ARTICLE I
GENERAL PROVISIONS

1.01 Adoption

The zoning regulations adopted by ordinance of the Franklin County Fiscal Court are confirmed and adopted in accordance with KRS Chapter 100 and read as hereinafter set out.

1.02 Title

These regulations and the accompanying zoning district maps shall be known and may be cited as ñThe Zoning Regulations of Franklin County, Kentucky.ò

1.03 Purpose

The purpose, scope and intent of these regulations shall be:

1.031 To promote and protect the public health, safety, morals, convenience, and general welfare of Franklin County.

1.032 To facilitate orderly and harmonious development.

1.033 To regulate the density of population and the intensity of land use.

1.034 To provide for adequate light and air.

1.035 To conserve energy.

1.036 To prevent the overcrowding of land, blight, danger and congestion in the circulation of people and commodities.

1.037 To prevent the loss of life, health, or property from fire, flood, or other dangers.

1.038 To aid in the implementation of the Frankfort/Franklin County Comprehension Plan.

1.04 Necessity

In order to accomplish the purposes and objectives of these regulations it is necessary to regulate:

1.041 The most appropriate land use and the activity on the land.

1.042 The size, width, height, bulk and locations of structures, buildings and signs.

1.043 The areas of land or space which are to be left unoccupied and the space between buildings and structures.

1.044 Intensity of use and density of population.

1.045 Districts of special use, planned developments, environmental areas, residential, commercial, and industrial districts.

1.046 Fringe areas of districts making them compatible with adjoining districts.

1.047 The activities and structures on the land at or near major thoroughfares, streets, or roads.

1.048 Floodplain areas and other areas having special character or use affecting their surroundings.

1.05 Application

This ordinance shall apply to all land use, buildings, signs, structures for residential, commercial, industrial, and other uses within Franklin County.

1.06 Enactment

Except as hereinafter provided no building shall be erected or structurally altered and no building or premises may be used for any purpose other than that permitted in the zoning district in which the building or premises is located. No land or lot area shall be smaller than prescribed herein; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided for any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

1.07 Severability Clause

If any clause, sentence, paragraph, section or part of this Zoning Regulation be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof.

1.08 Provisions for Waivers and Modifications

Within the general limitations of the Comprehension Plan, the spirit and intent of these regulations and the public interest, safety and welfare, the Planning Commission or the Board of Zoning Adjustment may adjust of modify these regulations when the standards or requirements contained herein have, to the maximum extent possible, been complied with. These adjustments can in no way be made to the basic zone districtôs permitted uses, bulk, density and height requirements or to the maximum limits permitted in regard to square footage. In cases where the preservation of topographic features is required, or where the unique conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of these zoning regulations.

In granting these adjustments or modifications, the Planning Commission or Board of Zoning Adjustment shall make a statement of fact setting forth the reasons for such action. Economic hardship shall in no case be deemed a reason to grant a waiver or make an adjustment or modification to these regulations.

1.09 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, and industrial), the provisions of the subdivision regulations of Franklin County and amendments thereto shall apply in addition to the provisions of the zoning ordinance.

ARTICLE II
ZONING DISTRICTS AND MAP

2.01 Establishment and Purpose of Districts

These regulations establish the following zoning districts, the boundaries of which are shown on the maps, made a part of these regulations and which are designated as the ñOfficial Zoning Map.ò A description of each zone and uses permitted and indicated in Article 4 of these regulations.

2.02 Districts Established

Agricultural District	AG
Single Family Rural Residential District	RR
Single Family Large Lot	RA
Single Family Residential Suburban Density District	RB
Single Family Residential Urban Density District	RC
Special Design Single Family District	RS
Two Dwelling District	RD
Low Density Multi-family District	RL
High Density Multi-family District	RH
Mobile Home District	RM
Professional Office District	PO
Limited Commercial District	CL
General Commercial District	CG
Highway Commercial District	CH
Industrial Commercial District	IC
General Industrial District	IG
Special Floodplain District	SF
Special Environmental District	SE
Planned Residential District	PR
Planned Commercial District	PC
Planned Mixed Use District	PM

2.03 Application of Zone and District Regulations

The regulations set by this Zoning Regulation within each zone and district shall be minimum or maximum limitations, as appropriate to the case. These regulations shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this Zoning Regulation shall be included as part of a yard, open-space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this Zoning Regulation.

2.032 No yard or lot existing at the time of adoption of this Zoning Regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created shall meet at least the minimum requirements established by this Zoning Regulation.

2.033 Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone or district, and all uses not permitted or substantially similar uses are prohibited.

2.034 No structure shall be erected on any lot or tract of land which does not adjoin and have direct access to a street or legally documented right-of-ingress or egress, or other public right-of-way for at least (20) feet or unless otherwise specifically permitted in this Zoning Regulation.

2.035 Where conflicts may exist between an established setback and the setback required by the Zoning Regulation, the minimum established setback shall be observed. Appeal to this requirement shall be made before the County Enforcement Officer or the Board of Zoning Adjustment.

2.04 Yard Requirements Along Less Restricted Zone Boundary Lines

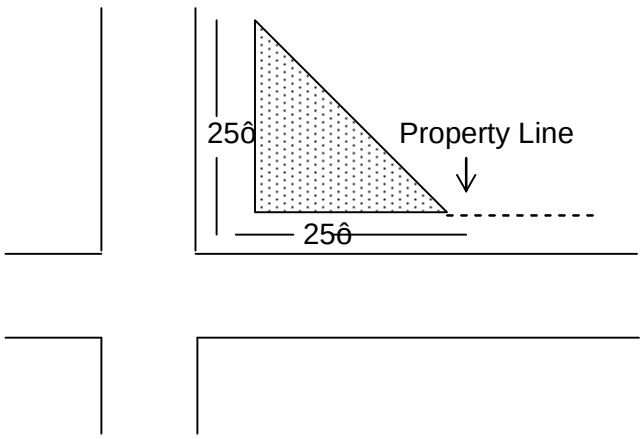
Along any zone boundary line, any abutting side yard or rear yard on a lot adjoining such boundary line in the less restricted zone shall have a minimum width and depth equal to the required minimum width and depth for such yards in the more restricted zone.

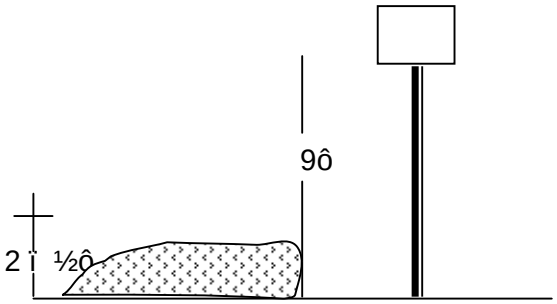
2.05 Conversion of Dwellings

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Regulation and only when the resulting occupancy will comply with the requirements governing new construction in such zone with respect to minimum lot size, floor area, dimensions of yards, other open spaces and off-street parking. Each conversion shall be subject also to such requirements as may be specified hereinafter applying to such zone.

2.06 Safety and Vision

The following regulations provide for the maximum safety of persons using sidewalks and streets. On any corner lot or curb cut no wall, fence, structures, parking space or any plant growth which obstructs sight lines at elevations between two and one-half (2 ½) feet and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area twenty-five (25) feet along each of the intersecting streets to be measured from the property line.





2.07 Zoning Map Atlas

Franklin County is hereby divided into zones and districts as provided herein and as shown on the Zoning Map Atlas, which together with all explanatory material thereon, is hereby adopted by reference and declared to be a part of the Zoning Regulation.

Said Zoning Map Atlas is composed of a series of map sheets, each of which represents a different geographical area of the County, each map sheet shall be identified as part of the Zoning Map Atlas. The Zoning Map Atlas shall be the official record of zoning status of all land in the county and be kept in the county clerkôs office and shall be known as the ñZoning Map.ò

2.08 Zoning Map Atlas Amendments

Amendments to the Zoning Map Atlas changing the zoning status of an area made by ordinance by the Fiscal Court of Franklin County after the effective date of said ordinance or resolution shall be promptly posted on the appropriate map sheet of the Zoning Map Atlas. A proposal for amendment to any zoning regulation may originate with the Frankfort/Franklin County Planning Commission, with the Franklin County Fiscal Court, or with the property owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall then hold at least one (1) public hearing after notice required by KRS 424 and make recommendations to the Franklin County Fiscal Court, and it shall take a majority of the entire fiscal court to override the recommendations of the Planning Commission.

Notice of Hearing on Proposed Map Amendment Initiated by Other Than Property Owner

A proposal for an amendment to any zoning map not originated by the owner of the property in question shall require the Director of Planning and Zoning to give notice to said property owner by certified mail with return receipt requested, by a time at least fourteen (14) consecutive days immediately prior to the hearing on said proposed amendment to the zoning map, said notice to be in addition to any other notice required by statute, local regulation or ordinance and said notice shall contain:

1. The current zoning designation on said map of the subject property and a brief description and definition of said zoning designation.

2. The proposed zoning designation for said subject property and a brief description and definition of said zoning designation.

3. The date and place the hearing is to be held on said proposed zoning map amendment and the name of the body proposing said zoning map amendment.

2.081 Application Form

Application form shall be submitted as provided by the Franklin County Director of Planning and Zoning and all applicable information on the form must be completed.

2.082 Notification of Adjacent Property

All applications for an amendment to the zoning map shall include a list of each adjacent property owner and their current address. The Franklin County Director of Planning and Zoning will notify the adjacent property owners by mail as to the date of the Public Hearing. For property outside an approved subdivision and for property within a subdivision, notification will be within one block in each direction.

2.083 Fee

All applications for amendment to the zoning map shall be required to submit with the application a non-refundable fee as established by the Frankfort/Franklin County Planning Commission.

2.084 Legal Description

A legal description as recorded in the Franklin County Courthouse shall be provided as a part of the application.

2.085 Development Plan

A development plan shall be submitted as part of the application for amendments to the zoning map when required in accordance with Article 5. Elements of the development plan are defined in the Subdivision and Site Plan Regulations.

The submittal deadlines for applications to be revised and considered by the Frankfort/Franklin County Planning Commission shall be established by the Commission as necessary to facilitate adequate review by the staff and proper notification of adjoining property owners and the public of items placed on the agenda.

2.086 Notice of Public Hearing

Notice of the date, time, place and reason for holding a public hearing shall be given by one publication in the newspaper of general circulation in Franklin County, Kentucky, not earlier than twenty-one (21) days or later than fourteen (14) days before the public hearing.

2.087 Posting Subject Property

The Franklin County Office of Planning and Zoning shall post a sign as defined in KRS 100 on the property, of a zoning change request, at least fourteen days prior to the hearing date. The sign shall be located in a conspicuous location.

2.089 Public Hearing

Upon receipt of a completed application, notification of adjacent property owners, receipt of fee, submission of legal description and posting subject property, the Frankfort/Franklin County Planning Commission shall hold a public hearing on the proposed amendment.

2.09 Recommendation of Commission for Zoning Map Amendments

Before making recommendation to the Fiscal Court of Franklin County, Kentucky, that an application for amendment to the Zoning Map be granted, the Commission shall find that the map amendment is in agreement with the Comprehensive Plan adopted by the Commission, or, in the absence of such a finding that (1) the original zoning classification given to the property was inappropriate or improper, or (2) 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 Commission and which have substantially altered the basic character of such area. The findings of fact made by the Commission shall be recorded in the minutes and records of the Commission.

After voting to recommend that an application for amendment to the Zoning Map be granted or denied, the Commission shall forward its findings of fact and recommendation in writing to the Fiscal Court of Franklin County, Kentucky.

2.10 Rules for Interpretation of Zone and District Boundaries

Where uncertainty exists as to the boundaries of zones and districts as shown on the Zoning Map Atlas, the following rules shall apply:

2.101 Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

2.102 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

2.103 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

2.104 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.

2.105 Boundaries indicated as parallel to or extensions of features indicated in Section 2.101 through 2.104 herein above shall be so construed. Distances not specifically indicated on the Zoning Map Atlas shall be determined by the scale of the map.

2.106 Where a zone or district boundary line divides a lot which was in single ownership at the time of passage of the regulations, the Board of Zoning Adjustment may permit, as a conditional use, the extensions of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the zone or district line into the remaining portion of the lot.

2.107 Where the above stated rules do not indicate the exact location of the zone or district boundaries, then said boundaries shall be determined by appeal before the Board of Zoning Adjustment as provided by Article 14 herein below.

ARTICLE III
DEFINITIONS

3.01 Definitions

For the purpose of the Zoning Regulation, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the word **Person** includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word **Structure** includes building; the word **Occupied** includes arranged, designed or intended to be occupied; the word **Used** includes arranged, designed or intended to be used; the word **Shall** is always mandatory and not merely directive; the word **May** is permissive; and the word **Lot** includes plot or parcel. Other words and terms shall have the following respective meanings:

Accessory Use or Structure

A use or structures subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto.

Agriculture

The use of land for farming, dairying, pasturage, animal and poultry husbandry and other similar uses; and the necessary accessory uses for packing or storing the produce, but not the commercial feeding of garbage or offal to swine or other animals.

Alley

A permanent public or private service way providing a secondary means of accessing abutting lands.

Alteration

Shall mean the change of a previously approved plat or development plan and includes any change in lot boundary lines, and street layout.

Apartment

A suite or set of rooms with necessary appurtenances in a house, apartment building, hotel or motel occupied or suitable to be occupied as a dwelling unit.

Architectural Feature

Ornamentation or decorative features attached to or protruding from an exterior wall.

Auto Storage Yard

A lot or a part thereof used for the temporary storage of motor vehicles.

Base Flood or 100-Year Flood

A flood having a one (1) percent chance of being equaled or exceeded in any given year.

Board

The Board of Zoning Adjustments of Frankfort/Franklin County.

Building

Any structure having a roof supported by column, walls or air pressure for the housing or enclosure of persons. When any portion thereof is completely separated from every other portion therein by a division wall without openings, then each portion shall be deemed to be a separate building.

Building, Attached

A building of independent occupancy unit having more than one party wall common with an adjacent building, or an end unit having one party wall with an adjacent building which has more than one party wall.

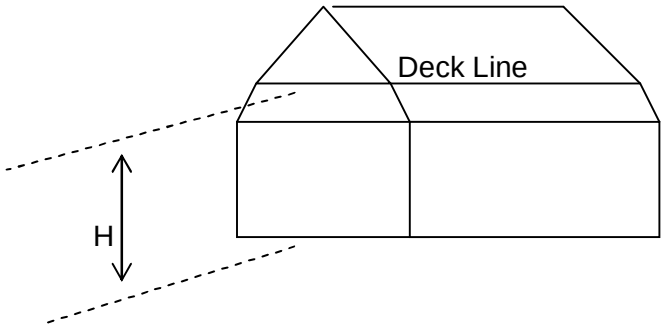
Building, Detached

A building having no wall in common with another building.

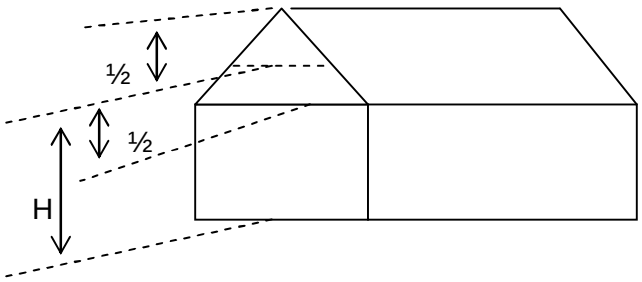
Building, Height of

The vertical distance measured from the adjoining curb grade at a point opposite the center of the principal frontage of the primary building to the highest point of ceiling of the top story, in the case of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

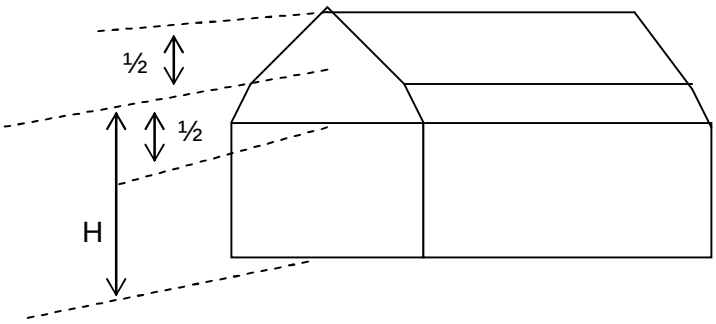
Mansard Roof



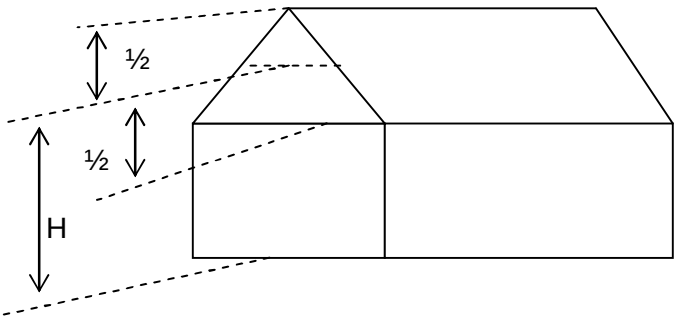
Hip Roof



Gambrel Roof



Gable Roof



Building, Semi-Detached

A building having one party wall common with an adjacent building

Building Line Setback

The linear distance between any property line and the closest portion of any building or structure to that line. Front building setbacks are measured from the public right-of-way where known or twenty-five (25) feet from the center line of a street in a residential zone, or thirty (30) feet from the center line of a street in a nonresidential zone where exact right-of-way is unknown, unless otherwise provided.

Carport

A permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobiles.

Cemetery

Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Change in Use

A new use which is designated on a different horizontal line in the use table than the present use.

Church

A building wherein persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain public ownership, together with all accessory buildings and uses customarily associated with such primary purpose.

Club, Private

Building and facilities for a social, educational or recreational purpose generally open only to members, but not primarily for profit or to render a service which is customarily carried on as a business.

Commission

City/County Planning Commission of the City of Frankfort and Franklin County, Kentucky.

Day Care Centers

Any facility, including a home or dwelling unit which regularly provides care for four (4) or more children away from the childôs own home and is designed to supplement parental or guardian care. The operatorôs own children shall be included in the total number of children permitted.

Development

Any man-made change to structure(s) or land including but not limited to erection, reconstruction, alteration, filling, grading, mining, drilling, excavation, paving, dumping, or dredging operations.

District

A portion of the territory within Franklin County to which certain regulations and requirements apply under the provisions of this Zoning Regulation in addition to other regulations and requirements for the property imposed by the zone in which said property is located.

Drive-In Use or Drive-Though Use

Any use or portion (part) of a use which involves the delivery of services, goods, or other commodities to a customer who remains in an automobile, van, pick-up truck or other motor vehicle. This shall also include any other such use (e.g. gasoline service station) that involves servicing motor vehicles by the customer who may perform the service in a self-service manner. Any use which will create a line of motor vehicles waiting for a service is also included in this definition.

Dwelling

A building or portion thereof occupied exclusively for residence purposes, not including a mobile home or trailer.

Dwelling, Shared Family

Any building occupied by not more than four (4) residents, unrelated by blood or marriage, by whom the common areas and facilities are shared. This does not include limited care/treatment centers of halfway houses.

Dwelling, single-family detached

A single-family dwelling separated from other dwelling units by open space and conforming to the compatibility standards established in Article 4.06, contained herein.

Dwelling, Two Family

A building occupied exclusively by two (2) families or two (2) housekeeping units, commonly known as a duplex.

Dwelling, Multiple Family

A building or portion thereof occupied by more than two (2) families or more than two (2) housekeeping units.

Dwelling Unit

One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same building and containing independent cooking and sleeping facilities.

Easement

A grant by the property owner for the use of land.

