending, Food-Trucks, Christmas Trees, Halloween Costumes, Fireworks and other similar seasonal materials which may be located on a property greater than seven (7) consecutive days; shall also be required to be located within an appropriate commercial zoning classification.
  - 1. Each Temporary Use Zoning Permit shall be reviewed based on number of possible attendees, distance from residential structures or zoning districts, and the length of the proposed temporary use to impose any necessary and reasonable conditions on the Temporary Use Zoning Permit.
  - 2. Any proposed signage to be used in conjunction with the temporary use shall be required to obtain a limited Temporary Sign Permit from the Planning Commission.

## **502 Townhouses**

### **502.1 Intent**

Townhouses are to provide for attached single family dwellings and supporting uses in R-3 and R-4 zoning districts.

### **502.2 General Provisions**

- A. Single Family attached residences with no more than eight (8) units being attached in an R-3 zone, and twelve (12) units being attached in an R-4 zone shall be allowed by filing the appropriate townhouse plat in conformity with procedural requirements of Section 502.3(E).
- B. Group residential projects constructed prior to the adoption of this ordinance may be converted to townhouses by filing the appropriate townhouse plat in conformity with procedural requirements of Section 502.3(E).

### **502.3 Lot, Yard, and Height Requirements**

The following regulations shall apply to townhouses and no townhouse building shall be constructed, altered or occupied without complying with these regulations.

A. Height - No building shall be erected or altered to a height of more than thirty-five (35) feet.

B. Yards and Area

1. Front Yard: There shall be a front yard of not less than twenty (20) feet at the building line or setback line.
2. Rear Yard: There shall be a rear yard of not less than fifteen (15) feet.
3. Side Yard: The minimum side yard shall be six (6) feet on each side yard of a row of attached townhouse units when no units or only one unit fronts on that side yard. On each corner lot, there shall be a side yard of not less than twenty (20) feet on the side of the building nearest the street.
4. Lot Size: Each dwelling unit hereinafter erected or structure altered shall be on a lot having an area of not less than 1,900 square feet and not less than eighteen (18) feet wide.
5. Usable Open Space: Ten percent (10%) of total lot for any townhouse shall be devoted to usable open space either on each lot or as common useable open space on land adjacent and directly accessible to each lot within the townhouse development.
6. Minimum Width: No townhouse shall have a width of less than eighteen (18) feet from center to center of units or from center to exterior face for end units. Attached garages and porches shall not be included in measuring the width of the principal building.
7. Accessory Buildings and Uses: No accessory building shall encroach on any required front yard. No accessory building on any corner lot shall encroach on any side yard adjacent to the street. Accessory buildings shall include but not be limited to playhouses, storage buildings and garages. Accessory buildings shall not be used for dwellings. Home offices are permitted if approved by the Board of Adjustments.
8. Lots Fronting on Interior Space: Townhouse units may be permitted to front on an interior space or access easement, with all maintenance provisions being borne by the property owner.
9. Minimum Lot Width: Any existing lot of record in an R-3, or R-4 zone may be divided into townhouse lots. The lots shall have a minimum lot width at the front yard line of sixty (60) feet in the R-3 zone and fifty (50) feet in the R-4 zone.
10. Required Floor Area: Each single family residence in a townhouse development shall have a minimum floor area of not less than eight hundred ninety (890) square feet. The areas of garages, open porches, cellars and basements shall not be included.
11. Lot Coverage: Not more than sixty five percent (65%) of any lot shall be occupied by buildings of any kind.

C. Parking

Off-street parking spaces for not less than two cars shall be provided for each townhouse and shall not be allowed within the minimum front yard of twenty (20) feet. Garage space may be included in determining the off-street parking. All off-street parking shall meet the requirements of Article VI.

D. Townhouse Density

1. R-3 District: Maximum townhouse density in a R-3 zone (~~see Article VII, Section 709.6) shall not exceed a density of eleven (11) units per net-acre.~~
2. R-4 District: Maximum Townhouse Density in a R-4 zone (~~see Article VII, Section 710.6) shall not exceed a density of fifteen (15) units per net-acre.~~
3. In calculating the number of units to be allowed, the administration shall round all units to the next highest number over .5, to the next lowest number under.5.

E. Platting Procedures: The Woodford County Subdivision Regulations shall be followed. The Preliminary and Final Plat shall also include the location of parking facilities and buildings. The Planning ~~and Zoning~~ Commission may require landscaping and buffer areas taking into consideration driveways, parking areas, and points of ingress and egress to the townhouse site along with maintaining the single-family residence neighborhood environment so as to provide a reasonably effective barrier between townhouses and adjoining users to minimize adverse conditions of sight and sound.

**502.4 Accessory Uses and Structures**

Same as those permitted in R-3 and R-4 zoning districts.

**503 General Development Regulations**

**503.1 Coordination with Subdivision Regulations**

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind residential, commercial, or industrial, the Subdivision Regulations, adopted for Woodford County, Versailles and Midway and amendments thereto, shall apply in addition to the provisions of the Zoning Ordinance.

As adopted by the Woodford Fiscal Court: Except as permitted by the definition of "Agricultural Uses" in Article II of this ordinance, land in District A-1 shall not be eligible for subdivision so long as it remains in District A-1. As used in this paragraph, "Subdivision" has the meaning given to it by KRS 100.111 and the Subdivision Regulations of the Planning Commission. It is desirable that access points to the arterial street serving all zoning districts shall be located no more frequently than once every twelve hundred (1,200) feet. Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirement shall be listed as special final plat if applicable.



**503.2 Certificate of Land Use Restriction**

Certificate of Land Use Restrictions shall be filed with the County Clerk as per KRS 100. They shall indicate the type of land use restriction adopted or imposed upon the subject property including variances, conditional use permits, conditional zoning conditions, unrecorded preliminary subdivision plats and development plans; but not including zoning map amendments which impose no limitations or restrictions upon the use of the subject property other than those generally applicable to properties within the same zone and not including any recorded subdivision plat. A copy of said Certificate shall also be attached to the plat file.

**CERTIFICATE OF LAND USE RESTRICTION**

1. Name and Address of property owner (s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of Property

\_\_\_\_\_

3. Name of subdivision or development (if applicable)

\_\_\_\_\_

4. Type of Restriction (s)

(Check all that apply)

\_\_\_ Zoning Map Amendment to \_\_\_ Zone

\_\_\_ Conditional Zoning Condition

\_\_\_ Development Plan

\_\_\_ Other

\_\_\_ Unrecorded Subdivision Plat

(Specify) \_\_\_\_\_

\_\_\_ Variance

\_\_\_ Conditional Use Permit

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTIONS.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and title of Completing Officer

### ~~503.3 Development Plans~~ **MOVED TO ARTICLE IV**

#### ~~A.~~ **General Provisions**

~~Subject to the provisions of this Article, a Preliminary Development Plan shall be submitted with a Zoning District Map Amendment; any time there is more than one principal building proposed on a lot; and/or, any time a building is proposed in a "Planned District" as defined in subsection "B" below. A Public Hearing shall only be required when the Plan accompanies a Zoning District Map Amendment.~~

~~Applications for any proposed amendment to the Zoning District Map shall include a Preliminary Development Plan in accordance with the provisions of this regulation. The Preliminary Development Plan is intended to demonstrate to the Planning and Zoning Commission the character and objectives of the proposed development in adequate detail for the Planning and Zoning Commission to evaluate the effect the proposed development would have on the community and determine what provisions, if any, should be altered for the protection and promotion of the general public welfare.~~

~~Where the Planning Director determines it to be appropriate, the Director may permit the development plan to be submitted in a final form at the time of the rezoning application. Development Plans shall be prepared in accordance with Sub-Section C and/or D of this article. More specific aspects of the approved Preliminary Development Plan shall be designated on the Final Development Plan; or the Final Development Plan may be waived in lieu of a Preliminary and Final Subdivision Plat.~~

#### ~~B.~~ **Planned Districts**

~~For the purpose of this regulation, R-4 High Density Residential, B-4 Highway Business District, B-5 Highway Interchange Service, the Industrial Districts (I-1 and I-2), the Mobile Home District (M-1) and for the erection of more than one principal structure on a lot (See Section 504.5A), shall require Planning and Zoning Commission approval of a Final Development Plan prior to the issuance of any Building Permits. Building Permits for said districts shall be approved only when in conformance with a Development Plan approved by the Planning and Zoning Commission.~~

#### ~~C.~~ **Preliminary Development Plan**

~~A Preliminary Development Plan is a site plan by which, at the early stages of development design, the commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The Preliminary Development Plan is less detailed and specific than a Final Development Plan in terms of exact arrangement of building, parking areas, open spaces, access points and any other site design features. No building permits can be issued based upon a Preliminary Development Plan.~~