Expansion To An Existing Mobile Home Park

The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, final site grading or suitable foundation, or the construction of streets). Any expansion is considered õnew construction.ò

Fence

Any barrier constructed of wood, metal, masonry or similar material erected for the purpose of assuring privacy or protection, but excluding shrubbery and plantings.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or, the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary-Floodway Map

A map by the Federal Emergency Management Agency for use during the Regular Phase of the National Flood Insurance Program which is the primary regulatory map to be used by a community with designated floodways. The Flood Boundary-Floodway Map illustrates the floodplain and floodway boundaries; and, in conjunction with the flood profiles and Floodway Data Table in the Flood Insurance Study, indicates the base flood elevations along different floodplain cross-sections.

Floodplain

All areas of special flood hazard, included the ñFloodway.ò

Floor

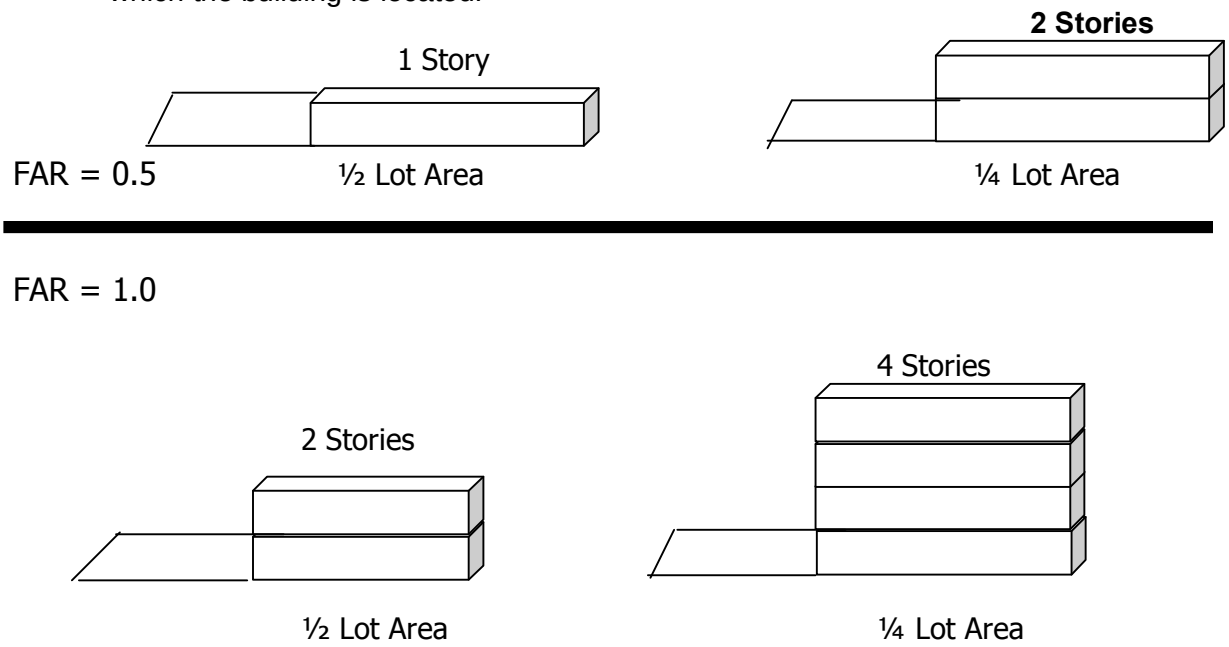
The top surface of an enclosed area in a building (including basement) ï top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area, Gross Floor Area

The total number of square feet of floor space within the surrounding walls of a building or structure (or portion thereof), exclusive of bents, shafts and courts.

Floor Area Ratio (FAR)

A ratio determined by dividing the total floor area of a building by the area of the lot upon which the building is located:



RATIO OF FLOOR AREA TO LOT AREA

Fraternity and Sorority

An incorporated organization of persons which provides sleeping accommodations, with or without accessory, common rooms, cooking and eating facilities for groups of unmarried students in attendance at an educational institution.

Garage, Private

A detached accessory building or portion of a main building used primarily for the storage of vehicles for the residents housed in the building to which such garage is accessory. Incidental storage of property owned by the residents of the principal building shall be permitted.

Garage, Public

A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring or storing motor-driven vehicles.

Gasoline Service Station

A retail business providing automotive fuels and lubricants directly into customer vehicles. Incidental repair, replacement, and servicing of customer vehicles shall be considered accessory use. Removal and repair of major automotive components, the repair and painting of body parts and the machining of automotive parts shall not be considered an accessory use.

Grade, Curb

The elevation of the top of the face of the curb as fixed by the County.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home Occupation

Any use conducted entirely within a dwelling or attached garage and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Home Office

A type of Home Occupation where only business office activities such as bookkeeping, record keeping, mail receipt and send out, and telephone contacts are conducted at the home. There shall be no persons engaged in this occupation other than residents of the home and there shall be no customers, clients, sales persons, or associates coming to the home in conjunction with this use. The use in incidental and secondary to the residential use of the dwelling.

Hospital

An establishment providing accommodations, facilities and service on a continuous twenty-four (24) hour basis requiring obstetrical, medical or surgical services. Hospitals shall not include nursing homes, convalescent centers or extended health care facilities.

Hotel

An establishment which provides lodging without provision for cooking within individual rooms and having a lobby and registration desk.

Junk Yard

Any area, lot, structure or part thereof, used for any or all of storage, collection, abandonment, processing, disassembly, reuse, purchase, or resale of discarded matter; including wastepaper, rags, scrap metal, wood, glass, machinery, two or more inoperable, unregistered motor vehicles or other type of waste.

Kennel

Commercial business for the sale or temporary boarding of dogs; but not including the ownership and occasional sale of dogs at, in, or adjoining a private residence.

Landscape Buffer Strip

A strip of evergreen or deciduous trees at least five (5) feet in height which will continually restrict a clear view beyond such planting.

Laundry

A business which provides clothes cleaning services performed solely by employees.

Laundry, Self Service

A business which provides facilities for clothes cleaning for use by customers on the premises.

Light, Direct

Light which travels directly from its source to the viewerôs eye.

Light, Indirect

Light which travels from its source to an intermediate object, such as a sign surface, before being seen by the viewer.

Livestock

Poultry;ratites; and cervine, bovine, ovine, porcine, caprine, or equine animals that are privately owned and raised in a confined area for breeding stock, food, fiber, or other products.

Lodging House of Rooming House

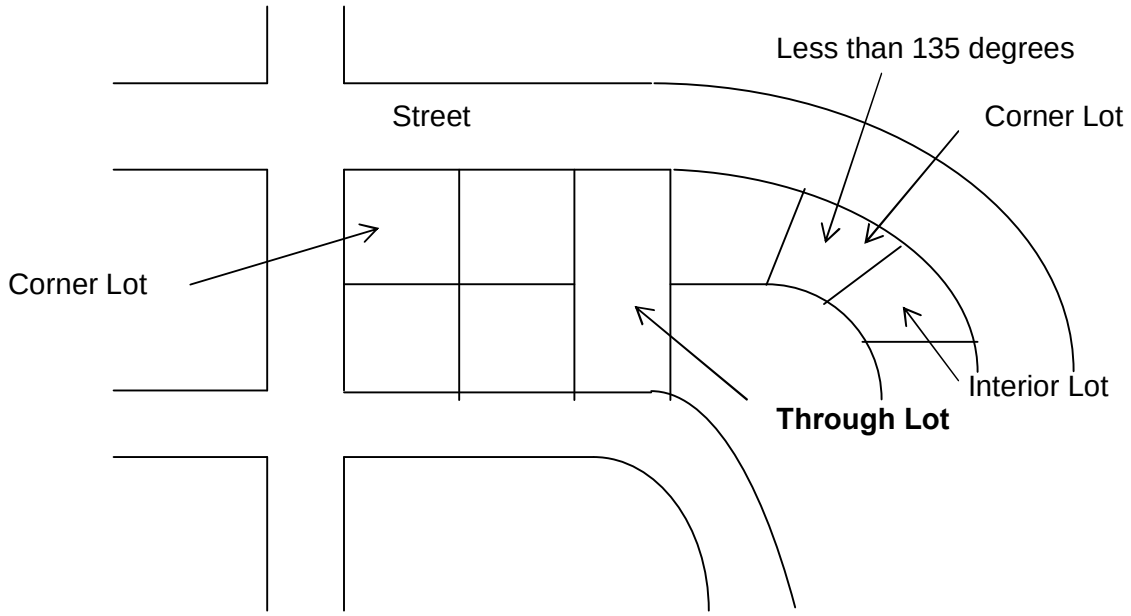
A building with more than two (2) but not more than ten (10) guest rooms where lodging with or without meals is provided for compensation, or a single household dwelling occupied by more than five (5) adult individuals.

Lot

A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat. In determining lot area and boundary lines, no part thereof within the limits of the street shall be included. The word ñlotò includes the word ñplot.ò

Lot, Corner

A lot at the junction of and fronting on two (2) or more intersecting streets or a lot which fronts on one (1) street with a front lot line of less than 135 degrees.



Lot, Through

A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Line, Front

The line separating a lot from any street right-of-way.

Lot Line, Rear

Ordinarily, the lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall, for the purpose of this Regulation, be considered the rear lot line. In other cases not covered hereinabove, the Building Inspector shall designate the rear lot line.

Lot Line, Street or Alley

A lot line separating the lot from a street or alley.

Lot Lines
The property lines bounding the lot.

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Clerk, or lot described by metes and bounds, the description of which has been recorded in said office at the time of adoption of the Zoning Ordinance.

Lot Width

The distance parallel to the front lot line through a building erected or to be erected, measured between side lot lines through the part of the building where the lot is narrowest.

Manufactured Home

A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. KRS 100.348 (2) (c)

Manufactured Home, Qualified

A manufacture home that meets all the following criteria:

1. Is manufactured on or after July 15, 2002; and
2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570; and
3. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel that its main entrance door faces the street; and
4. Has a minimum total living area of nine hundred (900) square feet; and
5. Is not located in a manufactured home land-lease community; and
6. Supported by a permanent foundation that is :
    a. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; and
    b. Constructed of concrete; and
    c. Placed at a depth below grade adequate to prevent frost damage.

Manufactured Home Park

Any lot or tract of land other than a manufactured home subdivision or manufactured home sales or storage lot upon which three or more manufactured homes utilized for long-term residential occupancy are located.

Manufactured Home Subdivision

Any lot or tract of land other than a manufactured home subdivision or manufactured home sales or storage lot upon which three or more manufactured homes utilized for long-term residential occupancy are located.

Mobile Home

A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site , is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession or trade by owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. KRS 227.550 (10)

Modular Home

Any structure transported to its building site in one or more preconstructed sections designed to be located on a permanent foundation and having the appearance of a conventional dwelling.

Motel

A building of group of buildings containing individual sleeping or living units designed for the temporary occupancy of transient guests and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

Mural

A graphic illustration applied to an exterior wall façade or surface of a building and/or structure for aesthetic, renovative or advertising purpose.

Non-conforming Use

A legally existing use of land or building which fails to comply with the regulations set forth in this article applicable to the district in which such use is located.

Occupancy, Change Of

A discontinuance of an existing use or occupant and a substitution of a different use or occupant.

Open Space

Total horizontal area of all portions of the lot not covered by buildings or structures.

Parking Area, Public

An area other than a street used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

Parking Space, One Off-Street

The area required for parking one (1) automobile.

Permitted Uses

Manufactured/mobile homes on individual lots in manufactured/mobile homes subdivisions and in rental manufactured/mobile home parks.

Personal Service

A business or service carried out on an individual basis. Such use shall include but not be restricted to instruction in music, dance, arts and crafts; photographic services; beauty parlors and barber shops; tailoring, etc.

Plat

A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record.

Poultry

Chickens, ducks, turkeys, or other domestic fowl.

Public Sewer

See Sewer.

Recreational Vehicle

Travel trailers, 5th wheel tent camper, motor home, mini motor home or van camper used for temporary use. Not intended for year-round living, with less than 320 square feet.

Restaurant

An eating establishment, where food is generally served and/or consumed only within the building.

Restaurant Drive-in

An eating establishment, where food is generally served by employees, or by self-service on the premises outside the building and generally consumed on the premises outside the building or off the premises.

Rural Residential Density

Any residential unit which is not connected to an approved sewage treatment facility shall be considered a rural residential density. No more than one (1) unit per 1.5 acres shall be permitted. All rural residential densities shall be compatible with any agricultural land use. Should any rural residential density become accessible to a sewage treatment facility, a subdivision plat shall be presented to the Planning Commission prior to any density increases.

Sewers

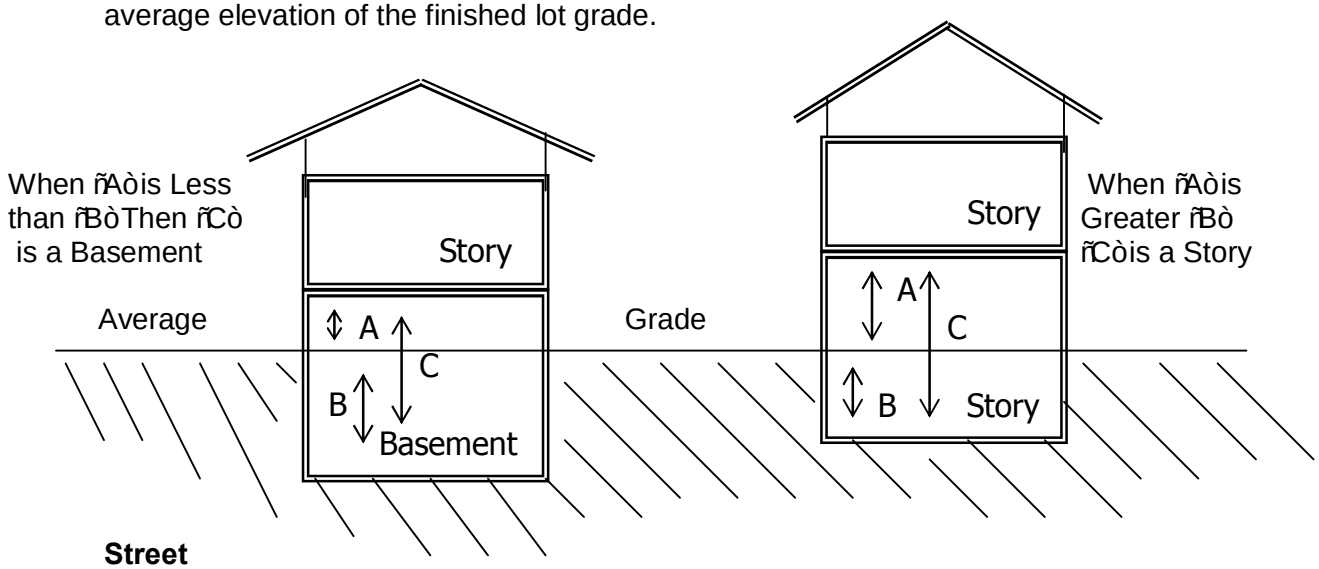
Public sewers or any other approved sewage treatment facility.

Single Family Dwelling

A building occupied exclusively for residential purposes by one family or one housekeeping unit, including manufactured/mobile homes or modular homes.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height surface of the first story is fifty percent (50%) above the average elevation of the finished lot grade.



Street

A public way established by or maintained under public authority, or a private way open for public use, or a private way plotted or laid out ultimately for public use, whether constructed or not.

Street, Arterial

A street designed primarily for the continuous movement of traffic through a planning unit or area. Major arterials may include freeways, expressways or other limited access facilities.

Street, Collector

Roadway used for movement of vehicles and providing access to adjacent properties which is planned to assure minimum disturbance of moving traffic and serving as a link between arterial or other collector streets and local streets. Major collectors provide access to commercial developments or residential developments in excess of 150 dwelling units. Minor collectors generally provide connections from local residential streets to other collectors or serve fewer than 150 dwelling units.

Street, Local

Streets whose primary function is to provide direct access to residential developments or lots.

Structure

Anything constructed, the use of which requires permanent location on the ground or which is attached to something having permanent location on the ground.

Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition ñsubstantial improvementòis considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (1) any project required to improve a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Townhouse

A single family dwelling, attached or detached, each dwelling designed and erected as a unit on a separate lot and separated from another by a yard or common wall.

Trailer

Any vehicular structure on wheels designed to be towed or hauled by another vehicle. Trailers can be used for temporary human occupancy or the transportation of equipment, goods or livestock. This definition includes automobile trailers, campers and horse trailers but not mobile homes.

Usable Open Space

That portion of the lot which is not covered by buildings, streets, parking areas or paved walkways. For the purposes of this ordinance outdoor roof gardens, patios and decks may be counted, providing a maximum of 100 square feet per dwelling unit may be included as usable open space. Pools and other recreational facilities may be included

in the usable open space, provided that a minimum of thirty percent (30%) of the usable open space must be devoted to landscaping.

Yard

A space on the same lot with a main building; open, unoccupied and unobstructed by buildings or structures from the ground to the sky except as otherwise provided in this title.

Yard, Front

Any yard extending across the full width of the lot between any parts of a lot line which runs adjacent to a public street.

Yard, Rear

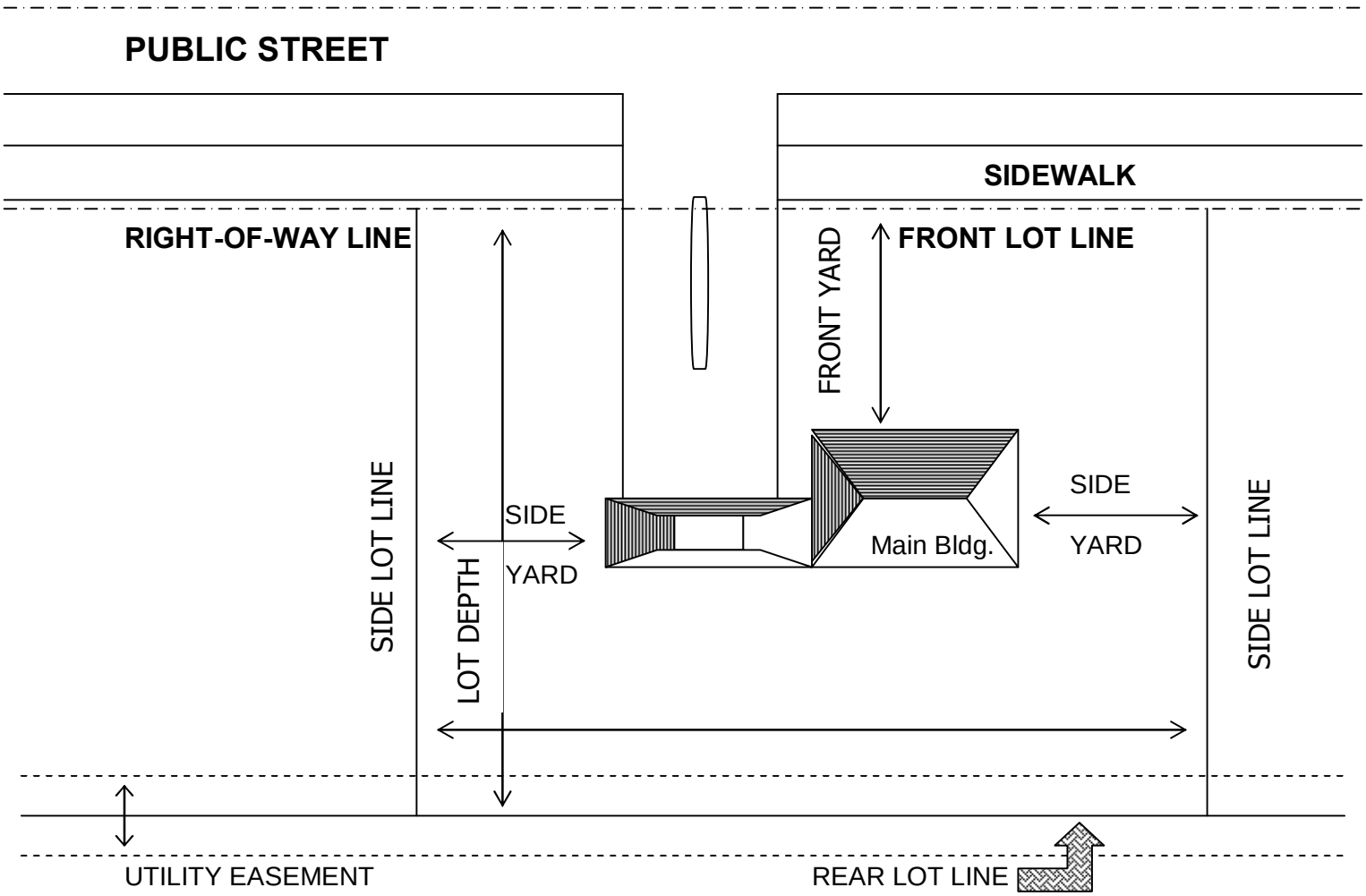
A yard extending across the full width of the lot between the rearmost portion of the main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Yard, Side

A yard between the main building and the side lot line, extending from the front yard or front lot line, where no front yard is required.