- ~~1. Procedure for a Preliminary Development Plan and Technical Review Committee (TRC) review: The applicant shall have a registered engineer, land surveyor, or landscape architect, (providing that all engineering data is supplied by a registered engineer), prepare the~~

~~Preliminary Development Plan. Fourteen (14) copies, on 18"x 24" or 24"x 36" of the plan, shall be submitted to the Planning Commission Staff at least seven (7) days prior to the Technical Review Committee (TRC) meeting. The TRC will review all Preliminary Development Plans. The Plan shall be accompanied by the filing fee. No TRC or Commission action shall be taken on any Plan until required fees have been paid in full. After review by TRC, four (4) hard copies, one reduced copy (8 1/2"x11" or 11"x17") and one digital copy shall be submitted to the Planning Commission Staff at least fourteen (14) days prior to the date set for the Planning Commission meeting/hearing.~~

~~If the Preliminary Development Plan is accompanying a zoning map amendment a joint public hearing shall be held by the Planning Commission on the Plan and the re-zoning. Notice of the hearing shall be at least seven (7) days and no more than twenty-one (21) days prior to the date set for public hearings per KRS 424. After the hearing, the Planning Commission shall proceed to take action on the Zoning District Map Amendment and the Preliminary Development Plan. If the Preliminary Development Plan is disapproved by the Commission or if the Commission fails to approve or disapprove the Plan and the Zoning District Map amendment is subsequently approved by the appropriate legislative body, the Commission shall take action upon the Preliminary Development Plan within ninety (90) days of the action of the legislative body. Preliminary Development Plans not accompanying a Zone District Map Amendment will not have a Public Hearing, but the Commission shall take action within forty-five (45) days of the Commission meeting at which the Plan is reviewed. If no action is taken within that time, the Plan stands approved as submitted.~~

~~2. Content of a Preliminary Development Plan: A Preliminary Development Plan shall contain the following information at a minimum:~~

- ~~a. A title block containing the plan name, development plan type, name and address of developer and plan preparer, and written and graphic scale.~~
- ~~b. The boundary of the subject property, its record plan designation (if available), and the record plan name or owner's name of all adjoining property.~~
- ~~c. A vicinity sketch, oriented in the same direction as the design scheme.~~
- ~~d. Topography with contour intervals as shown on the available USGS sheets or local GIS.~~
- ~~e. Location, arrangement, and approximate dimensions of existing and proposed driveways, walk ways, parking areas and arrangement of spaces, points of ingress and egress (including all gates restricting vehicular access), access points for construction vehicles, and other vehicular and pedestrian rights-of-way.~~
- ~~f. Location and cross sections of any proposed or existing streets within or abutting the subject property.~~
- ~~g. Screening, landscaping and buffering, recreational and other open space areas.~~
- ~~h. Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs.~~

- ~~i. Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.~~
- ~~j. Proposed and existing easements for utilities or other purposes.~~
- ~~k. General areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees.~~
- ~~l. Location of any existing burial grounds and, if required, provisions for their protection, maintenance and accessibility.~~
- ~~m. A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.~~
- ~~n. A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan.~~
- ~~o. A note stating that no building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
- ~~p. Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.~~
- ~~q. An owner's certification signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textual representations shown hereon, and do adopt this as my (our) development plan for the property.~~
- ~~r. A Commission's certification to be signed by the Commission's Secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Planning Commission at its meeting held on (date)."~~

~~D. Final Development Plan~~

~~A Final Development Plan is a development plan from which a Building Permit will be sought. A Final Development Plan does not require a Public Hearing (unless it is accompanying a Zone District Map Amendment) and is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking areas, open spaces, access points and any other site design features. If a Preliminary Development Plan has been approved the Final Development Plan shall be substantially consistent with it.~~

- ~~1. Procedure for a Final Development Plan: The applicant shall have a registered engineer, land surveyor, or landscape architect, (providing that all engineering data is supplied by a registered engineer), prepare the Final Development Plan. Fourteen (14) copies, on uniform size sheets, 18"x 24" or 24"x 36" of the plan, shall be submitted to the Planning Commission Staff at least seven (7) days prior to the Technical Review Committee (TRC) meeting. The TRC will review all Final Development Plans. The Plan shall be accompanied by the filing fee. No TRC or Commission action shall be taken on any Plan until required fees have been paid in full. After review by TRC, four (4) hard copies and one digital copy shall be submitted to the Planning Commission Staff at least fourteen (14) days prior to the date set for the Planning Commission meeting/hearing.~~

~~If the Final Development Plan is accompanying a Zoning District Map Amendment a joint public hearing shall be held by the Planning Commission on the Plan and the Map Amendment. Notice of the hearing shall be at least seven (7) days and no more than twenty-one (21) days prior to the date set for public hearings per KRS 424. After the hearing, the Planning Commission shall proceed to consideration of the Zoning District Map Amendment and the Final Development Plan. If the Final Development Plan is disapproved by the Commission or if the Commission fails to approve or disapprove the Plan and the Zoning District Map Amendment is subsequently approved by the appropriate legislative body, the Commission shall take action upon the Final Development Plan within ninety (90) days of the action of the legislative body. If the Final Development Plan is not accompanying a Zoning District Map Amendment the Commission shall take action within forty-five (45) days of the Commission meeting at which the plan is reviewed. If no action is taken within that time, the plan stands approved as submitted.~~

- ~~2. Content of a Final Development Plan: A final development plan shall contain the following information at a minimum: All information required for Preliminary Development Plans as required, "a" through "r" above; except that contour intervals shall be at two (2) feet; a tree preservation plan, data block, and tree protection areas shall be provided if required; all of the plan information shall be of an exact nature, rather than approximate or general; and the plan shall be tied to local horizontal and vertical GIS Datum.~~

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## ~~E. Amendments to Development Plans~~

~~Amendments to approved development plans can be made only by official Planning and Zoning Commission action. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the Planning Director without further action by the Commission.~~

~~Minor Amendments Defined - Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments: (1) Shall not decrease the overall land area in yards, or other open spaces; (2) Shall not increase building ground area coverage, floor area, or height, or increase the number of dwelling units; (3) Shall not increase the number or size of signs; (4) Shall not change the location or cross-section of any street and shall not increase the number, or change the location of street access points; (5) May include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.~~

- ~~1. Procedures for Minor Amendments — Shall be as set forth in Section D (1) above, except that the Minor Amended Plan will be forwarded to the Chairman of the Commission for signature.~~
- ~~2. Content and Format of Minor Amendments — Minor amendments shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is a minor amendment, 2) a note shall be added listing the exact nature of the requested changes (no plan change shall be considered in effect unless it is referenced in this note), and 3) the following will be the required language for the Commission's certification: "I do hereby certify that this development plan amendment complies with the provisions of Article V, Section 503 of the Zoning Ordinance."~~
- ~~3. Procedures for Major Amendments — The procedure for a major amendment to a development plan shall be the same as for the original submission as specified in Section D (1) above. However, in addition to the standards listed in Section D (1), the Commission may also disapprove or modify the requested amendment if it finds that such amendments will adversely affect the public health, safety and welfare, or alter the essential character of the development as originally approved.~~
- ~~4. Content and Format of Major Amendment Requirements — Major amendments to development plans shall have the same content and format requirements as the original development plan, except that 1) the title shall indicate the plan is an amended development plan, and 2) a note shall be added listing the exact nature of the requested changes. No plan change shall be considered in effect unless it is referenced in this note.~~

~~F. Deviation from Development Plan~~

~~After approval of any amendment to the Zoning District Map, or approval to any development plan, the property owner must adhere to the terms, restrictions and guidelines as set forth and imposed in the development plan for the subject property. Any person whose use of his/her property deviates from the development plan will be deemed in violation of this ordinance, and subject to the penalty provision of Section 304 herein. Prior to instituting any criminal and/or civil action, the Planning Director shall first give the violator a minimum 10-day notice to abate, setting forth the basis of the non-compliance claim.~~

**503.3 Water Supply and Sewage Disposal**

No building or dwelling shall be constructed or occupied, ~~and no mobile home shall be occupied~~ unless the water supply and sewage disposal facilities have been approved by applicable utility provider ~~the County Health Officer~~.