Yard, Street Side

A yard between the main building and the side lot line of a corner lot which abuts a side street extending from the front lot line to the rear lot line.



Zone

A portion of the territory within Franklin County within which certain regulations and requirements apply under the provisions of this Zoning Regulation.

Zone ï Agricultural:	AG Zone
Zone ï Commercial:	PO, CL, CG, CH, or PC Zone
Zone ï Industrial:	IC or IG Zone
Zone ï Residential:	RR, RA, RB, RC, RS, RD, RL, RH or RM Zone
Zone ï Special:	SF, SE, PR, or PM Zone

ARTICLE IV

PERMITTED USES

4.01 TABLE OF PERMITTED USES

The charts and text of the following pages are adopted as the basic land use regulations for Franklin County. The uses shown on the charts are divided into basic categories:

1. Agricultural
2. Residential
3. Public and Institutional
4. Retail Sales
5. Business and Personal Service
6. Medical Service
7. Wholesale and Warehousing
8. Industrial Service and Manufacturing

4.02 SPECIAL DISTRICTS

In addition to the basic zoning districts which are intended to be established in predominantly developed sections of the county, a series or flexible zones may be established.

4.021 To consider special or unique character of an existing area.

4.022 To consider certain environmental problems: Floodways and floodway fringe and steep slope and conservation.

4.023 To consider special flexible design opportunities: Planned development districts and mixed use districts.

4.03 SPECIAL DISTRICTS GOVERNED BY PERFORMANCE STANDARDS

Inasmuch as these districts are less guided by specified permitted uses and more dependent upon performance standards, the use table does not specify permitted uses in special districts. Where special districts are applied, their use and conditions are explained in the text.

4.04 INTERPRETATION OF USE TABLE

A. Find the use in the alphabetical list in the use table.
B. Read across the table until a ñPò, a number, or a ñCò appears.
C. Where a ñPò appears, that use is permitted as a use in that zoning district, subject only to site plan approval.
D. If a number appears, the use is permitted, subject to certain conditions that are explained at the end of the use table. Each number refers to a condition identified by the same number.
E. If a ñCò appears, that use is a conditional use requiring approval of the Board of Adjustments. Reference should be made in Article 15, Conditional Uses.

4.05 NOTED SPECIAL CONDITIONS

1. Garden crop, but no sales structures.

2. Livestock (excluding non-crowing chickens) only on lots over five (5) acres. All other poultry shall be kept on tracts or lots of at least five (5) acres. Up to five (5) non-crowing chickens may be kept on tracts less than (5) acres; but shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the ownerôs property. On tracts or lots less than 1.5 acres no fence, corral, chicken coop, or similar enclosure shall be located within 15 feet of any side or rear property line or within 50 feet of any front property line. No poultry of any kind shall be kept on tracts or lots less than .75 acres in size. The maximum number of non-crowing chickens allowed on lots less than five (5) acres shall be in accordance with the following table:

LOT SIZE	# ALLOWED
.75-1.5	2
1.51-2.5	3
2.51-3.5	4
3.51-4.99	5

Exceptions to the table:

Students who are currently enrolled in a Supervised Agricultural Experience (SAE), who reside on properties which would otherwise permit some number of non-crowing chickens (at least .75 acres) and provide written documentation from their instructor may keep up to 5 non-crowing chickens for the duration of the class for which the birds are kept. Upon the completion of the class the number of chickens on the property must conform to the table.

A property owner who has had chickens for at least 6 months, and the family of a student who had completed an SAE of less than 6 months, may make a request to the Board of Zoning Adjustments for a Conditional Use Permit to allow more chickens than the maximum allowed in the table.

3. More than one (1) dwelling may be permitted on nay farm lot provided it is required for additional family members or tenants who work on the farm.

4. Semi-attached and attached single units permitted on individual lots. Two (2) units on the same lot permitted only with the approval of the Board of Zoning Adjustments.

5. Permitted only where principal access is to a street designated as at least a collector.

6. All operations must be confined to an enclosed building or enclosed and fully covered on all side by an opaque screen, and shall comply with all height and

setback requirements, and shall be included in the maximum lot coverage calculations.

The sale of automobiles and trucks is exempted from this rule, but all outdoor display areas shall comply with the Parking Regulations in Article 10.

7. Laundry and dry cleaning pick-up stations including clothes cleaning establishments of not more than forty (40) pound capacity and using a closed system process.

8. Manufacturing of products from already prepared materials.

9. Custom shop and upholstery shops in ñCGò and ñCHò

10. Processing or freezing of food, dressed meat or poultry. Slaughter, rendering or animal processing only as permitted by the Board of Zoning Adjustments and in the ñIGò zone.

11. Drive-in facilities prohibited.

12. Conditional use permit required for restaurants with live entertainment, bar, wine and/or liquor by the drink sales.

13. Permitted as an accessory use in an existing church facility and any existing American Red Cross or Salvation Army facility provided that all criteria listed under Article 15.14 are met. And that no new constructions is involved to accommodate a use previously vacated within the Church or other building to allow space for a Charitable Indigent Limited Care and/or Mini-Nursing Home facility. This in no way implies that these are conditional uses.

    This use is permitted as a conditional use in any building within the CG (General Commercial), IC (Industrial Commercial), and IG (General Industrial) provided that all criteria in Article 15.01 and Article 15.14 are met and property does not abut any property currently used or zoned as residential.

14. A Conditional Use Permit is required, and the following minimum conditions shall be met:

    a. All operations must be confined to a fully enclosed building and no storage or display of goods or materials is permitted outside the fully enclosed building.
    b. All operations shall be clearly ancillary to a retail building materials use within the same building or within a building on that same lot.
    c. The use shall not occupy over fifty percent (50%) of the total floor area of all buildings on the lot.

15. Game Rooms/Amusement Arcades are permitted only within a shopping center. Game Rooms/Amusement Arcades are prohibited from locating in a building under separate ownership or on a single lot.

16. Permitted for business office portion of use only. No equipment used may be located, either temporarily or permanently, at this location.

17. Areas for loading and unloading must be provided off-street.

18. All operations are confined to those being carried out by one person

19. Permitted in conjunction with the sale of eyeglasses.

20. Must be located long a street classified at least a Major Arterial.

21. The building or site must be used for the input and processing data via telecommunications, with little or no data entry by personnel at the property. Off-site storage areas are typically required of a computer processing center. The building size for this center shall be not less than 10,000 square feet. This limitation shall not be waived.

22. Day Care Centers, Nurseries and Kindergartens shall be permitted for up to 35 children, provided that all requirements of Section 15.06 of the Conditional use Regulations are met. If the day care center, nursery, or kindergarten proposed abuts property zoned or used for residential purposes, a Conditional use Permit shall be required.

    If the proposed day care center, nursery or kindergarten will have more than 35 children, a conditional use permit shall be required.

23.

    a. Must have a Final Development Plan, prepared in accordance with Article 5 approved by the Frankfort/Franklin County Planning Commission.

    b. All buildings and structures shall be located at least one hundred feet (100ô form any residential or agricultural zone or land use.

    c. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

       Parking shall be provided in the following manner: 2 spaces per target lane, plus 3 spaces per 1,000 square feet of retail area.

    d. An 8ôwooden privacy fence shall be installed along the property lines where the property abuts a different zone or land use.

    e. Where the property abuts property of a different zone or land use, a 100ô landscape bugger shall be installed along the affected property line, with plantings, specified as follows:

       A thirty-six feet (36ô wide, six feet (6ô tall earthen berm, plus a double-row, staggered planting of evergreen trees spaced at every fifteen feet (15ô, on center.

f. Indoor ranges shall have one warning sign at each entrance and at any window, door or other opening in the wall.

g. Except in districts where signs are not allowed, one, non-flashing, internally illuminated sign, not to exceed thirty (30) square feet in area and not to exceed ten (10) feet in height, may be provided at the major entrance.

h. Indoor target ranges shall have sufficient sound proofing so that the maximum sound transmission that may escape the range into areas not controlled by the owner is forty (40) decibels. Entry doors from outside the building shall be solid core and weather stripped as additional barrier.

EPA and OSHA approvals must be granted prior to occupancy of the facility.

i. Indoor target ranges shall be constructed in such a manner so as to prevent the escape of projectiles from the discharge of weapons in the facility to the outside of the building.

j. Sales of firearms, munitions and related items shall be permitted as a part of the indoor target range.

24. Permitted with the following conditions:

a. Storage of vehicles waiting for service shall be placed in an area which is screened with an 8ôsolid fence and with a planting of shrubs at 3ôon center.

b. Vehicle repair shall not be permitted within units within a mini-warehouse or self-storage building.

25. Permitted Use in the Agricultural zone provided that all criteria listed under Article 15.19 are met.

4.06 COMPATIBILITY STANDARDS

Approval standards for single-family detached dwellings on individual lots

All single-family detached dwelling on individual lots in all residential zone districts, outside of Manufactured Home Parks or Subdivisions, shall conform to these standards. Structures that fail to meet the following standards shall require approval from the Board of Zoning Adjustments prior to the issuance of a building permit.

a. **Foundation**
The dwelling shall be set on a permanent perimeter foundation that forms a complete enclosure under the exterior walls. If the structure is not designed to be supported by a perimeter foundation, a wall constructed of brick, stone, or concrete block shall be installed to give the appearance of a permanent foundation.

b. **Roof**
The roof pitch shall not be less than a 1:4 ratio, except over porches, garages, and carports. The roof material shall be of a type or shall resemble a type commonly found on site-built dwellings.

c. **Minimum Width**
The narrowest portion of the main part of the dwelling unit shall be no less than twenty feet (20ô) in width.

d. **Exterior Walls**
The exterior covering of the dwelling unit shall be similar in appearance to materials commonly found on site built dwellings. It shall not reflect light to any greater degree than siding coated with white gloss exterior enamel paint.

e. **Faces Street**
The longest dimension of the dwelling shall be parallel to the street, unless site built dwellings are common in the surrounding area or unless the Board of Zoning Adjustments determines such orientation would be compatible in the area.

f. **Installations**
The dwelling shall be properly connected to utilities and, if manufactured off-site, shall be installed on site in accordance with the manufacturerôs specifications.

4.07 PLANNING COMMISSION INTERPRETATIONS

The use table included herein is not intended to be comprehensive or all inclusive. The Planning Commission or their agent shall interpret the appropriate zone for any land use not specifically listed in the table. Standard land use code numbers are provided in the table to assist in the determination of appropriate comparable or compatible land uses.

4.10 AGRICULTURAL DISTRICT "AG"

4.101 Purpose

This district is intended to recognize agricultural land to establish regulations which emphasize agricultural production and preserve a rural character.

4.102 General Uses Intended

The raising of agricultural crops or livestock, forestry and hunting or game preserves. Ancillary services inherent to farming are also permitted (see use table). Single Dwelling residences, churches, elementary and secondary schools.

4.103 Accessory Uses.

More than one dwelling may be permitted on each agricultural lot, providing additional dwellings are required for family members or employees who farm the land.

4.104 Conditional Uses

May be permitted by the Board of Zoning Adjustments. Uses which may be so permitted are indicated in the Land Use table.

4.105 Bulk Density and Height

a) Minimum lot size	5 acres
b) Minimum lot frontage	200 feet
c) Minimum front yard	50 feet
d) Minimum side yard	25 feet
e) Minimum rear yard	25 feet
f) Minimum spacing between any two dwellings on same tract.	30 feet
g) Maximum height, except barns, silos, steeples, water towers, windmills, communication towers and other structures excepted general height exceptions.	35 feet

4.106 Off-street Parking.

Determined by use in Article 10.

4.107 Agricultural Land Use Exemptions

Notwithstanding any other provision of this Zoning Regulation, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings except that setback may be required for the protection of existing and proposed roads, streets and highways and that all buildings in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

4.11 RURAL RESIDENTIAL DISTRICT "RR"

4.111 Purpose.

This District is intended to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is intended to be of very low density and will customarily be located in areas where public sewer facilities are not available or planned.

4.112 General Uses Permitted.

Detached single family dwelling units, including mobile homes used as single family residences.

4.113 Conditional Uses Permitted.

Permitted with approval of Board of Adjustments and subject to conditions defined in Article 15. Home occupations, nursery schools and day care centers, elementary and secondary schools, parks and public recreation facilities.

4.114 Bulk Density and Height

a) Minimum lot area	1 1/2 acres
b) Minimum lot frontage	100 feet
c) Minimum front yard	35 feet *
d) Minimum side yard	10 feet
e) Minimum rear yard	40 feet
f) Maximum lot coverage	10%
g) Maximum height	35 feet

*Front yard minimum 35ôfrom property line at R.O.W.

4.115 Off-street Parking.

Two (2) spaces per residential dwelling unit, others as required in Article 10.

4.12 RURAL RESIDENTIAL "A" DISTRICT "RA"

4.121 Purpose.

The purpose of this district is to establish and preserve a quiet single family dwelling neighborhood, free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is a low density, large lot, single family dwelling district but requires a full range of community facilities, including being served by public sewer or approved sewage treatment facility.

.

4.122 General Uses Permitted.

Detached single dwelling residential units.

4.123 Conditional Uses Permitted.

With approval of the Board of Zoning Adjustments and subject to conditions defined in Article 15, home occupations, nursery schools, day care centers, elementary and secondary schools, parks and public recreation facilities.

4.124 Bulk Density and Height

a) Minimum lot area	15,000 square feet
b) Minimum lot frontage	100 feet
c) Minimum front yard	30 feet
d) Minimum side yard	10 feet
e) Minimum rear yard	40 feet
f) Maximum lot coverage	20%
g) Maximum height	35 feet

4.125 Off-Street Parking

Two (2) spaces per dwelling unit, other uses as required in Article 10.

4.13 RURAL RESIDENTIAL "B" DISTRICT "RB"

4.131 Purpose.

It is the intent of this district to establish and preserve a quiet single family home neighborhood free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is a medium density single dwelling district but requires a full range of community facilities, including public sewers, or approved sewage treatment facilities.

General Uses Permitted.

Detached single family dwelling units.

4.132 Conditional Uses Permitted.

With the approval of the Board of Zoning Adjustments and subject to conditions defined in Article 15. Home occupations, nursery schools, day care centers, elementary and secondary schools, parks and public recreation facilities.

4.134 Bulk, Density and Height

a) Minimum lot area	9,000 sq. ft.
b) Minimum lot frontage	65 feet
c) Minimum front yard	25 feet
d) Minimum side yard	8 feet
e) Minimum rear yard	25 feet
f) Maximum lot coverage	25%
g) Maximum height	35 feet

4.135 Off-Street Parking.

Two (2) spaces per dwelling unit, others as required in Article 10.

4.14 RURAL RESIDENTIAL "C" DISTRICT "RC"

4.141 Purpose.

It is the intent of this district to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is intended to provide a medium density single family environment on small lots. It is particularly appropriate to more densely developed areas of Franklin County, but may be suited to new developments where higher density is desirable to include sewers, curbs and gutters.

4.142 Permitted Uses.

Detached single family dwelling units.

4.143 Conditional Uses Permitted.

With approval of the Board of Zoning Adjustments and subject to conditions defined in Article 15, home occupations, nursery schools and day care facilities, elementary and secondary schools, parks and recreation facilities, semi-attached dwellings.

4.144 Bulk Density and Height

a) Minimum lot area	6,000 sq. ft.
b) Minimum lot frontage	50 feet
c) Minimum front yard	15 feet
d) Minimum side yard	6 feet
e) Minimum rear yard	25 feet
f) Maximum lot coverage	30%
g) Maximum height	35 feet

4.144 Off-street Parking.

Two spaces per dwelling unit, or as otherwise required in Article 10.

4.15 SPECIAL RESIDENTIAL "RS"

4.151 Purpose.

To establish and preserve quiet neighborhood single family and attached single dwellings, free from other uses which are not compatible with residential, but permitting certain non-residential uses which are compatible with and convenient to the residents. The purpose of these districts is to provide an opportunity to develop single dwelling housing in a variety of housing types not found in conventional house and lot arrangements.

4.152 Permitted Uses.

Detached, semi-attached, and attached (townhouse) single dwelling units.

4.153 Conditional Uses.

Detached or semi-attached two family units, churches, elementary or secondary schools, parks, playgrounds and recreational facilities, and home occupations.

4.154 Bulk Density and Height

a.	Lot area for each dwelling	
	Detached single dwelling	6,000 sq. ft.
	Semi-attached	5,000 sq. ft.
	Attached	2,500 sq. ft.
	Permitted second dwelling on same lot	4,000 sq. ft.
b.	Minimum lot frontage for each dwelling	
	Detached	50 feet
	Semi-attached	40 feet
	Attached end units	40 feet
	Interior units	16 feet
c.	Front yard	
	Minimum front yard (detached)	25 feet
	Attached and semi-attached units shall average at least	15 feet
d.	Side yard	
	Detached, least	0 feet
	Detached, minimum combined side yards	16 feet
	Semi-attached, unattached side	10 feet
	Attached, end units	10 feet
e.	Minimum rear yard	25 feet
f.	Maximum lot coverage	40%
g.	Maximum height	35 feet

4.155 Off-Street Parking

Two (2) spaces per dwelling unit, or as otherwise required in Article 10.

4.156 Design Criteria

At the time of application for a Special Residential "RS" zoning district classification, the applicant shall submit a proposed plan for development to the Planning Commission.

a) The plan shall clearly identify those lots to be developed.

1. For detached dwellings
2. With "0" lot line
3. As semi-attached dwellings
4. As attached (townhouse) dwellings
5. With two dwellings per lot

b) All streets, sidewalks, drives, and parking areas shall be shown.

c) Any permitted non-residential uses shall be shown.

d) Landscape areas between non-residential use and residential uses shall be illustrated and plant materials specified.

e) Lots including two dwellings per lot shall be limited to 20% of the development.

f) An architectural rendering of a typical building shall be submitted for each type of structure to be included in the development.

g) Where townhouse units are proposed, not more than two (2) such contiguous units shall be established at the same setback. Each break in the fascia plane shall be at least three (3) feet.

4.16 RURAL TWO DWELLING DISTRICT "RD"

4.161 Purpose.

To establish and preserve quiet neighborhoods of single and two family homes, free from other uses except those kinds which are both compatible with and convenient to the residents of such districts. It is expected the overall density of the "RD" districts will be relatively low, averaging about ten (10) units per acre to include sewers, curbs and gutters.

4.162 Permitted Uses.

Single family dwellings and two family dwellings.

4.163 Conditional Uses.

Parks, recreation facilities, elementary and secondary schools, day care facilities and nurseries, home occupations, other uses indicated in the use table, all as approved by the Board of Zoning Adjustments.

4.164 Bulk Density and Height

a) Lot area requirements	
Minimum area, first unit	6,000 square feet
Additional area, second unit	2,500 square feet
b) Minimum Lot frontage	
One unit	50 feet
Two units	60 feet
c) Minimum front yard	15 feet
d) Minimum side yard	6 feet
e) Minimum rear yard	25 feet
f) Maximum lot coverage	30%

4.165 Off-Street Parking.

Two spaces per dwelling unit, or as otherwise required in Article 10.

4.17 RURAL LOW DENSITY MULTIFAMILY DISTRICT "RL"

4.171 Purpose.

To establish and preserve a medium density district primarily of low density multi-family dwellings and excluding uses which are not compatible with residential uses. Certain non-residential uses which are of particular convenience to the residents may be permitted. Approximate density for the "RL" District is 16 dwelling units per acre, with sewers, curbs and gutters.

4.172 Permitted Uses.

Two family dwellings, multifamily dwellings, townhouses, and churches.

4.173 Conditional Uses.

Parks, recreation facilities, schools, day care centers, nurseries, home occupation, professional offices.

4.174 Bulk, Density, and Height

a) Lot area requirements	
Minimum lot area, first unit	6,000 sq ft.
Lot area, each additional unit	2,500 sq.ft.
b) Minimum lot frontage	
Single dwelling	50 feet
Multiple dwelling	75 feet
c) Minimum front yard	20 feet
d) Minimum side yard	6 feet
e) Minimum rear yard	20 feet
f) Usable open space, per unit	1,500 sq. ft
g) Maximum height	2:1 height to yard ratio
h) Maximum lot coverage	30%

4.174 Off-street Parking.

One space per dwelling unit plus ½ space each bedroom. Others as indicated in Article 10.

4.176 Special Design Considerations

a) Townhouse units shall comply with the same bulk and density standards as set out in the "RS" zone.

b) A landscape screen shall be established between any ñRLòdistrict and any RA, RB, RC, or RS district..

c) On any RL lots abutting, adjacent to, or on the same street as, any RA, RB, RC, RS, or RD district, parking shall be prohibited in front of structures.

d) Principal access to any RL district should be from a collector street.

4.18 RURAL HIGH DENSITY MULTIFAMILY DISTRICT “RH”

4.181 Purpose.

To establish and preserve a high density multifamily residential district. Approximate density for the ñRH" district is 24 dwelling units per acre, with sewers, curbs, and gutters.

4.182 Permitted Uses.

Two family dwellings, multifamily dwellings, townhouses, churches, professional offices in accordance with 4.186 and 4.187, elementary and secondary schools, convenience retail and personal service facilities.

4.183 Conditional Uses.

Day Care Centers, nurseries, home occupations, nursing homes, convalescent centers.

4.184 Bulk, Density and Height

a) Lot area requirements	
First dwelling unit	6,000 sq. ft.
Each additional unit	1,600 sq. ft.
b) Minimum lot frontage	
Single dwelling	50 ft.
Multiple dwelling	85 ft.
c) Minimum front yard	15 ft.
d) Minimum side yard	6 ft.
e) Minimum rear yard	20 ft.
f) Usable Open Space, per unit	750 sq. ft.
g) Maximum lot coverage	30%
h) Maximum height	3:1 height to yard ratio

4.184 Off-street Parking.

One space per unit, plus ½ space for each bedroom; others as indicated in Article 10.

4.186 Design Requirements.

a) Townhouse units shall comply with bulk and density regulations in "RS" district.
b) A landscape screen shall be established between any ñRHò and ñRA, RB, RC, RS or RDò zone.
c) Parking shall be prohibited in front of any structure in any "RH" district along the same street as any "RA, RB, RC, RS or RD" district.
d) Principal access to any "RH" district shall be from at least a collector street.
e) Regardless of building orientation on its lot a front yard setback shall be required adjacent to any wall containing a building entrance and a rear yard setback shall be required adjacent to the opposite wall.

4.187 Special Use Regulations

a) Professional office structures shall be limited to 5,000 square feet.
b) Professional offices within any multifamily residential structure shall be limited to the first story and shall have their entrance from inside the building.
c) Retail or personal service uses shall be limited to the first floor of a residential structure, and have their entrance from an interior building corridor. No sign or advertising may be located outside the building. Only uses listed in this use table may be permitted.

4.19 RURAL MOBILE HOME DISTRICT "RM"

4.191 Purpose.

The purpose of the mobile homes article of the Franklin County Zoning Ordinance is to establish regulations on the placement of single manufactured mobile homes on individual lots in manufactured/mobile home subdivisions and the development of manufactured/mobile home rental parks within Franklin County.

4.192 Permitted Uses.

Manufactured/mobile homes on individual lots in manufactured/mobile homes subdivisions and in rental manufactured/mobile home parks.

4.193 Conditional Uses.

Laundries, storage buildings, recreational facilities, offices for the park or subdivision administration, and home occupation.

4.194 Bulk Density and Height

The minimum lot area of an individual lot in a manufactured/mobile home subdivision and/or in a rental manufactured/mobile home park shall be a minimum of 5,000 square feet.

4.194 Off-street Parking.

Two spaces per home site. All vehicles to be in a roadworthy condition and have a current license plate.

4.196 Design Criteria for Manufactured/Mobile Home Lots in Manufactured/Mobile Home Home Subdivisions and/or Manufactured Mobile Home Park Rental

a) Lot sizes are permitted as indicated in 4.194.
b) Lot lines are not required to be at right angles to streets.
c) All streets shall be constructed to collector street standards for base and pavement thickness.

4.197 Design Criteria for Manufactured/Mobile Homes on Individual Lots in Manufactured/Mobile Home Subdivisions and/or in Rental Manufactured/Mobile Home Parks

a) Lot, block and street requirements shall be the same as 4.196.
b) There shall be provisions for a twenty-five (25) foot landscaped buffer are or screening area around the periphery of any manufactured/mobile home development.
c) Minimum size for any new manufactured/mobile home development in manufactured/mobile home subdivisions and/or manufactured/mobile home parks shall not be less than ten (10) acres.
d) Minimum number of mobile home sites available for occupancy shall be ten (10).

e) Each mobile home shall be provided with an adequate method of supporting the mobile home approved by the Kentucky Cabinet for Human Resources.
f) All mobile homes shall be enclosed around the bottom with an approved industry standard material, such as vinyl or siding kit. Hitches are to be removed or enclosed,and adequate tie-downs shall be installed.
g) In all new manufactured/mobile home subdivisions and/or in manufactured/mobile home rental parks and additions to said subdivisions or parks, adequate tie-downs shall be installed.
h) As an alternative to off-street parking, required parking may be provided on streets within a mobile home park provided such street is at least forty (40) feet wide, curb to curb, and provided the average width of a mobile home lot is at least fifty (50) feet.
i) Only one (1) storage building per unit will be permitted and shall not exceed fifteen percent (15%) of the total square footage of the mobile home and not to exceed eight (8) feet in height and shall be at least five (5) feet from the lot line.

4.20 ENLARGEMENT OF EXISTING MANUFACTURED/MOBILE HOME SUBDIVISION AND/OR IN MANUFACTURED/MOBILE HOME RENTAL PARKS

Any enlargement or expansion (or alteration) of any existing subdivision and/or rental parks shall comply with these regulations.

4.201 Approval of Preliminary and Final Development Plans

All mobile home parks, expansion, or alteration of current mobile home parks will be required to obtain approval from the Frankfort/Franklin County Planning Commission of preliminary and final development plans.

4.202 Compliance

Compliance shall be met with all other requirements and articles of the Frankfort/Franklin County Subdivision Regulations not in conflict with this ordinance.

4.203 Lot Dimension and Size

Unsewered Lots ï Lot dimensions shall conform to the requirements of any zoning regulation, except that residential lots not served by public or private sewer shall be one hundred (100) feet wide measured at the building line and one and one-half (1 ½) acres in area, with evidence of satisfactory site evaluation by the local health department; or other approved sewer disposal system. Only one single family dwelling shall occupy a lot that is at least one and one-half (1 ½) acres. Only one single family dwelling is to be connected to a single septic tank system. Only one (1) septic tank system shall be approved per individual subdivided lot regardless of the size of the subdivided lot.

4.30 PROFESSIONAL OFFICE DISTRICT "PO"

4.301 Purpose.

To establish and provide for office and related uses serving as an incentive to remodel older residential structures which may not be appropriate to maintain as dwellings. Retail sales shall be prohibited.

4.302 Permitted Uses

In general, offices for business professionals, medical and dental, banks, savings and loan companies, brokers and credit agencies where drive-in facilities are not permitted.

4.303 Conditional Uses.

Veterinarians offices, banks, credit agencies, savings loan companies with drive-in facilities, nursery schools, day nurseries, child care centers, privately owned parking lots or structures.

4.304 Bulk, Density and Height

Residential uses shall comply with 4.174 "RL" district regulations. Non-residential uses are as follows:

a. Minimum lot area	7,000 sq. ft.
b. Minimum lot frontage	60 feet
c. Minimum front yard	25 feet
d. Minimum side yard	12 feet
e. Minimum rear yard	12 feet
f. Maximum lot coverage	35%
g. Maximum building height	3:1 Height to yard ratio
h. Minimum open space	

4.305 Off Street Parking

As required in Article 10.

4.306 Design Requirements.

Parking areas shall be screened from street or adjoining property and landscaped to preserve and protect the character of the area.

4.31 RURAL LIMITED COMMERCIAL DISTRICT "CL"

4.310 Purpose.

To establish and preserve districts of limited and low intensity commercial uses. This zone is intended to provide retail goods and services required for the regular convenience of neighborhood residences or to provide a transition between residential development and other more intense land use districts. Certain design requirements are established to ensure compatibility with residential uses. Drive-in sales of any type are prohibited except as provided under Section 4.313.

4.311 Permitted Uses

Retail uses, offices and multi-family residences, all as indicated in the use table.

4.312 Conditional Uses

Animal hospitals and veterinary clinics, bars and taverns, automated and self-service car washes, provided that property does not abut any parcel currently used or zoned for residential purposes, that surface water from such establishments shall not drain onto adjacent streets or property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

Drive-in uses, provided that property does not abut any parcel currently used or zoned for residential purposes, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

4.313 Bulk, Density and Height

For residential uses shall comply with 4.11 ñRRò district regulations. Non-residential uses are as follows:

a) Minimum lot area	1 ½ acres on septic tank, None on public sewer
b) Minimum lot frontage	
Each building group	75 feet
Each unit	None
c) Minimum front yard	20 feet
d) Minimum side yard	10 feet
End unit of group	10 feet
e) Minimum rear yard	20 feet
f) Maximum lot coverage	None
g) Maximum height	35 feet
h) Minimum landscape area	20%

4.313 Off-Street Parking

As required in Article 10.

4.314 Design Requirements

a) Principal means of access shall be to a collector street or arterial street.
b) All structures shall be designed to be compatible with residences in adjoining districts.
c) Parking areas shall be screened; yards, entries and walls shall be landscaped.

4.32 GENERAL COMMERCIAL DISTRICT "CG"

4.321 Purpose

To permit community oriented commercial development predominantly in areas already developed and where a change in development pattern is in accordance with the comprehensive plan. To preserve the carrying capacity of streets and to ensure adequate parking. To provide concentrations of general commercial activities.

4.322 Permitted Uses

In general, retail, office and service uses are permitted. Detailed uses are listed in the use table.

4.323 Conditional Uses

Helicopter landing pads, tire recapping, warehousing facilities in conjunction with permitted principal uses, multi-family residential uses when abutting a residential district.

4.324 Bulk, Density and Height

a) Minimum lot area	1 ½ acres on septic tanks, None on public sewer
b) Minimum lot frontage	40 feet
c) Minimum building line setback	20 feet
d) Minimum side yard	None (4.326)
e) Minimum rear yard	None (4.326)
f) Maximum lot coverage	50%
g) Maximum height	75 feet
h) Maximum floor area ratio	2.4

4.325 Off-Street Parking

In accordance with use and requirements of Article 10.

4.326 Design Requirements

a) In any newly proposed ñCGò district, principal access to land or development site shall be from a frontage road or interior drive. Direct access from arterial street shall be discouraged.
b) Required front yard area shall be a landscaped area. The front yard adjacent to R.O.W. and abutting R.O.W. area shall be landscaped.
c) Any newly proposed ñCGò parcel abutting any residential zoning district shall provide a landscape buffer along any lot line adjacent to the residential district. Such landscape buffer shall be at least fifteen (15) feet wide along any side lot line and at least twenty (20) feet wide along any rear lot line.
d) Any residential use provided in the ñCGò district shall comply with the standards established in the ñRHò district (Section 4.18).

4.33 HIGHWAY COMMERCIAL DISTRICT ZONE "CH"

4.331 Purpose

To establish and provide commercial districts which cater primarily to the needs of vehicle-oriented trade. To provide for orderly development of and concentration of highway-oriented uses near interchanges. To recognize the need for larger land masses required for commercial facilities serving a traveling public.

4.332 Permitted Uses

In accordance with the use table, generally being retail, office and service uses with emphasis on the needs of traveling or motoring public.

4.333 Conditional Uses

Helicopter pads, tire recapping, warehousing in conjunction with principal permitted use or as indicated in the use table.

4.334 Bulk, Density and Height

a) Minimum lot size	1 ½ acre on septic tank, none on public sewer
b) Minimum width	65 feet
c) Minimum building line setback	30 feet
d) Minimum side yard	0
if free-standing building, end unit	10 feet
e) Minimum rear yard	None
f) Maximum lot coverage	40%
g) Maximum height	None

4.335 Off-Street Parking

To be provided in accordance with use and Article 10.

4.336 Design Requirements

a) All ñCHò districts shall front along an arterial highway.
b) Access to individual parcels in the ñCHò zone shall be from an interior or frontage road.
c) All yard and setback areas shall be landscaped. Front yard should be adjacent to R.O.W.
d) Any ñCHò zoned parcel adjacent to or abutting any residential parcel shall provide a twenty (20) foot landscape buffer along any such lot line
e) Developed parcels in any ñCHò district established by this ordinance may continue as constructed. Future redevelopment of any such parcel shall conform to these regulations.

4.40 INDUSTRIAL COMMERCIAL DISTRICTS "IC"

4.401 Purpose

The Industrial Commercial district is established to provide an area for wholesaling, warehousing, distribution of goods and certain retail and service functions. Light manufacturing, processing or assembly of goods and products where such process involves only the manufacturing or assembly from pre-manufactured parts or goods is also permitted. It is intended that all operations be conducted within enclosed buildings and that all uses should be compatible with any adjacent commercial or residential use.

4.402 Permitted Uses

Wholesaling, warehousing, distribution, limited retail sales and services, limited to seven percent (7%) of the gross building area. Manufacturing from pre-manufactured parts all in accordance with the use table.

4.403 Conditional Uses

Residences for caretakers or watchmen, churches, schools, retail sales of used merchandise.

4.404 Bulk, Density & Height

a) Minimum lot size	1 ½ acres on septic tanks, none on public sewer
b) Minimum lot width	None
c) Minimum front yard	15 feet
d) Minimum side yard	12 feet
e) Minimum space between buildings	24 feet
f) Minimum rear yard, except when loading from a rail siding	0
g) Maximum lot coverage	50 %
h) Maximum height	50 feet
i) F.A.R.	1.5

4.405 Off-Street Parking

In accordance with use and Article 10.

4.406 Design Criteria

a) For ñÌCòdistrict adjacent to any ñÌRòdistrict or any residence, any side or rear yard shall be at least eight (80) feet and shall include a visual landscape screen, consisting of a triple row, staggered planting of evergreen trees, spaced at 15ôOn Center, and six (6) feet in height at the time of planting. No new construction shall be permitted within one hundred (100) feet of any residential zone
b) All yard and setback areas shall be landscaped.
c) Any outdoor storage lot shall be screened from any street or from any non-industrial zoning district by an evergreen hedge or combination or opaque fence and evergreen planting.
d) Any standards for noise, odor, or air pollution adopted by Franklin County shall be measured at any zone district boundary.
e) All ñÌCòdistricts shall front along an arterial highway. Access to individual parcels in the ñÌCòzone shall be from an interior or frontage road.

4.41 GENERAL INDUSTRIAL DISTRICT "IG"

4.411 Purpose

To establish and preserve areas in Franklin County for the purpose of industrial land use and industrial growth. To limit such areas to functions related to the production of goods and such ancillary uses as are compatible with industry. To provide standards, which will protect this community from obnoxious activities, associated with industrial production.

4.412 Permitted Uses

Assembly of goods from pre-manufactured parts, manufacturing of goods from raw materials, processing of food products, wholesaling and warehousing. Retail sales shall be permitted with the condition that no more than seven percent (7%) of the gross building area be used for such sales and that the sales be incidental and accessory to the main land use.

4.413 Conditional Uses

Production of chemicals or petroleum products, processing animal wastes, storage and processing of junk, scrap or other wastes.

4.414 Bulk, Density and Height

a) Minimum lot size	1 ½ acres on septic tanks, 20,000 sq.ft. on public sewer
b) Minimum lot width	100 feet
c) Minimum front yard	40 feet
d) Minimum side yard	12 feet (4.416)
e) Minimum space between buildings	24 feet
f) Minimum rear yard	20 feet (4.416)
g) Maximum lot coverage	70%
h) Maximum height	50 feet
i) Floor area ratio	2.1

4.415 Off Street Parking

One space for each two employees on the largest two combined shifts. See Article 10.

4.416 Design Criteria

a) For ñIGòdistrict adjacent to any ñRòdistrict or any residence, any side or rear yard shall be at least one-hundred (100) feet and shall include a visual and acoustic buffer comprised of landscape material of at least thirty (30) feet in width, consisting of a triple row, staggered planting of evergreen trees, spaced at 15ô on center, and six (6) feet in height at the time of planting.
b) No side or rear yard shall be required when served by a rail siding.
c) Any outdoor storage lot shall be screened from any street or from any non-industrial zoning district by an evergreen hedge or combination of opaque fence and evergreen planting.
d) Any standards for noise, odor or air pollution adopted by Franklin County shall be applicable and shall be measured at any zone district boundary.
e) Principal access to any ñIGòdistrict should be from at least a collector road.

4.508 Environmentally Sensitive District

These overlay zones shall designate those areas of the county that are considered environmentally sensitive due to location in the floodplain, severe slopes, or poor drainage conditions. Development within this overlay zone should require site plan approval and mitigation of any adverse effects that may result from the development to this site.

4.60 EXCLUSIVE USE ZONE FOR LANDFILL (E-ZL)

4.601 Purpose

The purpose of the Exclusive Use Zone for landfills is to reclassify landfill activities from particular industrial zones to an exclusive use zone intended to:

a) Protect Public Health: by preventing water pollution, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design, or operation of a landfill.
b) Protect Public Safety: by requiring proper design of access streets to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.
c) Improve Compatibility with adjacent uses by requiring adequate screening and setbacks, regular policing of access roads and heavily traveled routes to the site, and careful review of subsequent uses allowed on the landfill site.

d) Promote Public Welfare by providing a suitable location for the disposal of the solid wastes generated by the community.

4.602 Definition

A landfill is a community facility, which is a necessary part of the communityôs waste disposal system. The high volume of heavy truck traffic and the associated noise, odor and other potential nuisance-like characteristics suggest industrial zoning would be appropriate. However, the landfill is a limited duration use, and the filled land may not be suitable for industrial uses, which require substantial weight bearing foundations. This limitation makes industrial zoning inappropriate for subsequent uses to be located on this land. Major factors in determining proper site location are the suitability of the soil and underground drainage systems, and they are not usually factors in the location of industrial zones. There the site location criteria for a landfill must be defined separately.

4.603 Need for Specific Standards

If proper landfill standards are not adhered to, the operation may result in an open dump, and create a serious health hazard. A completed landfill will settle and will require periodic maintenance. Because of this settlement factor, special design and construction techniques must be utilized for building constructed on a completed landfill. As a result of the factors listed above, sanitary landfills must be placed in an exclusive use zone, which includes specific design standards and appropriate protection for subsequent use.