Wherever water or sewer mains are accessible (accessibility generally meaning within fifty (50) to seventy-five (75) feet of the property line), buildings and dwelling mobile homes shall be connected to such mains. ~~In every other case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer.~~

In addition ~~to the County Health Officer's requirements~~ the following shall apply to all areas outside the designated Urban Service Boundaries:

- A. Intent: The following provisions are primarily intended to allow the construction of isolated, rural, large lot homes. The demand for this type of development is recognized but is not encouraged because of the difficulty and efficiency of providing necessary public services.
- B. Lots for single family residences utilizing a septic tank disposal system shall be at least forty-three thousand five hundred sixty (43,560) square feet with a minimum frontage ~~as required by the applicable zoning district of one hundred fifty (150) feet. In-family conveyances as permitted in the agricultural zone shall be considered exempt from the one hundred fifty (150) feet minimum road frontage requirement.~~
- C. ~~Multi-Family and~~ Non-Residential Uses: Lot areas and types of sewage treatment (septic tank, aeration or other) for ~~multi-family residences and~~ non-residential uses shall be determined by the Woodford County Health Department Planning Commission on an individual basis. ~~The Planning Commission shall make their determination based upon site evaluations, estimated quantity and quality of effluent, possible pollution of adjacent lands, future possibility of serving the area and other factors. The Planning Commission may require the developer to submit technical data and opinions from various professional sources to aid them in their determination of required lot size and treatment procedures.~~
- D. Any applicant for a subdivision utilizing on-site sewage disposal systems shall obtain certification from the Woodford County Health Department that a site evaluation for each lot has been completed in accordance with Kentucky Onsite Sewage Disposal Systems regulations ~~and that the lot can support a sewage disposal system that can be installed and used safely and efficiently for wastewater treatment.~~

#### **503.4 Construction Provisions**

- A. Any construction, excavation or grading activity shall not cause physical damage to any adjoining property.
- B. The premises shall be kept in neat and clean condition at all times. Paper and debris and other trash shall be contained in trash receptacles or removed from the property to an appropriate location. Any inoperable equipment must be removed from the property.
- C. All erosion, siltation, and water impoundment must be handled in accordance with the Subdivision Regulations.
- D. Any use of streets or walks for the depositing of construction materials may be permitted under the following provisions:
  1. Material shall not obstruct more than fifty percent (50%) of the sidewalk unless a safe, temporary walk is provided.
  2. Material shall not obstruct the free passage of vehicles in the streets. A sufficient portion of the street must be left unobstructed.
  3. Materials deposited so as to obstruct gutters, sewers, sidewalks, and drainage patterns to protect such improvements from the construction being performed shall be immediately removed when no longer needed to protect such improvements.

4. Material deposited in the right-of-way shall be marked in such a way so that it is visible both day and night.
- E. All equipment and materials used during the construction, excavation, or grading process shall be removed upon completion of the work within three days and disposed of in accordance with the Solid Waste Ordinance. Any storage of equipment or materials after the completion of the work shall require a permit. Solid waste shall be disposed of in accordance with the solid waste ordinance.
- F. If any damage should occur to the street, sidewalks, or adjoining property, it must be immediately repaired by the contractor or developer to the satisfaction of the City or County **Engineer**.
- ~~G. For failure to comply with the provision of this section, a penalty of fifty dollars (\$50.00) per day shall be imposed from the date of written notice from the Commission that a violation has occurred, provided that each day's violation thereof shall be a separate offense for the purpose thereof. Such penalty shall be in addition to any other penalties imposed by this ordinance. Certificates of Occupancy shall be held for any completed construction in violation of this section until penalties imposed are paid. In the event that violations of this section have occurred, which in the discretion of the Commission creates an immediate danger peril to the community, the Commission may issue an order to immediately cease and desist further construction, grading, and excavation until such violations have been corrected.~~

## 504 Supplementary District Regulations

### 504.1 Visibility at Intersections

As adopted by the City of Versailles and the Woodford County Fiscal Court, on corner lots, except in the ~~HD OHB, OHR~~, and A-1 Districts, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and twelve feet (12) above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines twenty five (25) feet from the point of the intersection.

As adopted by the City of Midway, on a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and twelve (12) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines twenty five (25) feet from the point of the intersection.

### 504.2 Fences, Walls and Hedges

Notwithstanding other provisions of this ordinance, there shall be a four (4) foot height restriction for fences between any public right-of-way and the building line (this includes front and side streets). There shall be a three and one half (3 1/2) foot height restriction for walls and hedges between any public right-of-way and the building line (this includes front and side streets). No fence or wall along the sides or rear of any yard shall be over 8 feet in height, (Midway and Woodford County only) unless otherwise permitted by the Board of Adjustment. This provision does not apply to fences, walls and hedges in



agricultural districts. For the purpose of this section, the height of a wall or fence shall be the vertical distance from the average established grade at the fence or wall to the top of the fence or wall.

### 504.3 Projections

- A. Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard not more than eight (8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of Section 504.3 (D).
- B. Outside stairways may not extend more than three (3) feet into any required side yard; nor more than five (5) feet into any required rear yard.
- C. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, may extend not more than twenty-four (24) inches into any required yard.
- D. Notwithstanding any other provision of this section, no projection as listed above shall extend into any required side yard more than one-half (1/2) the width of such yard, nor within ten (10) feet of the front lot line nor five (5) feet of the rear lot line, nor within three (3) feet of any accessory building, provided, however, that such limitations shall not apply to terraces and steps inside yards, or to a loading dock or tailboards in connection with an industrial siding.

### 504.4 Accessory Building; Location, Height

- A. No accessory building shall be erected in any required court or in any yard other than a rear yard provided, however, that an accessory building may be erected as part of the principal building, or, if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard and court requirements of this Ordinance Resolution for a principal building are complied with.
- B. Buildings accessory to 1 (one) story principal structures shall be equal to or less than the height of the principal structures; buildings accessory to 2 (two) story and above principal structures shall not exceed the average height of the principal structure; and in all cases, shall be distance at least five (5) feet from ~~side and rear property lines, and at least f2 (two) feet from lot lines of adjoining lots in a residential district; provided, however, that an accessory building may be constructed on a side or rear lot line, not an alley lot line, by common consent of the adjoining property owners concerned.~~
- C. Where a corner lot adjoins in the rear of a lot in a residence district, no part of an accessory building within twenty-five (25) feet of the common lot line in the rear shall be nearer a side street lot line than the least depth of any front yard existing or as required, whichever is less, along such side street for a principal building on such adjoining lot, and in no case shall any part of such accessory building be closer to the side street lot line than the main building to which it is accessory.

## 504.5 Regulations for Lots and Yards

- A. **Erection of More Than One Principal Structure on a Lot:** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot, provided that a development plan is submitted for the Planning Commission to review and approve, prior to the issuance of any building permits. ~~The Development Plan shall be according to Section 503.3.D.~~
- B. **Front Yard Regulations for Corner and Double Frontage Lots:** Corner lots and double frontage lots shall, as a minimum, provide for the minimum front yard on both frontage streets. The rear yard and side yard is at the option of the developer or homeowner.
- C. **Application of Yards to one Building Only:** No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.
- D. **Yard Requirements Along Less Restricted District Boundary Line:** Along any zoning boundary line, except when adjoining A-1 and A-2 Districts, any abutting side yard, rear yard or court on a lot adjoining such boundary line in the less restricted district shall have a minimum width and depth equal to the required minimum width and depth for such yards and courts in the more restricted district.
- E. **Front Yards Not Parallel to the Building:** Where the front wall of a building is not parallel with the front lot line or is broken or otherwise irregular, the average depth of the front yard shall not be less than the otherwise required front yard; provided however, that such front wall shall at all points be within five (5) feet of the otherwise required front yard depth.
- F. **Side Yards Not Parallel To The Building:** Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the average width of the side yard shall not be less than the otherwise required least width; provided, however that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required side yard, nor narrower than three (3) feet in any case.
- G. **Rear Yards:** Where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular, the average depth of the rear yard shall not be less than the otherwise required rear yard provided, however, that such rear wall shall not at any point be less than one (1) foot the otherwise required rear yard.

## 504.6 Height Regulations

- A. **Maximum:** Except as hereinafter provided, no building or structure, or part thereof, shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.
- B. **How Measured:** For the purpose of this Zoning Ordinance the "height" of a wall of a structure or a part of a building is the mean vertical distance from the average established grade in front of the lot, or from the average natural grade

at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Where a lot abuts on two or more streets or alleys of different average established grades in front of the lot, the higher of such grades shall control only for a depth of one hundred and twenty (120) feet measured perpendicularly back from the line of the higher street or alley.

On a corner lot the height is the mean vertical distance from the average natural grade at the building line, if higher, on the street of greatest width, or if two or more such streets are of the same width, from the highest of such grades. The height limitations as controlled by the side street shall govern for a distance of one hundred and twenty (120) feet measured at right angles back from such wider street, except on parts of such one hundred and twenty (120) feet as may be within a more restricted height zone.

- C. The height limitations contained herein do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, including agricultural buildings.

#### **504.7 Structures to Have Access**

Every building hereafter erected or moved shall be on an accessible lot adjoining a public street, or an approved private street, for at least twenty-five (25) feet, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking ~~except for in-family conveyances (See Article II, 202).~~

#### ~~504.8 Residential Uses in Business Districts~~

~~Residential uses are permitted as Conditional Uses in Business districts according to the following schedule:~~

~~B-1 same as R-3~~

~~B-2 same as R-4~~

#### **505 Junkyard**

Junkyards are not designated as permitted uses in any district and are consequently non-conforming uses in all districts. They shall conform with Article VIII of this ordinance prescribing regulations for non-conforming uses. The Administrative Official shall ensure that all existing junkyards maintain valid permits to operate, issued by the Kentucky Department of Highways, as required by Kentucky Revised Statutes 177.905 through 177.951 and 177.990 and the Administrative Official shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

#### **506 Group Housing**

In the case of group housing of two or more buildings to be constructed on a parcel of ground, not subdivided into the customary streets and lots, and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such group housing, the

application of the terms of this ordinance may be varied by the Planning Commission in a manner which will be in harmony with the character of the neighborhood. However, in no case shall the Planning Commission authorize a use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such district. Neither a public hearing nor action by the governing body is required for authorization, but the Planning Commission may impose conditions in keeping with the spirit and intent of this ordinance.

## **507 Overnight Accommodations**

**507.1 Characteristics:** Dwelling units arranged for short-term stays of less than 30 days for rent or lease.

**507.2 Accessory Uses:** Accessory uses may include pools and other recreational facilities, gift shops, limited storage, laundry facilities, offices, meeting facilities comprising less than 25 percent of the total gross floor area, offices, and business centers.

**507.3 Examples:** Examples include Hotels, Motels, Inns, Extended Stay Facilities, Bed and Breakfast Establishments, Short Term Rental Establishments, Recreational Vehicle Parks and Camps/Campgrounds.

### **507.4 Specific Use Standards**

#### **A. Bed and Breakfast Establishments**

1. Bed and Breakfast Establishments shall be required to meet Fire and Building Codes. Bed and Breakfast Establishments shall be in compliance with KRS 219, and all other applicable state and local laws, including the Woodford County District Health Department Rules and Regulations;
2. Each room or suite to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
3. Each room or suite shall be rented for no longer than 30 days;
4. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise, trash and/or light trespass;
5. One parking space shall be required for each guest room or suite available for rent. All off-street guest parking areas shall be screened with landscaping when adjacent to single family uses;
6. Signs shall be limited to one externally illuminated on-premises monument or wall sign not to exceed four (4) square feet in area;
7. The Bed and Breakfast Establishments shall be operated by the owner, owner's agent, or lessee who shall reside on the property or adjacent property and shall be present at any Agritourism or Commercial events occurring in or at the establishment;

8. In the Incorporated limits of the City of Versailles Bed and Breakfast Establishments shall be prohibited in R-1 ~~and R-2~~ zones. A Conditional Use Permit is required in the A-1, ~~R-2~~, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Bed and Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum five (5) guest rooms/suites; Bed and Breakfast Inn, Maximum eight (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room/suite maximums shall be established by the Board of Adjustments and shall only be located in A-1 Zoning Districts;
9. In the Incorporated limits of the City of Midway Bed and Breakfast Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Bed and Breakfast Establishments shall be limited to the following number of guest rooms or suites: Bed and Breakfast Home, Maximum five (5) guest rooms/suites; Bed and Breakfast Inn, Maximum eight (8) guest rooms/suites. Bed and Breakfast Farmstay Establishments guest room/ suites maximums shall be established by the Board of Adjustments and shall only be located in A-1 Zoning Districts;
10. The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms or suites granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the number of Bed and Breakfast Facilities, if any, within the general neighborhood of the property being considered for such use; and
11. Bed and Breakfast establishments shall be required when obtaining a Conditional Use Permit to list as part of the application any planned additional Commercial activities such as meetings, seminars, tea/ garden parties, weddings, receptions, festivals, concerts or Agritourism uses.

**B. Short Term Rentals**

1. Short Term Rental establishments shall be required to meet Fire and Building codes. Short Term Rental establishments shall be in compliance with all other applicable state and local laws, including the Woodford County District Health Department Rules and Regulations;
2. Hosted Home-Sharing Short Term Rental establishments: Each room or suite to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
3. Dedicated Short Term Rental establishments: Each room or suite within the dwelling unit to be rented shall be designed and intended to accommodate no more than two adults and accompanying children;
4. Each room, suite or home shall be rented for no longer than 30 days;

5. The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light;
6. One parking space shall be required for each guest room or suite available for rent. All off-street guest parking areas shall be screened with landscaping when adjacent to single family uses;
7. Signs are prohibited for Short Term Rental establishments located in the A1, A-2, A-4, CO-1, R-2, R-3, R-4 and P-1 zoning districts;
8. Short Term Rental establishments owner, owner's agent, or lessee shall be present at any Agritourism or Commercial events occurring in or at the establishment;
9. In the Incorporated limits of the City of Versailles Short Term Rental Establishments shall be prohibited in R-1 ~~and R-2~~ zones. A Conditional Use Permit is required in the A-1, ~~R-2~~, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Short Term Rental Establishments shall be limited to the following number of guest rooms or suites: Hosted Home-Sharing, Maximum four (4) guest rooms/suites and Dedicated Short Term Rental establishments, maximum six (6) guest rooms/ suites;
10. In the Incorporated limits of the City of Midway Short Term Rental Establishments shall be prohibited in R-1 and R-2 zones. A Conditional Use Permit is required in the A-1, R-3, R-4 and P-1 zoning districts prior to commencement of the business. Short Term Rental Establishments shall be limited to the following number of guest rooms or suites: Hosted Home-Sharing, Maximum four (4) guest rooms/suites and Dedicated Short Term Rental establishments, maximum six (6) guest rooms/ suites;
11. The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the number of Short Term Rental Establishments, if any, within the general neighborhood of the property being considered for such use; and
12. Short Term Rental Establishments shall be required when obtaining a Conditional Use Permit to list as part of the application any planned additional Commercial activities such as meetings, seminars, tea/ garden parties, weddings, receptions, festivals, concerts or Agritourism uses.

## 508 Signs

It is the purpose of this section to permit such signs that will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety or otherwise endanger the public morals, health, or safety; and further to regulate such permitted signs in such a manner as to prevent them from causing annoyance or disturbance to the citizens and residents of Woodford County, Versailles and Midway.

### 508.1 Permitted Signs are permitted in the following districts:

- A. Residential Districts. Ground-pole, wall signs, and project entrance signs are permitted subject to the following:
  - 1. Nameplate signs shall not exceed two (2) square feet in area;
  - 2. Identification signs for institutional use shall not exceed twenty-four (24) square feet;
  - 3. Non-conforming business in residential zones shall not exceed more than fifty (50) square feet in area.
  - 4. Real estate and subdivision signs are permitted providing there is only one (1) sign permitted at each major entrance, such signs are removed or extended by permit from the Building Inspector after the property has been sold or six (6) months after installation, whichever comes first, and provided further that such signs do not exceed twenty four (24) square feet in area or six (6) feet in width or six (6) feet in height.
  - 5. Project Entrance Signs – Same as Type #1 and Type #2 in 508.2, B-4 District below.
- B. Professional Office Districts – Twenty-four (24) square feet maximum area. Not higher than six (6) feet. Maximum of two (2) signs, one can be a free-standing sign located a minimum of ten (10) feet from the right of way.
- C. Commercial and Industrial Districts.
  - 1. Banner signs in the business, commercial and industrial district shall be permitted, limited to two (2) banners per ten (10) linear feet of building frontage with a maximum of sixty (60) square feet (buildings on corner lots shall be double frontage). At no time shall in excess of seventy-five (75%) percent of the building facade be covered by banners. At any one time, the total number of banners per place of business shall not exceed four (4). Banners shall be fastened securely to the building ~~or some other permanent supportive structure~~ so that there is virtually no danger that the banner may be moved by the wind or other forces of nature. At no time shall any banner be affixed as to be a hazard to pedestrian's customers or traffic.
  - 2. Pennants and streamers with no general products advertising or listing or specific goods or services shall be limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Placement of pennants and or streamers shall at a minimum provide eight (8) feet

of vertical clearance and shall not project into the right-of-way. Pennants and streamers shall be securely attached to a permanent structure.