4.604 Planning for the Landfill

Due to the potentially adverse environmental impact of a landfill, Geologic and Soils Reports, a Topographic Map, and a preliminary operational plan shall be required with the application for appropriate zoning. The Planning Commission may recommend approval of and the Franklin County Fiscal Court may grant the change to the zoning for E-ZL zoning based on the information in the Geologic and Soils Reports and a preliminary operational plan showing how any site problems could be resolved, and provided that the site size requirements and the site design standards can be met.

Any application for an E-ZL zone district must also obtain the necessary permits from federal, state and local agencies having jurisdiction over any phase of operation. No landfill construction shall commence until a landfill construction permit has been issued by the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet and no landfill operation shall begin until the permit to operate has been issued by the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet and submitted to the Frankfort/Franklin County Planning Commission, through the Franklin County Planning, Zoning & Building Code Enforcement office. The Planning Commission shall withhold any approval until the applicant has demonstrated compliance with the site development and operational standards contained herein.

4.605 Content of Reports and Site Development and Operational Plans

Detailed plans, specifications, maps and reports shall be submitted in triplicate to the Planning Commission for review. The data in the following reports should be prepared in a form, which facilitates its use in proper engineering design of the landfill. Problem areas must be delineated and recommendations for proper solution included in the report. The plans, specifications and maps for the operational plan may be submitted in the manner required by the permitting regulations of the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet for solid waste landfills contained in 401 KAR 47:170.

4.6051 Operation Plan and Maps must be prepared including the following information:

a) The proposed fill area;

b) Any borrow area;

c) Access roads;

d) On-site drives;

e) Grades for proper drainage of each lift required, and a typical cross-section of a lift;

f) Special drainage devices, if necessary;

g) Location and type of fencing;

h) Structures existing or to be located on the site;

i) Existing wooded areas, trees, ponds or other natural features to be preserved;

j) Existing and proposed utilities;

k) Phasing of landfill operations on the site;

l) A plan and schedule for site restoration and completion;

m) A plan for the ultimate land use of the site if possible;

n) Method of operation including weighing of wastes, cross-sectioning the site at definite time intervals, thickness of cover material, depth of cells and lifts, compaction, wet weather procedures, cold weather procedures, amount, type and size of equipment and personnel;

o) And all other pertinent information to indicate clearly the orderly development operation and completion of the landfill.

4.606 ENGINEER'S CERTIFICATION

Landfill facilities shall be designed in accordance with this ordinance by a registered civil engineer whose certification shall appear on all plans and specifications in the same manner as required by the Frankfort/Franklin County Subdivision Regulations.

4.607 OTHER PERMITS REQUIRED

Prior to the operation of the landfill, the Kentucky Natural Resources and Environmental Protection Cabinet must issue permits for disposal of all solid waste, except where a person is disposing of solid waste from his own household on his own property.

4.608 SITE LOCATION STANDARDS

The following site location standards must be met if at all possible, for they are designed to protect the public health, safety and welfare, and these standards must be balanced against the community's need to dispose of its solid waste and the total environmental and economic costs of such disposal.

4.609 SOIL AND GEOLOGIC CRITERIA

Any landfill should be located on a site, which has suitable soil, hydrologic and geologic characteristics. Areas with karst topographic features may pose significant problems for proposed landfill sites. Any problems inherent in such a site must be demonstrated as capable of a satisfactory engineering solution. Therefore, there is a need for a Soil Report and a Geologic Report to determine if the soil, hydrologic and geologic characteristics meet required standards.

4.6091 Soil Characteristics: A field survey must be made to determine that the site has:

a) Sufficient impermeable material to form a seal between the base of the landfill and bedrock, and if the site is located above the kind of subsurface stratification which could leachate from the landfill to water sources, then impervious material must separate the landfill from unacceptable bedrock in accordance with the requirements and regulations of the Commonwealth of Kentucky.

b) Sufficient soil suitable for cover material with good workability and compaction characteristics;

c) Slopes of less than twelve (12) percent;

d) No flooding problems and is not within either a 100-year or 500-year base flood elevation, as determined by the National Flood Insurance Program, Flood Insurance Rate Maps for Franklin County, Kentucky.

4.610 Geologic Characteristics

To prevent potential ground and surface water pollution, the site must be located in an area where no pollutants can enter the water supply. The ground water table must be located and the site designed to prevent its pollution. The site must be free of potential flooding problems and karst topographic features, which would erode the cover material or interfere with operation of the landfill. To eliminate the possibility of either surface or ground water pollution, the site should:

a) Be located a safe distance from sinkholes, streams, lakes, wells and other water sources;

b) Avoid being located above the kind of subsurface stratification that will lead the leachate from the landfill to water sources, i.e., fractured limestone;

c) Use an earth cover that is nearly impervious;

d) Provide suitable drainage to carry surface water away from the site. Grading, diking, terracing, diversion details or tiling may be approved, where appropriate.

4.611 Site Size Requirements

The volume of space required is primarily dependent upon the character and quantity of the solid wastes, the efficiency of compaction of the wastes, the depth of the fill and the desired life of the landfill. These factors must be weighed in determining the appropriate size of the landfill.

4.612 Yard Requirements

Minimum required depth of front, rear and side yards surrounding the waste boundary shall be two hundred fifty (250) feet. No waste boundary shall be permitted within seven hundred fifty (750) feet of any dwelling or mobile home.

4.613 Accessibility

The site should be easily reached by highways or arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions. Problems such as narrow bridges, low underpasses, and steep grades on access routes must be avoided.

4.614 Site Design Standards

The following design features shall be incorporated into the site plans for a landfill:

a) Access Design and On-Site Roads: Particular attention must be given to proper, safe design of entrances and exits, with provision for right turn deceleration lanes, protected left turn lanes, acceleration lanes and, if needed, signalization of the intersection.

   Since the site should be accessible at all times, it is desirable to have several access routes so that if one route is temporarily unusable, the site can still be used.

   Distance of driveway entrance or exit from any adjacent lot line should be at least one hundred and twenty-five (125) feet except for lots across the arterial road, off of which the access drive is located. Any portion of such access drive within one hundred and fifty (150) feet of the public street shall be paved or treated so as to be free of dust.

   The on-site roads to within two hundred (200) feet of the unloading area should be of all-weather construction and wide enough to permit two-way truck travel. Road grades should be designed for the largest fully-loaded trucks to travel at a reasonable rate. It is particularly important at large sites that traffic in and out of the area flow smoothly.

b) Fencing and Landscaping. The landfill area shall be enclosed with a substantial wall, fence or other adequate barrier at least five (5) feet in height, to control access to the landfill site. The entrance gate must be capable of being locked and posted. A landscape strip, at least fifty (50) feet in width shall be provided and maintained between the lot line and the waste boundary of the landfill. The Planning Commission may expand the size of the landscape strip to include a natural buffer such as an existing tree line. The required landscape strip shall consist of a triple row, staggered, planting of Evergreen Trees, at fifteen (15) feet on center, which are a minimum of six (6) feet in height at the time of planting. Existing tree stands may be considered by the Planning Commission as meeting this buffer requirement if, in the opinion of the Countyôs engineer, the existing tree stands will provide the same amount or greater buffer than the required landscape planting strip.

c) Signs and Directions: Only necessary identification and directional signs shall be permitted. If the site is open to the public, a sign shall be posted at the entrances to inform the public of the hours of operation, cost of disposal, and rules and regulations regarding disposal. At large landfill operations, signs should be used on the site to direct users to the appropriate unloading area.

d) Site Operational Standards: Operating standards to prevent adverse health hazards and other nuisance like problems and by requirements and regulations of the Commonwealth of Kentucky.

4.615 Completed Landfill

a) Inspection: An inspection of the entire site shall be made by the Kentucky Natural Resources and Environmental Protection Cabinet, Division of Waste Management to determine compliance with the approved plans and specifications before earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. The compliance notification from the Kentucky Natural Resources and Environmental Protection Cabinet shall be submitted to the Franklin County Planning and Zoning office.

b) Subsequent Maintenance: Arrangements shall be made and appropriate bond or irrevocable letter of credit posted to assure the repair of all cracks, and eroded or uneven areas in the final cover following completion of the fill, the closure of the landfill, and the maintenance of the landfill after closure in accordance with the requirements and regulations of the Commonwealth of Kentucky. Care must be taken to maintain good drainage, and the surface contours as designed in the approved plans. Additional fill and cover material shall be used as necessary. The land shall be graded, backfilled, and finished to a surface which will:

1) Result in a level, sloping, or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding.

2) Minimize erosion due to storm water runoff. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding and to a depth of at least six (6) inches; and

3) Trees, shrubs, legumes or grasses shall be planted as approved on the Site Development and Operational plans.

c) Decomposition, Settlement and Underground Fires are problems, which can occur after completion of the landfill operation. Precautions must be taken to prevent gases produced during decomposition from concentrating in sewers or other structures. The designer of structures to be placed on the site must provide the means to allow the gas to dissipate to the atmosphere and not into the structure.

Concentrated foundation loading must be avoided to prevent foundation cracking in structures placed on the completed fill area. However, special engineering design such as use of pilings may be included in the plans for subsequent structures.

Provisions for extinguishing underground fire must be made, and the possibility of such an occurrence considered in the design of structures placed on the site.

d) Subsequent Land Use: The subsequent land use of the completed landfill site may be determined at the time of initial approval of the landfill. However, in cases where the location of the site, duration of its operation or transitory nature of surrounding uses make a decision concerning subsequent use premature, this decision may be made at the time of completion of the landfill operation.

In all cases, the future uses determination shall be based on consideration of the following factors:

1) The relationship of the proposed use to the adopted Comprehensive Plan and other adopted community plans.

2) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

3) The susceptibility of the proposed use to damage resulting from settlement and other hazards inherent in the area filled.

4) The community need for the proposed use.

5) The availability of alternative locations for uses proposed.

4.616 Definitions

a) Solid Waste(s): All putrescible and non-putrescible refuse in solid form. Solid includes, but is not limited to, garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes and special wastes including explosives, pathological wastes and radioactive materials.

b) Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover material at the conclusion of each daycs operation or at more or less frequent intervals as necessary and in compliance with all requirements and regulations of this ordinance, and with all requirements and regulations of the Commonwealth of Kentucky. This includes sanitary ñcontainedò landfills, ñconstruction/demolition debrisò landfills, ñresidualò landfills, and ñincineratorò facilities, as defined by the regulations of the Commonwealth of Kentucky.

c) Open Dump: A site where refuse is dumped which, due to lack of control, may create a breeding places for flies and rats, may cause air or water pollution or my catch fire.

d) Qualified Geologist: A qualified geologist shall have a masters degree in geology from an accredited university or college and have experience in hydrogeology.

e) Sanitary (Contained) Landfill: A type of landfill which may accept for disposal all non-hazardous solid wastes and limited quantities of household hazardous waste, industrial waste and generator hazardous waste. Sanitary landfills shall operate in compliance with all requirements and regulations of this ordinance and with all requirements and regulations of the Commonwealth of Kentucky.

ARTICLE V
DEVELOPMENT PLAN REQUIREMENTS

5.01 Development Plans shall be submitted in accordance with the adopted ñSubdivision and Site Plan Regulations.ò

5.02 Conceptual Development Plan Required for Certain Zone Map Amendment Requests.

Applicants requesting a Zone Map Amendment to any Planned Unit Development District, Commercial District or Industrial District shall be required to submit a traffic impact study and a corresponding conceptual Development Plan with the zone map amendment application.

Note: The Subdivision and Site Plan regulations require development plans regardless of one building or mutiple buildings.

5.03 Projects Requiring Planning Commission Review.

Any project which meets any of the following criteria, shall require review of a development plan by the Planning Commission. Contents of said plan shall be those found in the adopted ñSubdivision and Site Plan Regulationsò

1) Projects that substantially amend a development plan that had previously been reviewed and approved by the Planning Commission.
2) Projects that were previously conditioned by any Frankfort County Board to undergo a review by the Planning Commission.

5.04 Exemptions.

Applications for amendment to the Zoning District Map which are initiated by the Planning Commission or the Fiscal Court shall be exempt from the required development plan found in Section 5.02 above.

5.05 Avoiding Duplicate Hearings/Meetings

a) Variance or Conditional Use Permits: At the time of filing of an application for a zone map amendment, the applicant may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission, per K.R.S. 100.203 (5), at the same public hearing set for the map amendment. The application requirements for such conditional use permits or variances shall be the same as if it were filed for a decision by the Board of Adjustments.
b) Development Plan Alternative: Preliminary subdivision plats submitted in conjunction with a proposed zoning map amendment for a residential district, shall be accepted in lieu of the conceptual development plan required in this Article. Regulations pertaining to said plats in the Subdivision and Site Plan Regulations shall be followed in addition to applicable regulations in this Ordinance.

5.06 Filing an application

The filing of an application for any zoning district map amendment shall constitute an agreement by the owner and applicant, their heirs, successors and assigns that if the zoning district map amendment is enacted by the legislative body having zoning authority over the property in question, any building permits for improvement of any such property shall be issued only when the building permit application conforms to the approved development plan and said plan conforms to these regulations and the Subdivision and Site Plan Regulations. Violations shall be enforceable in the same manner as the Zoning District Regulations.

5.07 Scope of Planning Commission Review

The Planning Commission shall consider, but not be limited to, the following factors in review of a development plan:

a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views and historic sites;
b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and community;
c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;
d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems for occurring on the subject site or within the community;
e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;
f) Conformance of the development plan with the Comprehensive Plan, Zoning District Regulations and the Subdivision and Site Plan Regulations.

Note: See Article 2, Section 2.10.

ARTICLE VI
BULK, DENSITY, HEIGHT AND AREA PROVISIONS

6.01 General Area Provisions

Except as hereinafter provided in this article, no building or structure shall be erected or enlarged on a lot unless such building, structure or enlargement conforms to the area regulations of the zone in which it is located.

6.02 Charts and Notes

The following chart and notes are adopted as basic height and area regulations. Read across the chart opposite the specific zone; the bulk, density or height requirement is shown in the appropriate column. A numerical designation refers to the number of feet, lot width or setback or the number of square feet of lot area or usable open space. Percent figures apply to maximum lot coverage. Where a number appears in parentheses it refers to a special condition noted in Section 6.07. An ñXò in a column indicates that that item is not applicable to the zoning district in question. When ñFARò appears in the table the floor area ratio for that zone governs the height and bulk.

6.03 Special Requirements

Special requirements are established to clarify certain conditions pertaining tot he use of lots and access points.

6.031 Division of a lot

No recorded lot shall be divided into two or more lots unless such division results in the creation of lots, each of which conforms to all zoning and subdivision regulations.

6.032 Lot of Record

Any substandard lot of record recorded at the time of adoption of these regulations shall be permitted to exist in its present dimensions, and construction on any such lot may have reduced side yard requirements as follows:

6ôside yard to 4ô
8ôside yard to 5ô
10ôside yard to 6ô

In any non-residential zone: half of basic requirements.

6.033 Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured starting at a point 25 feet from the center line of the street right-of-way.

6.034 Outdoor display of merchandise, where permitted, shall be set back from street right-of-way lines not less than one-half of the distance of the required building setback, as set out in the bulk, density, height, and area chart included in this chapter.

6.04 General Exceptions to Bulk, Density, Height and Area Regulations

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth.

6.041 Height Exceptions

The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:

a) Barns, silos, windmills, chimneys, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers, radio and television antennas and towers, observation towers, power transmission towers, and water tanks.
b) Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth or the front, side, and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of such structure exceeds the prescribed height limits.
c) Airport hazard districts. Height restrictions in the areas adjacent to the Capital City Airport are regulated by the Federal Aviation Administration guidelines.

6.042 Yard, Building Setback, and Open Space Exceptions

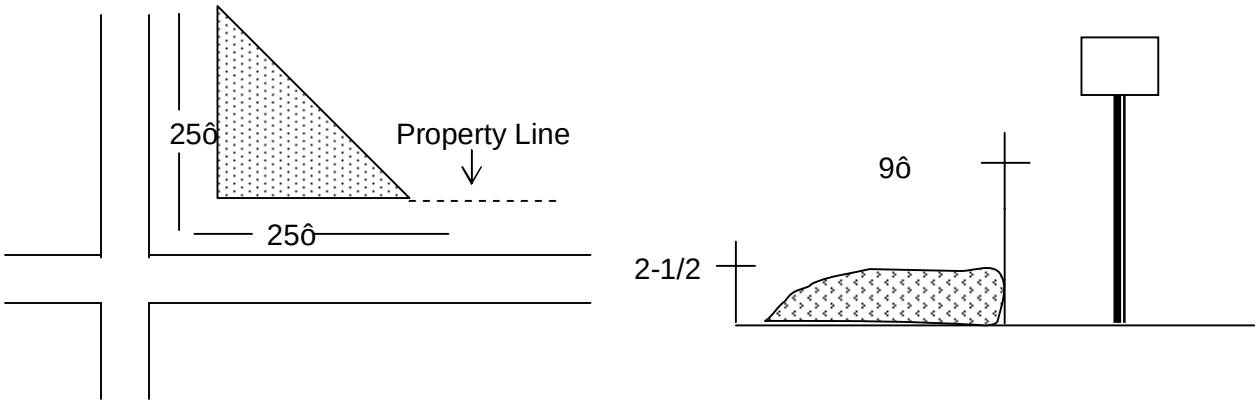
The following requirements are intended to provide exceptions or quality and supplement, as the case may be, the specific district regulations:

a) No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.
b) The following structures shall be allowed to project into the required yard or beyond the building setback line, subject to condition in the following table.

Projecting Use	Projection Allowed
Architectural Features	3 ft.
Awnings, Canopies (8ô clearance above streets or walks)	5 ft.
Bay Windows, Chimneys	2 ft.
Fire Escapes	5 ft.
Steps or Porches (non-enclosed)	6 ft.

6.05 Safety and Vision

The following regulations provide for the maximum safety of persons using sidewalks and streets.
On any corner lot or curb cut, no wall, fence, structure, parking space, or any plant growth which obstructs sight lines at elevations between two and one half (2 ½) and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area 25 feet along each of the intersecting streets to be measured from the property line.



6.06 Walls and Fences

Walls and Fences are permitted in any zoning district in accordance with the following provisions.

6.061 Any wall or fence shall be constructed entirely within the lot lines of any lot or parcel.

6.062 No barbed wire or electric fence shall be permitted in any residential (R) district or special (s) district, if developed.

6.063 Maximum height for walls or fences shall be in accordance with the following table:

ZONING	FRONT YARD	SIDE YARD	REAR YARD
RR, RA	4 feet	6 feet	6 feet
RB, RC	4 feet	6 feet	6 feet
RD, RS	4 feet	6 feet	6 feet
RL, RH, RM	4 feet	8 feet	8 feet
CL, CG, CH	6 feet	8 feet	8 feet
IC, IG	8 feet	8 feet	8 feet
Any S or P	Designed in accordance with plan.		

6.08 Special Notes for Bulk, Density and Height

a) Where R.O.W. is 50ôor greater and platted, setback shall be measured from R.O.W. Where R.O.W. is less than 50ôor unknown, setback shall be measured from center line.

b) Minimum lot for single dwelling: 6,000 square feet. Second dwelling on same lot: 4,000 square feet. Each townhouse or attached dwelling: 2,500 square feet.

c) For attached units staggered front building lines shall have an average front yard of at least 18 feet and at least 15 feet front yard.

d) Detached single dwellings permitted with ñ0ò lot line on one side provided opposite side yard is 16 feet. Total of both side yards must be 16 feet. End units of townhouse complex or semi-attached structures must be 10 feet.

e) Minimum width of single dwelling lot may be 50 feet.

f) Side yard shall be increased by one foot for every two feet of height over 20 feet.

g) Side yard shall be increased by one foot for every three feet of height over 20 feet.

h) Front yard setback minimum of 10 feet on any interior street of a mobile home court or mobile home subdivision. Entire park or subdivision shall be set back 25 feet from any peripheral street.

i) No minimum for each unit in a building complex; least width for single structure or building complex 75 feet.

j) No side yard for interior units in building complex with common walls. End units or individual buildings 10 foot side yard.

k) Residential units shall have same requirements as those in abutting residential district.

l) No side yard required but if provided shall be 10 feet. At least 20 feet shall separate any two structures.

m) No rear yard is required except where parking is provided at the rear of buildings. A rear yard of 25 feet shall be provided to ensure vehicular maneuverability.

n) When loading is provided from a rail siding at the rear of a structure, no rear yard shall be required.