3. Portable signs having a height not greater than five feet and a width not greater than three feet located not more than ten feet from the door of a business which are displayed only during the hours the business is open are removed at all other times. No more than one (1) such sign shall be permitted for any business. Each sign shall be constructed and situated in such manner that it shall not be a hazard to pedestrians, customers, or traffic.
4. Changeable Copy Signs (the capability of a permanent sign to change content, whether by means of manual or electronic input) without animation are allowed on all permanent signs. Such signs shall be limited to one (1) changeable copy message sign per parcel. Changeable copy shall not exceed 30% of the total surface area of the sign.
  - a. No electronic sign shall: Contain or display animated, moving video, or scrolling advertising.
  - b. No electronic sign shall: Display an image, symbol or combination thereof for a period of time less than six (6) seconds. A change in image, symbol or combination shall be accomplished within two (2) seconds and occur simultaneously. Once changed, the symbol or image shall remain static until the next change.
  - c. An electronic sign must: Contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  - d. An electronic sign must: Automatically adjust the intensity of its display according to natural ambient light conditions.

No electronic message or image shall be allowed to be projected onto buildings or other objects. A sign on which the only copy that changes is an electronic or manual indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a Changeable Copy Sign for purposes of this Ordinance.

5. No more than two (2) major identification signs per place of business shall be permitted except in the case of a Shopping Center Complex where a lot has double frontage on public streets, then there can be no more than three (3) signs comprised of two (2) wall signs and one of the following: business name on the Shopping Center Complex sign; or – one monument sign on the lot with said business.

The following chart contains the on-premise sign regulations for commercial and industrial districts.



**508.2 ON PREMISES SIGNS- COMMERCIAL AND BUSINESS DISTRICTS**

<b>District</b>	<b>Types of Signs Permitted</b>	<b>Regulations</b>
B-1 Districts	Wall Signs	Twenty-four (24) sq. ft. maximum area. Identification of the business only. Not higher than the roof line. Shall not project more than fifteen inches (15") from a wall.
	Portable Signs	Height not greater than five feet, a width not greater than three feet, located not more than ten feet from the door of a business which are displayed only during the hours the business is open and are removed at all other times. No more than one (1) such sign shall be permitted for any business.
B-2 Districts	Wall Signs	Same as B-1.
	Portable Signs	Same as B-1.
	Projecting Signs	A projecting sign may be a substitute for, or in lieu of, one (1) wall sign for the principal use; the sign must have nine (9) feet of clearance above the sidewalk; the sign must not project more than five (5) feet from the building nor be any closer than eighteen (18) inches from the curb or driving lane; the sign must not extend above the peak of the roof; and, a two or more story building must not have the projecting sign above twenty (20) feet high above the sidewalk. (City of Versailles & Woodford County Only)
B-4 Districts	Wall Signs	One (1) square foot for each linear foot of building frontage is the maximum area not to exceed three hundred (300) square feet. Fifteen-inch (15") projection limitation. Identification purposes only. Shall not extend above roof line.
	Portable Signs	Same as B-1.
	Free Standing Signs	Setback a minimum of thirty (30) feet from right-of-way. Limited to one (1) sign per lot and counts as one of major signs of identification. Thirty-five (35) feet maximum height of overall structure. Signs shall have a maximum

of one hundred fifty (150) square feet of sign area per side, limit two (2) sides.

### Shopping Center Sign



Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the development with a maximum of two (2) signs per development. Signs shall have a maximum of two hundred (200) square feet of sign area per side, limit two (2) sides. Maximum sign structure height is thirty-five (35) feet. Such signs shall be included in architecturally significant masonry structure.

### Monument Signs

Setback a minimum of ten (10) feet from the right-of-way; limited to one (1) sign per lot and counts as one of the major identification signs, eight (8) feet maximum height overall structure and a maximum overall width of ten (10) feet. Signs shall have a maximum area of eighty (80) square feet of sign area per side, limit two (2) sides. Area includes entire area of sign, including base.

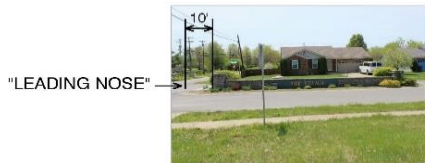
### Project Entrance Sign

TYPE #1



Type #1- Located on one or both sides of an entrance. Setback a minimum of ten (10) feet from right-of-way. Limited to two (2) signs per public street entrance. Signs shall be mounted on a permanent masonry structure not exceeding thirty-two (32) square feet in sign area, not exceeding six (6) feet in height.

TYPE #2



Type #2- Located in the median of a boulevard entrance. Setback a minimum of ten (10) feet from the leading nose of the median. Limited to one (1) sign per entrance. Signs shall be mounted on a permanent masonry structure not exceeding thirty-two (32) square feet in area, not exceeding four (4) feet in height. Must obtain an encroachment permit from appropriate governing authority prior to installation.

### Banners

No more than two (2) banners per ten (10) linear feet of building maximum of sixty (60) square feet. (Buildings on corner lots shall be entitled to double frontage) Total banners shall not

		exceed four (4), and at no time shall be in excess of seventy-five (75%) percent of the building façade be covered by banners. Must be fastened securely to building or supportive permanent structure.
	Pennants and Streamers	Limited to two (2) pennants or streamers per one (1) foot of linear property line frontage. Shall at minimum provide eight (8) feet of vertical clearance and shall not project into right of way. Shall be securely attached to a permanent structure.
B-5 Districts	Wall Signs	Same as B-4
	Portable Signs	Same as B-4
	Free-Standing Signs	Same as B-4
	Shopping Center Sign	Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into the development with a maximum of two (2) signs per development. Signs shall have a maximum of three hundred (300) square feet of sign area per side, limit two (2) sides. Maximum sign structure height is forty (40) feet. Such signs shall be included in architecturally significant masonry structure.
	Monument Signs	Same as B-4
	Project Entrance Sign	Same as B-4
	Banners	Same as B-4
	Pennants and Streamers	Same as B-4
I-1 Districts	Wall Signs	One (1) square foot for each linear foot of building frontage is the maximum area. Fifteen-inch (15") projection limitation. Identification purposes only. Shall not extend above roof line.
	Free Standing Signs	Same as B-4
	Monument Signs	Same as B-4
	Industrial Park Sign	Setback a minimum of fifteen (15) feet from right-of-way. Limited to one (1) sign per public street access point into

the industrial park with a maximum of two (2) signs per park. Signs shall have a maximum of two hundred (200) square feet of sign area per side, limit two (2) sides. Maximum structure height is thirty-five (35) feet. Such signs shall be included in architecturally significant permanent structure.

	Project Entrance Sign	Same as B-4
I-2 Districts	Wall Signs	Same as I-1.
	Free Standing Signs	Same as I-1.
	Monument Signs	Same as B-4
	Industrial Park Sign	Same as I-1.
	Project Entrance Sign	Same as I-1.

**508.3 Off Premise Advertising Signs**

- A. Placement and Height Regulations - Off-premise advertising signs will not be permitted to be erected in, within, or unless:
  - 1. Fifty (50) feet from automobile bridges, nearest corner of street intersections (unless on roof structure), an on premise sign equal to or greater than one hundred fifty (150) square feet in area, or interstate highway right-of-ways; nor
  - 2. Seventy-five (75) feet from residential districts and hospitals; nor
  - 3. One hundred (100) feet from any public park, historic or recreation area, school, churches, or another off-premise sign of any size.
  - 4. Five hundred (500) feet from another off-premise sign directed towards same interstate, limited access, or arterial highway;
  - 5. The placement of one panel on top of another panel is prohibited;
  - 6. Off-premise signs will not be permitted to be erected unless the back of the sign is shielded from public view from a building or street by another structure of equal or greater dimensions, or by high planting or unless such back is enclosed in a solid backing and painted a neutral color.
  
- B. District and Area Regulations:
  - B-5 Ground-pole signs only; three hundred (300) square feet per facing maximum area; Back to back and "V" type permitted; Setback same as for buildings; Thirty (30) feet maximum height. Sign shall count as one of the permitted signs allowed.

I-1 Same as B-5

I-2 Same as B-5

#### 508.4 Signs Prohibited

1. Signs that incorporate in any manner any flashing or moving lights. Any sign which displays exclusively current time and temperature information is not considered "flashing or moving."
2. String lights or any unshielded light that is visible by the public from a public street and is used in connection with commercial premise for commercial purposes, including attention-getting, other than Christmas decorations.
3. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement achieved by electronic or mechanical means or action or normal wind currents.
4. Any sign which obstructs or detracts from the visibility of any traffic sign or traffic control device on public streets and roads, by reason of the size, location, coloring or illumination.
5. Any sign or sign structures which (a) is structurally unsafe, (b) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidate or abandonment, (c) is not kept in good repair, or (d) is capable of causing electrical shocks to persons likely to come into contact with it.
6. Signs which make use of words such as "STOP", "LOOK", "DANGER", "YIELD", or other similar words, phrases, symbols or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
7. Portable signs, folding signs, "A" frame signs, "T" shaped or any other similar free-standing signs not permanently anchored or secured to either a building or the ground except as specifically authorized by Section 508.1 (B) (3).
8. Free-standing signs that extend or are built over public property, except as specifically permitted herein.
9. Free standing signs for single lot users that are part of a shopping center complex (does not include Monument Signs).
10. Temporary window feature signs using more than twenty percent (20%) of a window in a commercial business.
11. ~~Wall signs painted on a building.~~
12. Any sign extending more than forty (40) feet above the base of the structure.

13. Any sign erected or maintained upon trees or painted or drawn upon rocks or other natural features.
14. Any sign other than governmental traffic control signs or devices that are or would be located in the right-of-way of any street or highway without the written permission of the governmental body holding the right-of-way.
15. Any sign face that is abandoned (a sign which no longer identifies a business conducted or product sold on the premises or any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity being conducted after the establishment ceases operation for a period of sixty (60) consecutive days shall be removed.
16. Banners located on poles or fences, except for solely charitable events or activities. Charitable event or activity banners shall be limited to being displayed for 14 consecutive days with a minimum 14 day waiting period prior to redisplaying.
17. ~~Single-product signs.~~

#### **508.5 Placement of Political Signs**

One temporary sign per candidate and/or ballot issue per lot relating to an election shall be allowed. Signs shall not exceed four (4) square feet in surface area in residential districts and thirty-two (32) square feet in surface area in all other districts. Signs shall not be placed within the clear site triangle as defined by Section 504.1 (Visibility at Intersections) and shall not be placed within any public right-of-way. Signs shall be erected no earlier than thirty (30) days prior to the election and removed within five (5) days after the election.

~~Any person in violation of this ordinance who fails to correct the violation within five (5) days after notice shall, upon conviction, be fined at the rate of not more than ten dollars (\$10.00) per day, per sign, for every day that any and all outdated signs remain unremoved, beginning on the day immediately following the period for sign removal.~~

#### **508.6 Signs Exempt from Permit Requirements**

The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article.

- A. Political Signs
- B. Nameplates
- C. Government Signs
- D. Real Estate Signs
- E. Incidental Signs
- F. Window Signs (placed on inside of windows, signs placed on the outside of windows are considered as Wall Signs).

- G. The changing of copy of an off-premise sign, informational sign, or electronic message display system.
- H. Alteration of a sign face for the same business name, if in conformance with the applicable standards contained herein.

## **509 Assisted Living Facilities**

### **509.1 Intent**

Permit Assisted Living Facilities as Conditional Use Approvals by the Board of Adjustment in Medium Density Residential (R-3) and High Density Residential (R-4) Zoning Districts. ~~Subject to final development plan approval by the Planning Commission (as outlined in Art V, 503.3).~~

### **509.2 General Provisions**

- A. No Certificate of Occupancy shall be issued prior to certification of compliance with the (Voluntary) Certification of Assisted Living Residences standards per Kentucky Revised Statutes. This requirement can be met by written notice from the Cabinet for Families and Children or a statement of intended compliance signed by the owner, engineer/architect, and management group addressing each of the requirements of the Voluntary Certification Program.
- B. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies and all required conditions of approval by the Board of Adjustment and the Planning Commission.

### **509.3 Locational Standards**

- A. Development shall be located on an arterial street, collector street, or local street.
- B. Development shall be located within the Urban Service Boundary of Versailles or Midway as defined by the Comprehensive Plan.
- C. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed uses.

### **509.4 Site Standards**

- A. Minimum lot size shall be two (2) gross acres.
- B. The maximum allowable density for such developments shall be 12 units per gross acre for R-3 and 24 units per gross acre for R-4 Districts.

- C. These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.
- D. The maximum height of such facilities is three stories or 40 feet.
- E. Three (3) parking spaces shall be provided for every four (4) residential units. Ten percent of the total number of parking spaces shall be designated as handicap accessible.
- F. Each unit shall contain at least 400 sq. ft. of gross floor area.
- G. Minimum useable open space shall be 20% in R-3 and R-4 Districts; maximum lot coverage shall be 25% in R-3 and 30% in R-4 Districts; and the maximum floor area ratio (FAR) shall be 0.5 in R-3 and 0.7 in R-4 Districts.

### 509.5 Area Regulations

All buildings shall be set back from the street right-of-way and from all property lines as required by the zoning district within which the development is located except:

- A. Where adjacent to a residential or agricultural zoning district, the minimum setback shall be 50 feet.
- B. Where adjacent to a state highway, the minimum setback from that highway right-of-way shall be 50 feet.

### 509.6 Administrative Procedures for Assisted Living Facilities:

- A. An application for Conditional Use approval shall be filed with the Board of Adjustment office for their regular scheduled meeting, unless otherwise noted.
- B. ~~An application for Final Development Plan approval for an assisted living facility shall be filed with the Planning Commission after the Conditional Use is approved by the Board of Adjustment. Each application shall be accompanied by the required development plan drawn to scale, as outlined in Article V, Section 503.3 (D) and prepared by a licensed engineer, architect or landscape architect. Such site plan shall be reviewed by the Technical Review Committee and the Planning Commission.~~ The following information shall be included in addition to the requirements for development plans, but not limited to:
  1. The location and legal description, including the appropriate tax map and parcel identification, of the proposed assisted living facility.
  2. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development, including building elevations and floor plans.
  3. A table attached on the plan or as an addendum, identifying the number of residential units, by bedroom size and the gross square foot area of each unit size.
  4. A description of common and specialized services to be provided to the residents.



5. A landscaping plan, including all required screening and buffering.
6. The location, height, focal direction, and lighting levels (intensity), in foot candles, of all external lighting structures.
7. A preliminary project development, construction and occupancy schedule. The schedule shall demonstrate the applicant's readiness, ability to provide facilities and services. ~~Building Permit Development Plan~~ approval shall be contingent upon issuance of all required permits and approvals from federal, state, and local authorities.
8. Drainage and erosion control plan.
9. Such other architectural and engineering data as may be required by the Planning Commission to determine compliance with the provisions of the Zoning Ordinance and Subdivision & Development Regulations.

## **510 Agricultural Marketing Center**

New ordinance creating Intent, Permitted Uses, Lot Requirements and Other Requirements.

### **510.1 Intent**

Woodford County's agrarian history has been noted nationally and internationally for various components throughout its 200 + years of recorded history. During the past sixty (60) years, the evolution of our agricultural society has been affected by the same political, economic, sociological and technological factors that have altered all sectors of society. Agriculture's continual economic importance and the benefits it provides to the surrounding agricultural community requires that Agricultural Marketing Centers, their evolution, intent, purpose, and 21st century functions, be recognized, and that provisions for these centers through Planning and Zoning Regulation amendments allow for continued promotion and marketing avenues for the agricultural industry. Both history and economics have proven agricultural marketing to be vital to the economy of Woodford County, Kentucky.

### **510.2 Principal Permitted Uses**

The uses allowed are those listed as permitted principal use in the I-1 Light Industry Zoning District. The following uses shall be permitted in Agricultural Marketing Centers.

- A. Sales pavilions or facilities for farm machinery and equipment.
- B. Retail sale of agricultural products, supplies and related items. This may include both indoor and/or outdoor wholesale and retail Farmer's Market.
- C. Livestock (primarily cattle ~~and horses~~) and grain commodity trading offices and marketing sales facilities designed for covered animal control.
- D. ~~Equestrian sales, riding and training facilities.~~

### **510.3 Accessory Uses**

- A. Tourist centers, gift shops, coffee shops and/or restaurants, meeting and assembly rooms.

- B. Accessory Offices for governmental agencies related to agriculture, banking, insurance and financial institutions
- C. One (1) dwelling unit for owner's, operators, security personnel, or employees of a permitted use, which may be in a separate structure.
- D. Veterinary clinic, including the sale of livestock pharmaceutical supplies and equipment.
- E. Incidental marketing of sheep, goats and swine.