6.09 Accessory Uses

6.091 Uses Permitted

Customary accessory uses shall be permitted in any zoning district provided such use is directly related to the principal use.

6.092 Height and Setback

Unless otherwise indicated in the following table the height and setback required for accessory uses shall be the same as for the principal permitted use.

6.093 Table of Special Height and Setback

Accessory Use To	Use	Setback Front	Setback Side	Setback Rear	Height
Agriculture	Barn & Out Bldgs.	Z	10ô	10ô	Z
Residence	Pet House	X	2ô	2ô	N/A
	Garage (1)	Z	2ô	2ô	15ô
	Utility Bldgs.	X	2ô	2ô	12ô
	Swimming Pool(3)	X	2ô	2ô	N/A
	TV Satellite Receivers	X	6ô	6ô	8ô
	Solar Collectors	X	6ô	6ô	N/A
Churches	Parsonage (2)	Z	Z	Z	Z
	Education Bldgs. (2)	Z	Z	Z	Z
Schools	Dormitories (2)	35ô	12ô	25ô	Z
	Teachers Quarters(2)	Z	8ô	10ô	Z
	Power Plants	35ô	12ô	30ô	N/A
	Stadiums	35ô	12ô	30ô	N/A
Hospital	Staff Quarters (2)	Z	8ô	10ô	Z
	Chapels (2)	35ô	12ô	10ô	Z
	Schools (2)	35ô	12ô	10	Z
Industrial	Caretakers Quarters (2)	35ô	6ô	10ô	Z

ñXònot permitted
ñZòsame requirements basic zone

Notes:

(1) Free-standing garages shall be located at least ten (10) feet from principal residence. Attached structures or structures closer that ten (10) feet shall have setbacks same as basic zoning district.

(2) Each structure shall be separated from the principal structure or other structure by at least 20 feet.

(3) Permanently Installed Above Ground Swimming Pools equal to or greater than thirty (30) inches deep shall have safety barriers constructed simultaneous to their construction.

The required barrier may be a wall or fence at least 48 inches in height around the pool or the property. Fences or walls used as barriers shall be installed with self-latching gates with the release mechanism of the gate on the pool side of the gate. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps: the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps must be surrounded by a barrier wall or fence. An existing barrier on the property at the time of pool construction shall fulfill the barrier requirement.

6.10 Special Devices

Special Devices now known such as TV microwave dish receivers, solar collectors, or any not currently anticipated by this ordinance may be permitted as an accessory use in any zoning district providing that:

a) No such device may be located in front of any structure on lots less than 1 ½ acres.
b) No such device shall be located within any required side yard on lots less than 1 ½ acres.
c) No such device shall be located closer to any lot line than the height of that device.

6.20 Lot Dimensions and Size

Unsewered Lots ï Lot dimensions shall conform to the requirements of any zoning regulation, except that residential lots not served by public or private sewer shall be on hundred (100) feet wide measured at the building line and one and one-half (1 ½) acres in area with evidence of satisfactory site evaluation by the local health department; or other approved sewage disposal system. Only one single family dwelling shall occupy a lot that is at least one and one-half (1 ½) acres. Only one single family dwelling is to be connected to a single septic tank system. Only on (1) septic tank system shall be approved per individual subdivided lot regardless of the size of the subdivided lot.

6.30 Wireless Communications Facilities

6.301 Intent

In as much as the Congress of the United States enacted the Telecommunications Act of 1996, to deregulate the telecommunications industry by providing a more competitive environment for wired and wireless telecommunications. Kentucky Legislature initially passed House Bill 168, and later enacted House Bill 270, to allow local governments which have adopted planning and zoning regulations to plan for and regulate the siting of cellular antenna towers. The intent of this Article of the Zoning Regulations is to provide for cellular telecommunication towers in appropriate locations throughout the community at sites which provide adequate cellular telecommunication service while protecting the public, preserving the character and value of surrounding property, and protecting the view from residential areas.

6.302 Applicability

This Article of the Franklin County Zoning Ordinance shall apply to all cellular telecommunication towers located, or to be located, within the jurisdiction of Franklin County.

6.303 Definitions

For the purposes of these regulations, the following definitions shall apply:

1. **Alternative Cellular Antenna Tower-** Any facility, such as a clock or bell tower; steeple; light pole; or other similar alternative-design mounting structure that accommodates, minimizes, camouflages or conceals the presence of a cellular antenna or cellular antenna tower and that is constructed (or reconstructed) primarily for the purpose of accommodating a cellular antenna or cellular antenna tower.
2. **Antenna or Related Equipment-** Transmitting, receiving, or other equipment used to support cellular telecommunications services or personal communications services.

3. **Cellular Antenna Tower-** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

4. **Cellular Antenna Tower Height-** The distance from the highest point of the antenna structure to the point at which the antenna or any structure the antenna is mounted upon meets the grade.

5. **Cellular Equipment Cabinet-** A cabinet designed to house radio equipment, similar in size to a traffic signal cabinet, not designed for human occupancy. Any maintenance to radio equipment can only be done from outside the cabinet, as opposed to an alternative larger sized equipment shelter that can be totally accessed by service personnel.
6. **Cellular Telecommunications Facility-** The lot, tract, or parcel of land that contains the cellular antenna tower, its supporting structure, any accessory building, parking, and any other uses or structures that are associated with the transmission facility.

7. **Cellular Telecommunications Service-** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

8. **Co-Location-** Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

9. **Personal Communication Service-** As defined in 47 U.S.C. sec. 332(c).

10. **Search Ring-** The necessary search area within which a site for a cellular antenna tower should, pursuant to radio frequency requirements, be located.

11. **Uniform Application-** The application submitted to the Planning Commission by an applicant, complete and meeting all requirements as provided in KRS 100.9865, for the construction of a cellular antenna tower for cellular telecommunications services or personal communications services. Completion of a uniform application shall not be required for temporary cellular antennae that are deployed during construction of permanent facilities; used In the event of emergency situations where infrastructure has been damaged; or in connection with temporary high usage situations, such as sporting events.

12. **Utility-** Any person except, for purposes of paragraphs (a), (b), (c),(d), and (f) of this subsection, a city, who owns, controls, operates, or manages any facility used or to be used for or in connection with:
    a) The generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses;
    b) The production, manufacture, storage, distribution, sale, or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power, or other uses;
    c) The transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation;
    d) The diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation;
    e) The transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation; or
    f) The collection, transmission, or treatment of sewage for the public, for compensation, if the facility is a subdivision collection, transmission, or treatment facility plant that is affixed to real property and is located in a county containing a city of the first class or is a sewage collection, transmission, or treatment facility that is affixed to real property, that is located in any other county, and that is not subject to regulation by a metropolitan sewer district or any sanitation district created pursuant to KRS Chapter 220

13. **Stealth Technology-** Cellular antenna tower is camouflaged, such as in a steeple or flag pole, to make it less visible.

14. **Fall Zone-** Designated area around the cellular antenna tower where the structure is likely to fall in the event of a catastrophic failure. The fall zone shall be free of all dwellings.

6.304 Where Permitted

To the extent feasible, applicants are encouraged to consider properties owned by the local government for the location of cellular towers, if such properties are appropriate in view of surrounding land uses. Whenever possible, cellular antenna towers, whether temporary or permanent, shall be sited at locations that minimize their adverse effect on residential uses in the immediate area. Only when no other adequate site is available shall a cellular antenna tower be permitted in a residential zone. In accordance with the procedures established by this Article, cellular antenna towers may be permitted in any zone when approved by the Planning Commission, with the following exceptions:

1. The Frankfort/Franklin County Planning Commission may allow the placement of cellular antenna towers in designated flood hazard areas as shown on the Flood Insurance Rate Map (FIRM) as being the 100-year floodplain upon review of the applicantôs justification.

6.305 Design Standards

6.3051 Lighting/Signage Standards

1. Cellular antenna towers shall not be lighted, except in accord with other state and federal regulations.

2. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

6.3052 Setback Standards

1. A Fall Zone clear of any dwellings on the parcel containing the telecommunication tower (other than equipment enclosures associated with the wireless telecommunication facility) equal to one-half the height of the tower shall be required.

2. All accessory structures associated with the cellular antenna tower shall be located as close to the antenna tower as possible and at least twenty-five (25) feet or the equivalent of the setback of that zoning district whichever is greater from any adjoining property in a residential zone or any property used for residential purposes. The Planning Commission shall have the power to reduce the 25-foot setback in cases of demonstrated hardship or where adequate natural screening exists on the cell tower lot itself.

6.3053 Fencing/Screening Requirements

1. The site shall be enclosed by a six foot (6ô) security fence, with two feet (2ô) of Constantine Wire. Such fence may be located within the front, side, or rear yard.

2. Visual Landscape Screening shall be required surrounding the outside of the fence. Such screening buffer shall be at least twenty (20) feet in width, with a double-row staggered panting of Evergreen trees planted at 15ôOn Center. In any zone, whenever

possible, all antenna towers shall be designed and constructed to minimize any potential negative aesthetic, environmental or visual impacts.

6.3054 Miscellaneous Development Standards

1. The tower shall be constructed to withstand a minimum wind speed with ½ inch of ice or the basic wind speed, and seismic load capacity standards as determined by Kentucky Building Code. The tower design shall be certified by a registered engineer, licensed in the State of Kentucky

2. The location of the cellular antenna tower shall not interfere with the traffic circulation, access, storm drainage, required landscaping or other requirements of the Zoning Ordinance, and shall not reduce the number of parking spaces below what is otherwise required.

3. All new cellular antenna towers shall be designed and constructed to reasonably accommodate a minimum of three (3) service providers.

4. All option and site lease agreements shall not prohibit the possibility of collocation.

5. Monopole and alternative design cellular antenna towers shall be permitted in all zones. Lattice towers and guyed towers may only be located in Non-Residential zones.

6. In cases where a cellular antenna tower or antenna is located on a portion of a property whose ñsubdivisionò is based on a long-term lease, the lease area shall not take the parent tract below the minimum lot requirement for the zone in which it is located.

7. Prior to construction and/or location of a cellular antenna or tower or associated structure whether on an existing structure or on ground level, any applicable permits must be obtained from the Planning Commission and/or the Franklin County Building Department.

8. The site shall be un-staffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved points.

9. A Cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of three hundred twenty-five (325) feet regardless of the maximum height requirements listed in the specific zoning district.

6.306 Mitigating Design Standards for Cellular Antenna Towers in Residential or Agricultural Zones

When no adequate alternate site for a cellular antenna tower is available, a site in a residential or an agricultural zone may be permitted. The Planning Commission shall consider the following mitigating design standards and may reduce or modify these standards in cases where it can be demonstrated that there is a hardship:

a. The Planning Commission shall have the power to impose additional landscaping requirements, which may include plantings, trees, and fencing designed to complement the character of the landscaping in the surrounding residential area.

b. Design and materials to be used in the accessory building or buildings may be required to be submitted to the Planning Commission for review and approval.
c. Asphalt or other hard-surface paving shall be provided for driveways and parking.
d. In order to protect the public health, safety, and welfare, and to encourage the placement of telecommunications facilities in locations other than residential areas there shall be a setback area around the tower equal to one half the height of the tower free of any dwellings on the parcel containing the telecommunication tower (other than equipment enclosures associated with the wireless telecommunication facility) in addition to the Fall Zone required elsewhere by this ordinance.

6.307 Uniform Application for a Cellular Antenna Tower

Any applicant that proposes to construct a cellular antenna tower for cellular telecommunications services or personal communications services within Franklin County must submit a completed uniform application to the Planning Commission, as mandated by KRS 100.9865. Unless waived by the applicant, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary. In accordance with KRS 100.987, the Planning Commission may not approve public requests for the inspection of this information, whether submitted under Kentuckyôs Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction or when the applicant has provided a written waiver of confidentiality.

6.308 Application Process

Application for the construction of cellular antenna towers or co-location of cellular antennas for cellular telecommunications services or personal communications services shall be processed as follows:

A. Applicability- Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower or co-locate an antenna for cellular telecommunications services or personal communications services, and has officially registered with the Public Service Commission, shall submit a copy of the utilityôs completed uniform application to the Frankfort/Franklin County Joint Planning Commission within five (5) consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience, as required by KRS 278.020 (1)

For applicants who are requesting co-location, all requirements in these regulations apply.

B. Co-Location

1. A utility planning to co-locate its antennas on an existing tower or to augment an existing structure to enable it to place its antennas on that structure shall file with the Planning Office its intent to do so, including the name and address of the utility, name of the owner of the structure, the latitude and longitude of the structure, and a description of the plan to augment or co-locate, if:

a) the proposed augmentation, if any, of the existing structure shall not increase the height of the structure; and
b) the proposed augmentation, if any, of the existing structure will not result in altering lighting requirements for a structure on which lighting is not currently required.

2. For facilities located on previously approved sites, a representative of the Frankfort/Franklin County Planning Commission shall review the application for its conformity with these regulations and the regulations contained within the Countyôs Zoning Ordinance. If the Planning Director determines that the application is in conformity with these regulations and the regulations contained within the Frankfort Zoning Ordinance, an administrative approval may be granted. This administrative approval shall not be considered final until it is ratified by a vote of the full commission.

3. If the Director determines that the application is not in conformity with these regulations and the regulations contained within the Franklin County Zoning Ordinance, a public hearing, pursuant to section IV. C., of these regulations, shall be scheduled.

C. EVALUATION

The Frankfort/Franklin County Planning Commission, shall, within sixty (60) days commencing from the date that the application is received by the Frankfort/ Franklin County Planning Commission, or within a date specified in a written agreement between the Frankfort/Franklin County Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. The Frankfort/Franklin County Planning Commission shall submit to the Public Service Commission, along with their action, the basis for their decision, along with suggestions which, in its opinion, better accomplishes the objectives of the Comprehensive Plan and the Zoning Regulations. If the Frankfort/Franklin County Planning Commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the Frankfort/Franklin County Planning Commission and the utility, to a specific date for the Frankfort/Franklin County Planning Commission to issue a decision, it is presumed that the Frankfort/Franklin County Planning Commission has approved the utilityôs uniform application. In the case that the commission should deny an application the applicant would have 30 days to appeal from the time of the Planning Commissionôs ñFinal actionò.

Whenever the Planning Commission may deny an application, it must do so in writing. According to 47 U.S.C § 332(c)(7)(B)(iii), the commissionôs written denial must be separate from the written record, (i.e. separate from the Planning Commission minutes) must describe the reasons for denial and must contain a ñsufficient explanation of the reasons for the denial to allow a reviewing court to evaluate the evidence in the record that supports those reasons.ò

The evaluation of the application shall include but not be limited to the following criteria:

1. The Frankfort/Franklin County Planning Commission will deny a uniform application to construct a cellular antenna tower based on an applicantsôunwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers

2. Agreement with the various elements of the Frankfort/Franklin County Comprehensive Plan, and where applicable, any other adopted plans.

3. Extent to which the proposal is consistent with the purposes of these regulations.

4. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established Design Standards listed in Section 6.305 and 6.306 of these regulations.

5. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact. *The Commission shall have substantial evidence, presented at a public hearing in order to deny an application based upon visual impact.*

6. Extent to which the proposed facility is integrated with existing structures, or the extent to which the proposed cellular antenna tower uses stealth technology.

D. AMENDMENTS

Any amendments to the site development plans, except for minor adjustments as determined by the Frankfort/Franklin County Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection C., above, subject to the same limitations and requirements as those under which such plans were originally approved.

6.309 EXISTING TELECOMMUNICATIONS FACILITIES

Telecommunications facilities in existence on the date of the adoption of this ordinance which comply with this ordinance (ñexisting telecommunications facilitiesò) are subject to the following provisions:

A. Existing telecommunication facilities may continue in use for the purpose now used, but may not be expanded or replaced without complying with this ordinance, except as further provided in this section.

B. Existing telecommunications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefore, but without otherwise complying with this ordinance.

C. The owner of any existing telecommunications facility may replace, repair, or rebuild and/or expand such telecommunications facility to accommodate co-located antennas or facilities, or to upgrade the facilities current engineering, technological or communications standards by obtaining a building permit therefore, and without having to conform to the provisions of this ordinance (including, but not limited to, provisions of this ordinance regarding notice to local zoning authorities or posting of signs) or to otherwise request local zoning approvals, so long as such facilities height is not increased.

D. Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in B.2 above beyond that existing at the date of the adoption of this ordinance.

E. Any legally permitted and constructed telecommunications tower shall be exempt from these regulations; except when discontinued for a period of twelve (12) months. In such cases, the applicant or utility shall be required to follow the procedures listed herein.

6.310 MAINTENANCE AND REMOVAL

A. Included in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal.

B. To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of the submittal, deposit with the Frankfort/Franklin County Planning Commission, and to the benefit of the Frankfort/Franklin County Planning Commission, a letter of credit, a performance bond, or other security acceptable to the Frankfort/Franklin County Planning Commission in the amount equal to the cost of demolition and removal of the facility. An applicant having multiple telecommunications facilities within the Frankfort/Franklin County Planning Commissionôs jurisdiction may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one facility it owns which would cost the most to demolish and remove until such time as the number of its multiple facilities exceeds four (4) such facilities. At such time as the approved number of the applicantôs multiple facilities exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus twenty-five (25) percent of the cost of demolition and removal of the applicantôs other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the Frankfort/ Franklin County Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

C. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Frankfort/Franklin County Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Frankfort/Franklin County Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more that twelve (12) months from submittal of the FCC notice to the Frankfort/Franklin County Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Frankfort/Franklin County Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal.

6.311 SEVERABILITY

If any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

ARTICLE VII
PLANNED UNIT DEVELOPMENT

7.01 Purpose

The purpose of Planned Unit Development article of the County zoning ordinance is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve design, character, and quality of new developments; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic features of open areas alongside major developments.

7.02 Definition

A ñPlanned Unit Developmentò involves a project area devoted to a particular group of uses; residential, commercial, or industrial or a mixture of uses, located on a lot or contiguous group of lots held under single, joint, or common ownership.

7.03 Applicability of Dimensional Requirements

The lot area, lot width, yard, and usable open space requirements of this ordinance shall not apply to planned unit developments, and the siting and location of buildings; improvements, structures, and common open spaces within the area of the planned unit development shall be controlled by the development plans which are approved for the planned unit development.

7.04 Zoning Designation of Planned Development Areas

Areas in Franklin County may be designated by the Fiscal Court upon the recommendation of the Planning Commission.

7.041

An area may be zoned if the original request for such designation is made by the Fiscal Court or by the Planning Commission. When a planned area is so zoned, any construction or development proposed shall have a development plan submitted to and approved by the Planning Commission before any building permit may be issued. Since any such zoned area may encompass several lots under several ownerships, the Planning Commission may approve individual development plans for individual parcels providing they first assure that each plan so approved is interrelated with plans for adjoining parcels or is capable of being extended to adjoining parcels of land.

7.042

An area may be zoned as a Planned Development based upon applications for such designation by an owner, developer or contiguous owners or developers. Such application shall include:

a) Preliminary Development Plan: This plan shall include all requirements for a preliminary development plan as found in Article 5, and shall include all the area designated as a planned unit.

b) Written Statement: The written statement to accompany the preliminary development plan shall contain the following information:

1. Description of the planned development
2. Land ownership
3. Relationship to surrounding neighborhood.

7.05 PUD Zoning Designation

Applications for approval of the planned developments shall be submitted to the Planning Commission in accordance with the rules for change of zone. The Franklin County Office of Planning and Zoning shall review any such plan and forward a report to the Planning Commission. The Planning Commission shall hold a public hearing on the requested PUD zone designation.