**510.4 Lot, Yard, and Height Requirements**

Lot, yard and height requirements for Agricultural Marketing Centers (see Article VII, Industrial Zones) shall be as required by property standards and guidelines, or governmental standards, whichever is stricter, or as set forth herein.

**510.5 Other Requirements**

**A. Locational Standards**

An Agricultural Marketing Center may be established only upon land that meets both of the following criteria:

- 1. The property shall be located within one (1) mile of the point of intersection of the centerline of a Federal Interstate interchange.
- 2. The property is not located on an identified environmentally sensitive area.

**B. Site Standards**

Any parcel considered for the construction of an Agricultural Marketing Center facility must meet all of the following site criteria:

- 1. The property shall be a minimum of thirty (30) acres in size.
- 2. The property must have easy access to the federal highway system with that access approved by the Kentucky Transportation Cabinet and Federal Highway Officials.
- 3. All roads to the site shall be of sufficient width and construction to safely handle all sizes of trucks when fully loaded during all weather conditions.
- 4. All Agricultural Marketing Center facilities must be landscaped either in accordance with property standards and guidelines, or governmental standards, whichever is stricter; all facilities must be naturally screened from adjacent property.

**C. Enclosed Livestock Pavilion Facility**

All sales and marketing of livestock, ~~including equestrian sales~~ shall be conducted in an enclosed facility. All pre-sale and post-sale financial and transport arrangement of livestock shall take place under a roofed facility that is designed and constructed for secure animal control while being constructed with exceptional ventilation for ample air circulation.

**D. Livestock Waste Management**

Livestock waste will be managed in accordance to USDA NRCS technical standards for storage and composting.

**E. Applicable Laws Must be Met**

All facilities must be operated in compliance with applicable federal, state and local laws and regulations including those pertaining to noise, air, light, water, and composting.

**F. Signage Standards**

All way finding signage shall be clearly marked and comply with the American with Disabilities Act Guidelines. Property signage placement and standards shall comply with either property standards and guidelines or governmental standards, whichever is stricter. ~~Freestanding signs shall be permitted but are limited to the principal permitted uses, not to exceed 40 feet in height and setback same as requirement for buildings.~~ All proposed signage must be identified on the required development plan.

**H. Development Plans and Operational Plans**

~~Final~~ Development Plans for Agricultural Marketing Centers ~~shall require a public hearing before the Planning Commission and the plan shall include all information as required in Article V, Section 503.3 and~~ shall follow the submission, review and approval process established therein. In addition to the development plan an operational plan must also be submitted for review by the Commission and will be subject to the same approval process as development plans. Where the Commission deems appropriate, the Kentucky No Discharge Operational Permit (KYNDOP) or other appropriate permits from the Kentucky Division of Water or any other applicable federal, state or local agency, may be required prior to approval of an Operational Plan or Development.

1. The Operational Plan shall address the following:
  - a. Provisions for a natural waste management plan subject to all applicable local, state, and federal requirements.
  - b. Provisions for maintaining air and water quality
  - c. Hours of operation and anticipated hours for truck deliveries and truck shipments
  - d. Routing of trucks on the site, including truck stacking, parking and loading areas.

- e. Placement of all existing and proposed utilities should be clearly defined in the development plan and addressed in the operational plan.

## **511 Medicinal Cannabis Facilities**

**511.1 Characteristics:** Medicinal Cannabis Facility: (a) Means marijuana as defined in KRS 218B.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B; (b) Includes medicinal cannabis products and raw plant material; and (c) Does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

**511.2 Accessory Uses:** Medicinal Cannabis accessories or accessory use means any equipment, product, or material of any kind which is used, intended for use, or designed for use in the preparing, storing, using, or consuming medicinal cannabis in accordance with KRS 218B;

**511.3 Definitions:** KRS 218B.010 - For the purposes of this Section, unless the context otherwise requires:

- A. Cannabis Business - Means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility.
- B. Cultivator - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.
- C. Dispensary - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- D. Enclosed, Locked Facility - Means an indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by the Cabinet.
- E. Medicinal Cannabis Practitioner - Means a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050.
- F. Medicinal Cannabis Product - (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and (b) Does not include industrial hemp products as defined in KRS 260.850.
- G. Processor - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- H. Producer - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

- I. Raw Plant Material - (a) Means the trichome-covered part of the female plant Cannabis sp. or any mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp. plant; and (b) Does not include plant material obtained from industrial hemp as defined in KRS 260.850;
- J. Safety Compliance Facility - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

#### **511.4 Specific Use Standards**

**Medicinal Cannabis Facilities** in the incorporated area of Versailles KY are subject to the following Specific Use Standards in all applicable zoning districts:

- A. Medicinal Cannabis Facilities shall be required to meet Fire and Building Codes. Medicinal Cannabis Facilities must adhere to all applicable local, state, and federal requirements and shall be in compliance with KRS 218B;
- B. In the Incorporated limits of the City of Versailles, Medicinal Cannabis Facilities shall be prohibited in any Residential zone;
- C. Medicinal Cannabis Facilities shall not be located within a floodplain;
- D. A Development Plan Application and Approval is required for any proposed Medicinal Cannabis Facility. In addition to the Development Plan requirements, the Planning Commission shall consider the impact of the proposed facility upon surrounding properties and institute other site design measures so that the character of the area is protected;
- E. Medicinal Cannabis Facilities must submit all applicable state, or federal construction-related permits to the Planning Commission prior to commencement of any project construction. Additionally, public water lines and hydrants shall be available to the project area sufficient to meet the fire protection standards in accordance with the Versailles Fire Department;
- F. Medicinal Cannabis Facilities shall be setback a minimum of 50 feet from public rights-of-way and a minimum of 25 feet adjacent property lines. All structures shall be at least 100 feet from any residential district, adjacent residential use or adjacent residential structure. The setback distance may be increased by the Planning Commission as determined to be necessary to assure compatibility with other land uses depending on case-specific factors;
- G. Medicinal Cannabis Facilities shall not be located nearer than 1,000 feet from any licensed day care center, public or private elementary, middle, or secondary school;
- H. Medicinal Cannabis Facilities shall comply with the landscape requirements set forth in Article XI. In addition, the minimum landscape buffer width for Medicinal Cannabis Facilities shall be 25 feet along all rights-of-way and adjacent to other residential land uses;
- I. Medicinal Cannabis Facilities shall be limited to one externally illuminated on-premises monument sign not to exceed ten (10) feet in height and thirty-two (32) square feet in sign face area. Wall signs shall not exceed twenty-four (24) square in sign face area or 5% of any building wall façade, whichever is greater.

- J. Outdoor storage of materials, equipment, or supplies associated with a Medicinal Cannabis Facilities is not allowed, unless otherwise allowed by the underlying zoning district;
- K. All Medicinal Cannabis Facilities loading and unloading areas shall be oriented away from public streets;
- L. Cultivator and Cultivator Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:
  - (1) A cultivator or cultivator agent acting on behalf of a cultivator shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, or to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material; (b) Delivering, transporting, transferring, supplying, or selling raw plant material or related supplies to other licensed cannabis businesses in this state; or (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.
  - (2) Cultivators and cultivator agents acting on behalf of a cultivator shall: (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or licensed dispensary for fair market value; (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and (d) Not deliver, transfer, or sell raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%) to a licensed dispensary, processor, or producer.
  - (3) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet. A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet. A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet. A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.
  - (4) Medicinal Cannabis Cultivator Facilities shall only be located in Agricultural (A-1), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.
- M. Dispensary and Dispensary Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:
  - (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be subject to prosecution under state or

local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring or possessing medicinal cannabis from a cultivator, processor, or producer in this state; (b) Acquiring or possessing medicinal cannabis accessories or educational material; (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries; (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or (e) Acquiring, accepting, or receiving medicinal cannabis products from a cardholder, except that a dispensary may not offer anything of monetary value in return for medicinal cannabis received from a cardholder. Any medicinal cannabis received by a dispensary under this paragraph or pursuant to KRS 218B.070 shall be destroyed by the dispensary or its agents and shall not be sold, dispensed, or distributed to another cardholder.

- (2) A dispensary or dispensary agent acting on behalf of a dispensary shall: (a) Maintain records that include specific notations of the amount of medicinal cannabis being dispensed to a cardholder and whether it was dispensed directly to a registered qualified patient or visiting qualified patient, or to a registered qualified patient's designated caregiver. Each entry shall include the date and time the medicinal cannabis was dispensed. The data required to be recorded by this paragraph shall be entered into the electronic monitoring system established pursuant to KRS 218A.202 in accordance with administrative regulations promulgated by the cabinet for the recording of medicinal cannabis dispensing; (b) Only dispense or sell medicinal cannabis after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Only dispense or sell medicinal cannabis to a registered qualified patient, visiting qualified patient, or designated caregiver after making a diligent effort to verify: 1. That the registry identification card or, for visiting qualified patients, the out-of-state registry identification card presented to the dispensary is valid, including by checking the verification system, if it is operational, or other cabinet-designated databases; 2. That the person presenting the registry identification card or, for visiting qualified patients, the out-of-state registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification; and 3. The amount of medicinal cannabis the person is legally permitted to purchase pursuant to KRS 218B.025 by checking the electronic monitoring system established pursuant to KRS 218A.202; (d) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport: 1. Raw plant material with a delta-9

tetrahydrocannabinol content of more than thirty-five percent (35%); 2. Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; 3. Any medicinal cannabis product not described in subparagraph 1. or 2. of this paragraph with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or 4. Any medicinal cannabis product that contains vitamin E acetate; (e) Not acquire medicinal cannabis from any person other than a cannabis business licensed under this chapter, or an agent thereof, a registered qualified patient, or a designated caregiver; (f) Not sell or dispense medicinal cannabis products intended for consumption by vaporizing to a cardholder who is younger than twenty-one (21) years of age or to a designated caregiver for a registered qualified patient who is younger than twenty-one (21) years of age; (g) Not dispense or sell medicinal cannabis to a minor; (h) Not dispense or sell more medicinal cannabis to a cardholder than he or she is legally permitted to purchase at the time of the transaction; and (i) Not rent office space to a medicinal cannabis practitioner.

- (3) A dispensary may operate a delivery service for cardholders and may deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders at the address identified on the cardholder's registry identification. (b) All delivery services operated or offered by a dispensary shall comply with administrative regulations promulgated by the cabinet pursuant to this section and KRS 218B.140.
- (4) Medicinal Cannabis Dispensary Facilities shall only be located in Professional Office (P-1), Highway Business (B-4), Highway Interchange Service (B-5), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

N. Processor and Processor Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:

- (1) A processor or processor agent acting on behalf of a processor shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring or purchasing raw plant material from a cultivator, processor, or producer in this state; (b) Possessing, processing, preparing, manufacturing, manipulating, blending, preparing, or packaging medicinal cannabis; (c) Transferring, transporting, supplying, or selling medicinal cannabis and related supplies to other cannabis businesses in this state; or (d) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.
- (2) A processor licensed under this section shall not possess, process, produce, or manufacture: (a) Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five



- percent (35%); (b) Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; (c) Any medicinal cannabis product not described in paragraph (a) or (b) of this subsection with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or (d) Any medicinal cannabis product that contains vitamin E acetate.
- (3) Medicinal Cannabis Processor Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.
- O. Producer and Producer Agent Permissible Actions (as required in KRS 218B) and Zoning District Requirements:
- (1) A producer or producer agent acting on behalf of a producer shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for: (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material; (b) Delivering, transporting, transferring, supplying, or selling raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state; (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; (d) Acquiring or purchasing raw plant material from a cultivator in this state; or (e) Possessing, processing, preparing, manufacturing, manipulating, blending, preparing, or packaging medicinal cannabis.
- (2) Producers and producer agents acting on behalf of a producer shall: (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or licensed dispensary for fair market value; (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet; (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and (d) Be limited to an indoor cannabis growth area of fifty thousand (50,000) square feet.
- (3) A producer licensed under this section shall not possess, process, produce, or manufacture: (a) Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%); (b) Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving; (c) Any medicinal cannabis product not described in paragraph (a) or (b) of this subsection with a delta-9 tetrahydrocannabinol content of more than seventy percent

(70%); or (d) Any medicinal cannabis product that contains vitamin E acetate.

- (4) Medicinal Cannabis Producer Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

P. Safety Compliance Facility and Safety Compliance Facility Agent Permissible actions. and Zoning District Requirements:

- (1) Acquiring or possessing medicinal cannabis obtained from cardholders or cannabis businesses in this state;
- (2) Returning the medicinal cannabis to cardholders or cannabis businesses in this state;
- (3) Transporting medicinal cannabis that was produced by cannabis businesses in this state;
- (4) The production or sale of approved educational materials related to the use of medicinal cannabis;
- (5) The production, sale, or transportation of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter;
- (6) Testing of medicinal cannabis produced in this state, including testing for cannabinoid content, pesticides, mold, contamination, vitamin E acetate, and other prohibited additives;
- (7) Training cardholders and cannabis business agents. Training may include but need not be limited to: (a) The safe and efficient cultivation, harvesting, packaging, labeling, and distribution of medicinal cannabis; (b) Security and inventory accountability procedures; and (c) Up-to-date scientific and medical research findings related to use of medicinal cannabis;
- (8) Receiving compensation for actions allowed under this section;
- (9) Engaging in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law.
- (10) Medicinal Cannabis Safety Compliance Facilities shall only be located in Light Industrial (I-1) or Heavy Industrial (I-2) zoning district.

## ARTICLE IX

### RESERVED AMENDMENTS

~~The regulations, restrictions, and boundaries set forth in this ordinance may from time to time need to be amended, supplemented, changed or repealed. To make any amendments to the Zoning Ordinance, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Ordinance, it may not be permitted by any agency unless the Zoning Ordinance is amended according to the amendment procedure.~~

#### ~~900~~ ~~Application for Amendment~~

~~A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Council, Fiscal Court, or the owner of the subject property. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. The Planning Commission shall require the prior submission of a development plan prepared in accordance with Article V, 503.3 of this Ordinance, which when approved by the Commission, shall be followed. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the Planning Commission, Fiscal Court, or City.~~

~~The Planning Commission may refuse the reconsideration of a denied map amendment or the consideration of a map amendment identical to a denied map amendment within the past year.~~

#### ~~901~~ ~~Planning Commission Procedure~~

~~Upon the filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.~~

~~The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of proposed amendment to the respective legislative body. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the appropriate legislative body without a recommendation for approval or disapproval.~~

#### ~~902~~ ~~Notice of Public Hearing~~

~~Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424 and KRS 100.~~

~~Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of property which intersect the street on which the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name two (2) streets on either side of the property.~~

~~When a hearing is scheduled on a proposal to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance, per KRS 100.~~

~~A. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing). Posting shall be as follows:~~

- ~~1. The sign shall state "zoning change" and the proposed classification in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height; and~~
- ~~2. The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and~~
- ~~3. It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Zoning Administrator shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.~~

~~B. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.~~

~~In addition to the public notice requirement of this section, when the Planning Commission, Fiscal Court, or City Council of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.~~

### ~~903 Public Hearing on Application~~

~~After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment. The Planning Commission shall submit its recommendations to the respective governing body within ninety days after the public hearing.~~

### ~~904 Findings Necessary for a Recommendation of Commission for Zoning Map Amendment~~

~~Before recommending to the legislative body that an application for amendment to the Zoning Map be granted, the Planning Commission must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply:~~

- ~~1. The original zoning classification given to the property is inappropriate or improper, and that the proposed zoning classification is appropriate; and~~
- ~~2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of such area.~~

~~The Planning Commission shall also have the power to hear and finally decide applications for variances or conditional use permits in conjunction with a requested zoning map amendment if the proposed development requires both a map amendment and one or more variances or conditional use permits (per KRS 100.203 (5)). Recommendations regarding these permits shall be a part of the record forwarded to the legislative body.~~

~~After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its finding of fact and recommendation in writing to the appropriate legislative body. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.~~

#### ~~905 Action by Legislative Bodies on Zoning Map Amendments~~

~~The legislative bodies shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission.~~

~~It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.~~

~~If the legislative body chooses to decide the map amendment, the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Zoning Administrator and the Chairman of the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. The legislative body shall complete and file for recording with the County Clerk a Certificate of Land Use Restriction for any map amendment approved by the legislative body.~~

#### ~~906 Recommendation of Commission for Text Amendment~~

~~After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the appropriate legislative body. In the case of a proposed amendment originating with a legislative body, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.~~

#### ~~907 Action by Legislative Body on Text Amendments~~

~~The legislative body shall not act upon a proposed amendment to the text of this ordinance until it has received the written recommendation thereon from the Planning Commission. If the proposed~~

~~amendment originated with the Planning Commission, it shall take a majority of the entire legislative body to override the recommendation of the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.~~

~~**908 ——— Special Conditions to the Granting of Zoning Changes**~~

~~As a condition to the granting of any zoning change, the Planning Commission shall require the submission of a development plan as per Article V which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two (2) years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.~~