7.051

Upon conclusion of its public hearings, the Planning Commission shall forward its recommendations, together with the Franklin County Office of Planning and Zoning report and such other documents as may be pertinent to the Fiscal Court.

7.052

The Fiscal Court may then pass an ordinance establishinq a zoning district designating the land included in the development plan as a Planned Development District on the zoning map.

7.053

Planned Development Districts shall be designated one of the following:

A. PR Planned Residential District
B. PM Planned Mixed Use District
C. PC Planned Commercial District

7.10 Planned Residential Development (PR):

7.101 Definition

A Planned Residential development ñPRò is a group of buildings constructed for residential use and ancillary commercial use, located on a lot or contiguous group of lots held under single, joint, or common ownership, covering at least ten (10) acres.

7.102 Criteria for Approval

Uses permitted in a planned unit development may be of the following, provided two (2) or more residential uses are included in each PR zoned land and further provided that the building arrangement, site design and mixture of uses is appropriate to the area in which the planned unit development is located.

A. Single household detached dwellings.
B. Single household semi-attached or attached (townhouses) dwellings.
C. Two household dwellings.
D. Apartments.
E. Recreation uses subject to requirements of these regulations.
F. Commercial uses subject to the approval of the Planning Commission, but limited to the uses listed in the ñCLò District.
G. Community facilities deemed necessary by the Planning Commission.

7.103 Total Open Space

The total of all open space in any PR zoned land shall not be less than 50 percent. Open space for this purpose shall include all areas not covered by structures, streets or parking.

7.104 Ratio of Use

In any planned residential development, the mixture of uses permitted should include at least two or more different residential types.

7.105 Commercial Uses

Commercial uses in a Planned Residencial Development permitted by the Planning Commission shall be limited to those permitted in any ñCLò zone. Commercial facilities provided in a Residential PUD shall be capable of being supported by the residences in that development.

7.106 Density

Dwelling unit densities shall be compatible with the zoning districts and the neighborhood in which the Planned Unit Development is located. The Planning Commission may permit an increase in density of up to 25% greater than the density permitted in any adjacent zoning district.

7.20 Planned Mixed Use Development

7.201 Definitlon

A Planned Mixed Use Development ñPMò is a group of buildings constructed for residential and/or commercial use, located on a lot or contiguous group of lots held under single, joint, or common ownership, covering at least ten (10) acres.

7.202 Criteria for Approval

Uses permitted in a planned mixed use development may be of the following, provided two (2) or more uses are included in each PM zone and further provided that the building arrangement, site design and mixture of uses is appropriate to the area in which the planned mixed use development is located:

A. Single household detached dwellings.
B. Single household semi-attached or attached (townhouses) dwellings.
C. Apartment
D. Recreation uses subject to requirements of these regulations.
E. Commercial uses as identified by and listed in the ñCGò district, but not including conditional uses.
F. Community facilities deemed necessary by the Planning Commission.

7.203 Bulk and Area Regulations

A. Lot size: Minimum lot size for a planned mixed use development shall be ten (10) acres.
B. Setback: Minimum setback for any structure shall be the setback required in the zone adjacent.
C. Open space: The total of all open space in any PM district shall not be less than 40%. Residential areas shall have at least 50% open space and commercial areas shall include at least 25% landscaped open space.
D. Height: In general, height shall be limited to 45 feet. However, to permit the greatest flexibility of design the Planning Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
E. Density: Residential densities should not exceed 10 units per acre in single dwelling areas and 16 units per acre over all. Commercial areas should not exceed a FAR of 1.5.

7.204 Parking

No parkinq shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of open parking lots. All parking and loading requirements shall be in accordance with regulations specified in Article 10 of this Ordinance.

7.205 Storage

Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.

7.206 Landscaping

A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment of the landscape plan. The landscaping plan shall meet or exceed all landscape regulations found in this Ordinance.

7.207 Access

Access to the planned mixed use complex shall be designed to minimize conflicts in traffic. Insofar as possible, all lots should be designed to front on streets within the development.

7.208 Street Standards

All streets within the planned mixed use development shall be designed at least to standards of collector streets.

7.209 Loading Requirements

One off-street loading area for standing loading, or unloading shall be provided for each 25,000 square feet of usable floor space for each commercial building or contiguous group of commercial buildings.

All loading and unloading facilities must have appropriate means of access to a street or alley and must have adequate area for maneuvering vehicles.

7.210 Pedestrian Access

This must be arranged so as to provide safe and convenient routes to, from and within a planned development, and must be interconnected by a common pedestrian system, and must separate pedestrian traffic from automotive traffic.

7.211 Trees, Ground Cover, Streams and Woodland

These and all other natural features must be preserved, so far as practicable. In addition, adequate landscaping areas must be provided which are appropriate to the commercial development giving consideration to the height, location, siting of buildings, type and configuration of materials used, and the maintenance they require. Adequate landscaping is required for all off-street parking areas.

7.30 Requirements for Planned Commercial Development (PC)

7.301 Purpose

The purpose of this section is intended to encourage a unified grouping of commercial and/or industrial buildings which do not require or desire a central location.

7.302 Definition

A planned commercial development is a building, structure or grouping of buildings or structures constructed predominantly for commercial or industrial uses located on a lot or contiguous group of lots held under single, joint, or common ownership or lease.

7.303 Uses Permitted

It is not the intent of the zone to restrict potential development by limiting uses. In Planned Commercial zones, uses permitted may include offices, commercial services, shopping centers and light distribution centers and ancillary residential dwellings. In planned industrial zones uses permitted may include manufacturing, distribution, research and development offices and subordinate services. Since some permitted uses may be incompatible with others, the developer of a planned commercial complex shall provide the Planning Commission with a list of specific uses proposed in his development which shall be compatible with each other and neighboring uses. In general, planned commercial/industrial developments will fall into one of the following categories:

A. Neighborhood Retail Centers
B. Community Shopping Centers
C. Regional Shopping Centers
D. Planned Office Parks
E. Research and Development Parks
F. Distribution and Warehousing Centers G. Industrial Parks

7.304 Bulk and Area Regulations

A. Lot size: Minimum lot size for a planned commercial development shall be five (5) acres.
B. Setback: Minimum setback for any structure shall be the setback required in the zone adjacent.
C. Lot Coverage: Maximum lot covered by buildings or structures shall be 50% at ultimate expansion potential.
D. Height: In general, height shall be limited to 45 feet; however, to permit the greatest flexibility of design, the Planning Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
E. Floor Area Ratio: The floor area ratio shall not exceed 1.5.

7.305 Parking

No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass

islands to prevent the appearance of open parking lots. All parking and loading requirements shall be in accordance with regulations specified in Article 10 of this Ordinance.

7.306 Storage

Outdoor storage shall be prohibited unless fully screened on all sides by an opague ornamental screen.

7.307 Landscaping

A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to ensure the accomplishment of the landscape plan. The landscaping plan shall meet or exceed all appropriate landscape regulations found in this Ordinance.

7.308 Access

Access to the planned commercial complex shall be designed to minimize conflicts in traffic. Insofar as possible all lots should be designed to front on streets within the commercial development. Lots should not have direct access to existing streets, roads, or highways.

7.309 Street Standards

All streets within the planned commercial or planned industrial development shall be designed at least to standards of collector streets.

7.310 Loading Requirements

One off-street loading area for standing, loading, or unloading shall be provided for each 25,000 square feet of usable floor space for each building or contiguous group of buildings. Minimum dimensions for such loading space should be 60 feet (depth) by 14 feet (width) by 14 feet (height clearance).

All loading and unloading facilities must have appropriate means of access to a street or alley and must have adequate area for maneuvering vehicles.

7.311 Pedestrian Access

This must be arranged so as to provide safe and convenient routes to, from, and within a planned development, and must be interconnected by a common pedestrian system, and must separate pedestrian traffic from automotive traffic.

7.312 Off-Street Parking

These areas must provide safe, and convenient access to streets and thoroughfares, and must be convenient to building groups, and must allow for adequate internal circulation of vehicles.

7.313 Trees, Ground Cover, Streams and Woodlands

These and all other natural features must be preserved, so far as practicable. In addition, adequate landscaping areas must be provided which are appropriate to the commercial development giving consideration to the height, location, siting of buildings type and configuration of materials used, and the maintenance they require. Adequate landscaping is required for all off-street parking areas.

7.40 Development Plan Approval

7.401 Approval of the Planned Unit Development Plan

Following the approval of the zone map amendment to a Planned Unit Development, the applicant shall submit to the Planning Commission a development plan, in accordance with the Subdivision and Site Plan Regulations, covering all of the zoned area.

7.402 Contents of the Development Plan

The final development plan shall contain all of the following information:

A. All requirements for a final development plan as found in the adopted Subdivision and Site Plan Regulations.
B. Elevation and perspective drawings for each building.
C. Detailed maps of areas to be conveyed as common open space, and of any improvements to be constructed therein.
D. Agreements and covenants which shall govern the use, maintenance, and continued protection of the planned development and its common open space.
E. A development schedule indicating the stages of the planned development and the anticipated rate of development.

7.403 Planning Commission Review

The Planning Commission shall review the development plan at a public hearing held In accordance with the rules of procedure of the Planning Commission. At that time, the Planning Commission will review each type of development by use of the relevant substantive requirements found in Article 2, Section 5.07 and the additional criteria listed below:

A. Adequate spacing must be provided between buildings and structures, giving consideration to their height, design, location, and siting; to the placement and extent of facing window areas; and to intervening streets, land contours, topography and such other natural features as will assure privacy and amenity.
B. The planned unit development is appropriately related to the surrounding neighborhood and there is a buffer area of at least 30 feet between the planned unit development and any adjacent residential use district of a lower density. The buffer area must be free of buildings, streets, or parking and must be landscaped, screened or protected by natural features so that adverse effects on surrounding areas are minimized.

ARTICLE VIII
FLOOD DAMAGE PREVENTION

ARTICLE 8.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes 67.084 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Fiscal Court of Franklin County, Kentucky, hereby adopts the following floodplain management ordinance, as follows:

SECTION B. FINDINGS OF FACT

1) The flood hazard areas of Franklin County are subject to periodic inundation, which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

4) Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;

5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

SECTION D. OBJECTIVES

The objectives of this ordinance are to:

1) Protect human life and health;

2) Minimize expenditure of public money for costly flood control projects;

3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4) Minimize prolonged business interruptions;

5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;

6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding; and,

7) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area.

8) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

ARTICLE 8.2 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A Zone - Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory use - A use, which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Addition (to an existing structure) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

A1-30 and AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood. Base flood elevations (BFEs) are determined.

AH zone - An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain) Flood depths are shown.

Appeal - A request for a review of the Floodplain Administratorôs interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.

AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

Area of shallow flooding - A designated AO or AH Zone on a communityôs Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

B and X zones (shaded) - Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

Base flood - A flood, which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - That portion of a structure having its floor subgrade (below ground level) on all four sides.

Building - A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.

C and X (unshaded) zones - Areas determined to be outside the 500-year floodplain.

Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond

the minimum floodplain management requirements to develop extra measures for protection from flooding.

Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

D zone - An area in which the flood hazard is undetermined.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Elevated structure - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structureôs elevation and other related information to verify compliance with this ordinance.

Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Enclosure - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - Any structure for which the ñstart of constructionò commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. ñExisting constructionò may also be referred to as ñExisting structuresò

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by Franklin County based on specific technical base flood elevation data which established the area of special flood hazards.

Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

Flood, Flooding, or Flood Water:

1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides.

2) The condition resulting from flood-related erosion. See flood-related erosion.

Flood Boundary and Floodway Map (FBFM) -A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

Floodplain Management Regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodproofing Certificate - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the ñregulatory floodwayò

Floodway fringe - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

Fraud and victimization - As related in Article 6, **Appeals and Variance Procedures**, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Fiscal Court will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure - Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a) By an approved state program as determined by the Secretary of the Interior, or
    b) Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) ï Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to $30,000 for the cost to elevate, floodproof, demolish, or remove the building.

ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

Kentucky Revised Statute 151.250 – Plans for dams, levees, etc to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet)

(1) Notwithstanding any other provision of law, no person and no city, county or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the

construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions, which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county, or other political subdivision of the state shall commence the filing of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Department for Natural Resources through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

Letter of Map Change (LOMC) ï Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCôs include the following categories:

1) **Letter of Map Amendment (LOMA)** ï A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
2) **Letter of Map Revision (LOMR)** - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
3) **Letter of Map Revision – Fill (LOMR_F)** ï A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

For a levee system to be recognized, the following criteria must be met:

1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Lowest adjacent grade - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structureôs foundation system.

Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structureôs lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term ñmanufactured homeòdoes not include a ñrecreational vehicleò(see Recreational Vehicle).

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter ñAòis not used by FEMA, the letter ñBòis the first revision.)

Market value - The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a communityôs FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRMôs. Refer to FIRM legend panel for correct datum.)

New Construction - Structures for which the start of construction commenced on or after the effective date of Franklin Countyôs floodplain management regulations and includes any subsequent improvements to such structures.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Franklin Countyôs adopted floodplain management ordinances.

Non-Residential ï Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) ï As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRMôs and Digitally Referenced FIRMôs (DFIRMôs). (Refer to FIRM or DFIRM legend panel for correct datum.)

Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Pre-FIRM Construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Probation - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a $50 surcharge.

Program Deficiency - A defect in a communityôs floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle - A vehicle that is:

1) Built on a single chassis;
2) 400 square feet or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable to a light duty truck; and
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular Program - The phase of a communityôs participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.

Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

Repair - The reconstruction or renewal of any part of an existing structure.

Repetitive Loss - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of $1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sheet flow area - see "**Area of shallow flooding".**

Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 ï A30, AH, AO, or AR.

Start of Construction (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

Structure - A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.

Subdivision - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

Subrogation - An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial Damage - Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

For the purposes of this definition, ñrepairò is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

b.) Any alteration of a ñhistoric structureò provided that the alteration will not preclude the structureôs continued designation as a ñhistoric structureò

Substantial Improvement - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 1-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not apply to:

a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

b.) Any alteration of a ñhistoric structureò provided that the alteration will not preclude the structureôs continued designation as a ñhistoric structure.òOr

c.) Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or

exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

Utilities - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

Variance - Relief from some or all of the requirements of this ordinance.

Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

X zone - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

ARTICLE 8.3 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Fiscal Court of Franklin County from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Fiscal Court of Franklin County which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Franklin County.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Franklin County, dated September 28, 2007, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Fiscal Court by the Floodplain Administrator and are enacted by the Fiscal Court pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of Franklin County and are on file and available for review by the public during regular business hours at Franklin County Planning and Zoning at 315 West Main Street, Room 305.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Article 8.4, Section B for instructions and explanation.

Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

SECTION D. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Fiscal Court from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1) Considered minimum requirements;

2) Liberally construed in favor of the governing body; and,

3) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Fiscal Court of Franklin County, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. ENFORCEMENT, VIOLATION NOTICE AND PENALTIES

1) Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

2) Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordnance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

3) Notice of Citation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued,

how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

4) Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than $100.00 or imprisoned for not more than 1 year, 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. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 8.4 ADMINISTRATION

SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR

The Fiscal Court of Franklin County hereby appoints the Director of Planning and Building Codes to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

SECTION B. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Article 8.3, Section B. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

1) **Application Stage**

   a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or

   b) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;

   c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 8.5, Section B (2) and Section D (2);

   d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2) **Construction Stage**

   Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

   When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

1) **Permit Review**: Review all development permits to ensure that:

    a) Permit requirements of this ordinance have been satisfied;

    b) All other required state and federal permits have been obtained: Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

    c) Flood damages will be reduced in the best possible manner;

    d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

2) **Review and Use of Any Other Base Flood Data**. When base flood elevation data has not been provided in accordance with Article 8.3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Article 8.5. Any such information shall be submitted to the Fiscal Court for adoption.

3) **Notification of Other Agencies**:

    a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and

    b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and

    c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

4) **Documentation of Floodplain Development**. Obtain and maintain for public inspection and make available as needed the following:

    a) Certification required by Article 8.5, Section B (1) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 8.4, Section B (2);

b) Certification required by Article 8.5, Section B (2) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodprooofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 8.4, Section B (2);

c) Certification required by Article 8.5, Section B (3) (elevated structures),

d) Certification of elevation required by Article 8.5, Section E (1) (subdivision standards),

e) Certification required by Article 8.5, Section B (5) (floodway encroachments),

f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

g) Review certified plans and specifications for compliance;

h) Remedial Action. Take action to remedy violations of this ordinance as specified in Article 8.3, Section H.

5) **Map Determinations**. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 8.6, Section (3) b;

b) When base flood elevation data or floodway data have not been provided in accordance with Article 8.3, Section B, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 8.5;

c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Article 8.5, Section B (2) a floodproofing certificate;

d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

6) **Right of Entry**

a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe,

dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this ordinance.

b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this ordinance.

7) **Stop Work Orders**

a) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

8) **Revocation of Permits**

a) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

9) **Liability**

a) Any officer, employee, or member of the floodplain administratorôs staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the

enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

10) **Expiration of Floodplain Construction Permit**

a) A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

ARTICLE 8.5 *PROVISIONS FOR FLOOD HAZARD REDUCTION*
SECTION A. GENERAL CONSTRUCTION STANDARDS

In all **Special Flood Hazard Areas** the following provisions are required:

1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or fame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

6) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of ñnew constructionò as contained in this ordinance;

11) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

SECTION B. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation data have been provided, as set forth in Article 8.3, Section B, the following provisions are required:

1) **Residential Construction**. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than ***2*** feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 8.5, Section B (3).

   a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

   b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated ***2*** feet above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgement in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries(and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

c) In all other Zones, elevated ***2*** feet above the base flood elevation.
Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2) **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Article 8.5, Section B (1) or together with attendant utility and sanitary facilities:

a) Be floodproofed below an elevation 2 feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c) Have the lowest floor, including basement, mechanical equipment, and ductwork***,*** elevated no lower than 2 feet above the level of the base flood elevation, or;

d) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 8.4, Section B (1) c.

e) Manufactured homes shall meet the standards in Article 8.5, Section B (4).

f) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation 2 feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(i) Be certified by a registered professional engineer or architect; or

(ii) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

3) **Elevated Structures.** New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

   a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

      (i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

      (ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,

      (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

   b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

   c) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

4) **Standards for Manufactured Homes and Recreational Vehicles.**

   a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the communityôs Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:
      - On individual lots or parcels,
      - In expansions to existing manufactured home parks or subdivisions,
      - In new manufactured home parks or subdivisions or
      - In substantially improved manufactured home parks or subdivisions, or
      - Outside of a manufactured home park or subdivision,
      - In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

      All Manufactured homes must be:

      (i) Elevated on a permanent foundation, and

(ii) Have its lowest floor elevated no lower than 2 feet above the level of the base flood elevation, and

(iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

- The lowest floor of the manufactured home is elevated no lower than 2 feet above the level of the base flood elevation, or

- The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

c) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5) **Floodways**. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

- If Article 8.5, Section B (5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Article 8.5.

6) **Standards for Utilities.**

   a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

      (i) Infiltration of flood waters into the systems, and

      (ii) Discharge from the systems into flood waters.

   b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS

Located within the special flood hazard areas established in Article 8.3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

1) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Article 8.3, Section B.

SECTION D. STANDARDS FOR SHALLOW FLOODING ZONES

Located within the special flood hazard areas established in Article 8.3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 ï 3ò), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1) All new construction and substantial improvements of residential structures shall:

   a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

2) All new construction and substantial improvements of non-residential structures shall:

a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

b) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 8.5, Section B (2).

SECTION E. STANDARDS FOR SUBDIVISION PROPOSALS

1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;

2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

4) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.

5) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

SECTION F. STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'

For all accessory structures in special flood hazard areas designated óAô the following provisions shall apply:

1) Structure must be non-habitable;

2) Must be anchored to resist floatation forces;

3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;

4) Built of flood resistant materials below a level 2 feet above the base flood elevation;

5) Must elevate utilities above the base flood elevation;

6) Can only be used for storage or parking;

7) Cannot be modified for a different use after permitting.

SECTION G. CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

ARTICLE 8.6 APPEALS AND VARIANCE PROCEDURES

1) **Nature Of Variances**

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Fiscal Court to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

2) **Designation of variance and appeal board**

a) The Fiscal Court of Franklin County hereby establishes a Flood Damage Prevention Appeal Board (FDP Appeal Board) consisting of the five County appointed Planning Commission members. The member with the most time served as a Planning Commission member shall be the designated Chairperson of the FDP Appeal Board.

3) **Duties of variance and appeals board**

a) The Appeal Board shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.

b) Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the local District Court, as provided in Kentucky Revised Statutes.

4) **Appeals/Variance Procedures**

In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

a) Danger that materials may be swept onto other lands to the injury of others;

b) Danger to life and property due to flooding or erosion damage;

c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

d) Importance to the community of the services provided by the proposed facility;

e) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;

f) Availability of alternative locations which are not subject to flooding or erosion damage;

g) Compatibility of the proposed use with existing and anticipated development;

h) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i) Safety of access to the property in times of flood for ordinary and emergency vehicles;

j) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

5) **Conditions for Variances**

Upon consideration of the factors listed above and the purposes of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

a) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

b) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Fiscal Court need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Fiscal Court believes will both provide relief and preserve the integrity of the local ordinance.

c) Variances shall only be issued upon a determination that the variance is the õminimum necessaryòto afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

d) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this ordinance); and

(iii) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

e) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

f) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request

g) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.3 A through 6.3 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

6) **Variance Notification**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

a) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and;

b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Franklin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

c) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the communityõs biennial report submission to the Federal Emergency Management Agency.

7) **Historic Structures**

Variances may be issued for the repair or rehabilitation of õhistoric structuresò (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structureõs continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

8) **No Impact Certification within the Floodway**

Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

ARTICLE 8.7 <u>SEVERABILITY</u>

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE 10
MINIMUM OFF STREET PARKING REQUIREMENTS

10.01 Parking Required in Various Zoning Districts

In all districts there shall be provided adequate off-street parking areas in accordance with the requirements of this article whenever there is an addition or enlargement of an existing building, change of use or number of employees, or increase in floor area or development of any new structure.

10.011 In all zones parking for any residential structure, single dwelling or multiple dwelling, shall be provided in accordance with requirements in these tables on the same site as the residential structure.

10.012 Parking for any business shall be in a Commercial (C) zoning district; parking for any industrial use shall be in an Industrial (I) district. No industrial or commercial parking may be permitted in any residential district. All required parking shall be provided on the same site as the principal use or within 200 feet of such site.

10.02 Table of Required Parking

Off-street parking shall be required for various uses in accordance with the following table.

TABLE OF REQUIRED PARKING

LAND USE	**MINIMUM PARKING SPACES REQUIRED**	**PER UNIT**
Dwelling Units		
Single Unit	2	Dwelling Unit
Duplex	2	Dwelling Unit
Townhouse	2	Dwelling Unit
Apartments	1 + .5 per bedroom, per dwelling unit	
Efficiency/Studio Apartments	1	Dwelling Unit
Auto & Truck Repair	4	1,000 sq. ft. service area
Auto Sales	1	space for each 7,000 sq. ft of outdoor display/sales area, plus 1 space for 250 sq ft of interior display/sales area, plus parking requirements for auto service establishment (if applicable)
Banks	3	1,000 sq. ft. gross floor area
Barber & Beauty Shops	3	Chair
Bowling Alley	4	Alley
Country Clubs & Private Clubs *Note: Individual recreational components shall be counted separately*	6	per 1000 sq ft floor area
Churches	1	4 Seats or 50 sq. ft.
Commercial Outdoor Rifle, Pistol, Skeet, Trap, and Shooting Range	1	per target area
Dormitories, Group Quarters	1	3 Beds
Funeral Parlors	1	4 Seats or 32 sq. ft. floor area
Greenhouse/Nurseries	1.5	1,000 sq. ft. floor area
Hospital, Nursing Home	1	2 Beds
Ice Cream Parlor/Coffee Shop w/ no drive-through; if drive through see restaurant	5	1,000 sq. ft gross floor area
Indoor Recreation, Athletic and exercise facilities	4	1,000 sq. ft. floor area
Laboratories, Studios	1	2 Employees
Studios for Artists, Photographers and similar	2.5	per 1,000 sq. ft.gross floor area

Laundry, Dry Cleaning Services	3	1,000 sq. ft.
Manufacturing, Industrial	1	2 Employees, Combined 2 Shifts
Medical Office/Clinics, and Veterinary Hospitals	2.5	Per examination room
Dental Office	2.5	Per examination room
Other Professional Offices	3	1,000 sq. ft. gross floor area
Motel, Hotel	1	guest bedroom
Museums, Art Galleries, Libraries	1.5	1,000 sq. ft.
Penal or Correctional Institution	1	2 Employees
Race Tracks	1	3 Seats
Recreation:		
Golf Courses	1.5	Hole
Swimming Pools	1	30 sq. ft. water surface
Tennis Courts	4	Court
Convenience Stores and Gas Stations	5	1,000 sq. ft gross floor area
Retail, high intensity (i.e., grocery, meat, apparel, drugs, variety, similar)	5	1,000 sq. ft. gross floor
Retail, low intensity (i.e., appliance, furniture, TV)	3	1,000 sq. ft. display floor area
Restaurant, table service	8	1,000 sq. ft. gross floor area plus .5 spaces per outside service table when provided
Restaurant, fast food	8	1,000 sq. ft. gross floor area plus .5 spaces per outside service table when provided
Schools:		
Nursery, Day Care, Child Care	3 spaces plus 1 for every	Employee
Elementary	1	Classroom
Secondary & College	5	Classroom
Trade & Vocational	5	Classroom
Self Storage Facility	1	per 10 storage units
Shopping Centers	4 3	1,000 sq. ft. leasable floor area under 400,000 sq. ft 1,000 sq. ft. leasable floor area 400,000 sq. ft

		or more
Theaters, Auditoriums, Stadiums and similar Sports Arenas	1/or 36	5 Seats/ or per screen (whichever is less)
Warehouses & Freight Terminals	1	1,000 sq ft gross floor area
Other retail or service uses not specified	5	1,000 sq. ft. of gross floor area

SPECIAL NOTES FOR CALCULATION OF PARKING SPACES PROVIDED

I. *For facilities with fuel fill up stations, the number of cars able to be parked at the fill up stations shall count towards the number of spaces provided* ***or*** *Any pump service area that accomodates a 22 foot in length parking stall will count toward the required parking spaces. However, a minimum of one handicap parking space meeting ADA requirements shall be provided on site.*

II. *Parking facilities may reduce the total minimum parking space requirement by one (1) parking space for every one (1) bicycle space provided on a permanently constructed bicycle rack. The maximum reduction of required parking spaces shall be five percent (5%) of the otherwise required amount.*

III. *The required parking listed for Auto Sales facilities is meant to be separate from the proposed area(s) for sales/display area.*

IV. *In order to qualify for the Shopping Center parking requirements, Shopping Centers shall contain a minimum of 3 tenants within the same building. When restaurant uses contain 50% or more floor area within a building, the parking calculation shall be based on restaurant use rather than shopping center for that space. Free standing buildings or out lots within a shopping center development shall provide parking based on individual uses.*

10.03 General Regulations

10.031 Any area once designated as requiring off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

10.032 Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.

10.033 Every company car, truck, tractor, and trailer normally stored at a business site shall be provided with off-street parking space in an area reserved for the use as determined by the Planning Commission.Such space shall not be counted as meeting parking requirements.

10.034 In cases of dual functioning off-street parking, where operating hours do not overlap, the Board of Adjustments may waive the total parking required, provided said parking is sufficient to meet therequirements of the greatest demand or largest combined demands.

10.035 Such parking spaces as required in Article 10 shall not be counted as meeting off-street loading requirements of this Article.

10.036 Siting of Off-Street Parking Facilities

New development should be encouraged to place the parking facilities behind buildings in order to place focal emphasis on the uses themselves rather than the parking areas.

10.04 Off-Street Parking, Facility Design Standards

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following regulations.

10.041 Back-out Parking Prohibited: Except for parcels of land devoted to one (1) and two (2) dwelling uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

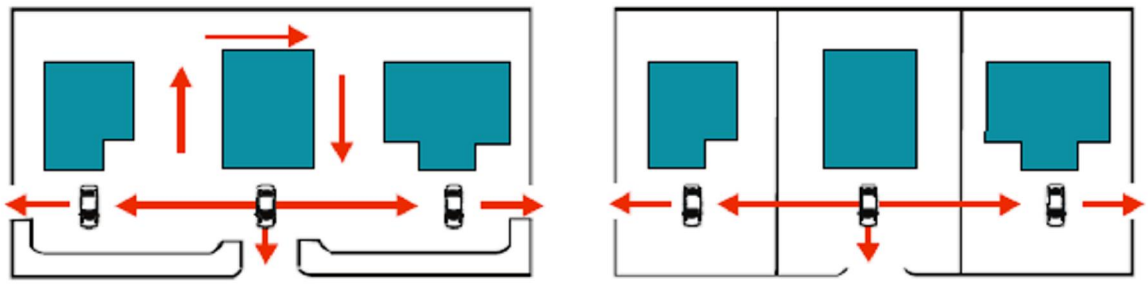
10.042 Parking Rows

A. Continuous parking rows shall not exceed 17 parking spaces, unless separated by landscaped islands with a minimum width and depth equal to a parking space.
B. Every parking row end shall provide a landscaped island not less in size of a standard parking space.

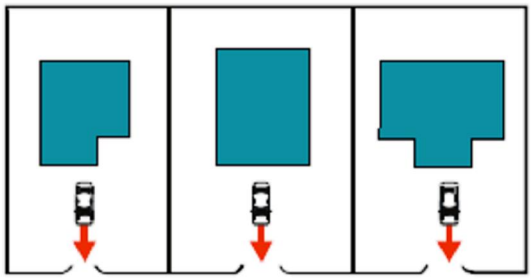
10.043 Connections between lots

Where practical neighboring parking facilities on different parcels shall be connected to eliminate the necessity of utilizing the public ROW for cross-movements between the uses. This practice also helps to reduce the number of necessary driveways which reduces the number of pedestrian/ vehicle conflict points. In those cases where a previously developed site later agrees to add a connection point; the use(s) on the subject site shall not be penalized for spaces lost in order to accommodate the connection.

Encouraged



Not encouraged



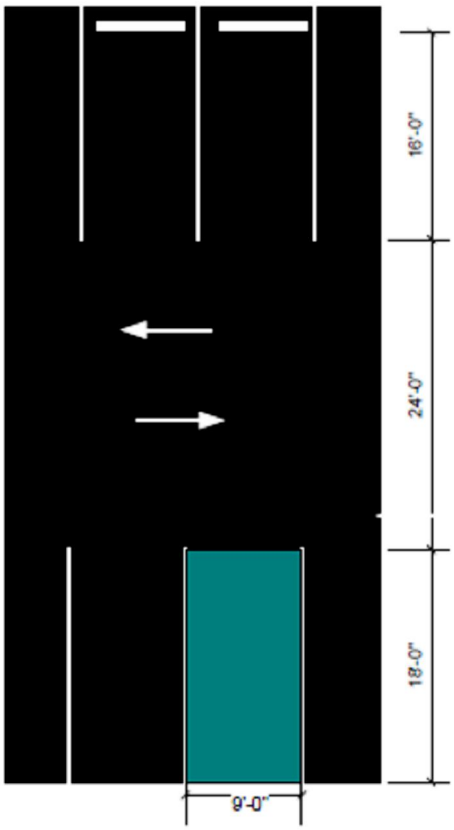
Graphics Source: "Managing Corridor Development, A Municipal Handbook", Center for Urban Transportation Research, University of South Florida, October 1996. Williams, Kristine M. and Marshall, Margaret A.

10.044 **Parking Stalls and Drive Widths**: Each parking area shall provide painted parking stalls of minimum width and length and drive area of minimum width as Indicated in the following table.

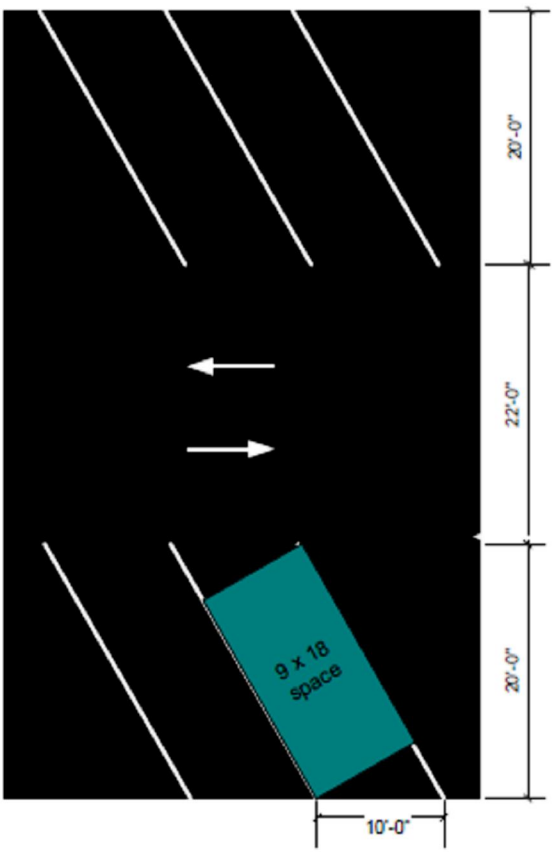
Angle of Parking	Stall Width	Length	Drive Two Way	Drive One Way
61° - 90°	9'	18'	24'	18'
46° - 60°	9'	18'	22'	15'
O °- 45°	8 1/2'	18'	22'	12'
Parallel	8'	22'	22'	12'

NOTE:Where practical, wheel stops shall be provided for all parking stalls. If wheel stops are provided with no raised curb, then the pavement requirement of the parking stall may be reduced from 18' to 16', allowing a 2' overhang.

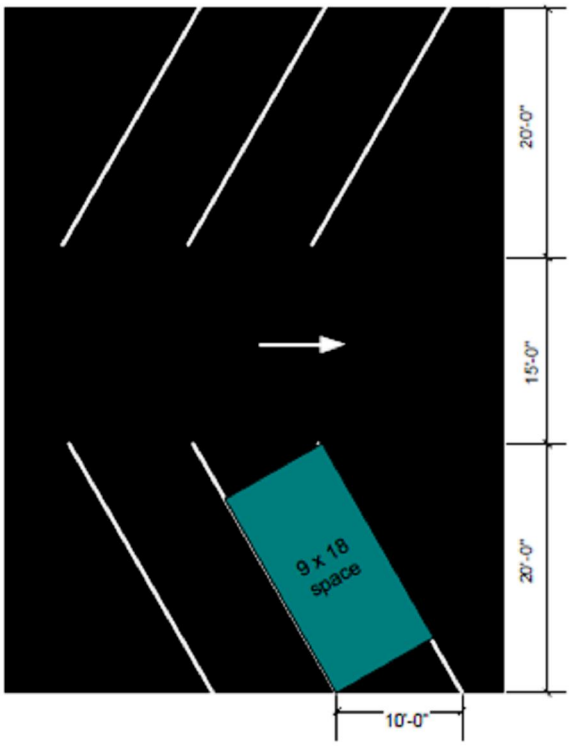
For purposes of measurement, drives with parking on one side only shall be considered as one-way drives.



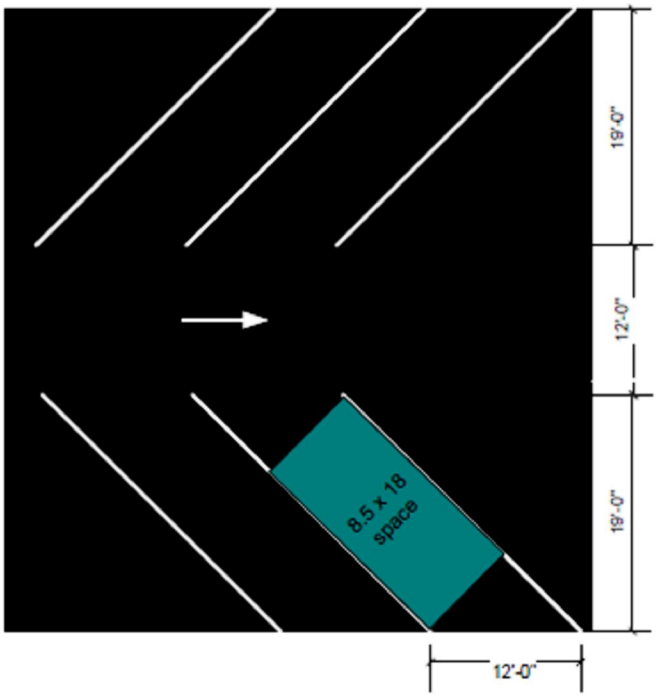
Parking 90°
Two-Way Drive Aisle



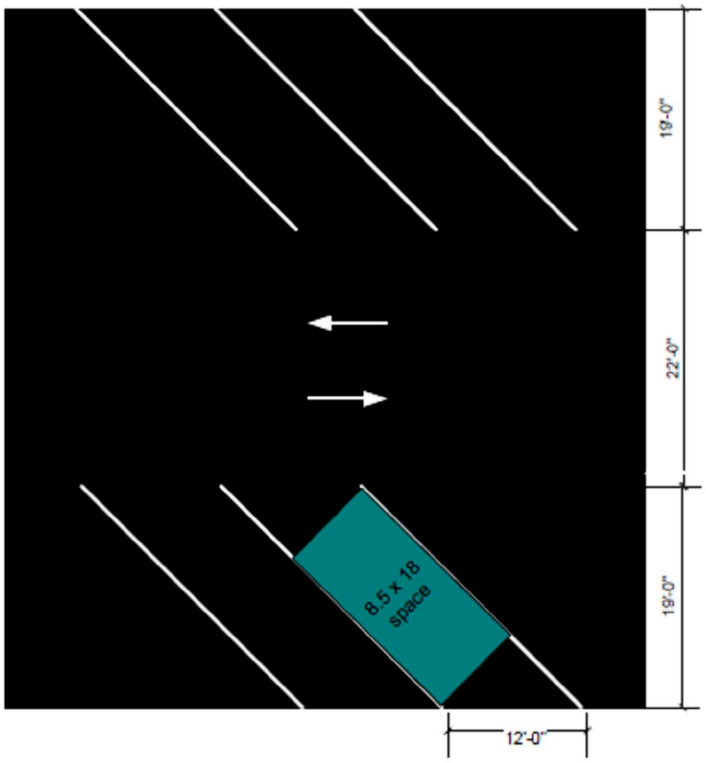
Parking 60°
Two-way Drive Aisle



Parking 60°
One-way Drive Aisle



Parking 45°
One-Way Drive Aisle



Parking 45°
One-Way Drive Aisle

10.045 Parking Stalls for Small Cars

Where parking can be restricted to compact, sub-compact or mini-compact vehicles, stall depth may be reduced to 15ôand width to 8ôprovided all stalls shall be designated for small cars with signs and surface markings.

A. All Off Street Parking Facilities may provide compact parking spaces for up to 30% of their required parking spaces.

B. All Off Street Parking Facilities providing more than 100 parking stalls shall provide compact parking spaces for 30% of their required parking spaces.

Compact Parking Spaces shall be placed on the same side of a drive.

10.046 Parking Surface

All parking surfaces shall be constructed to meet the following standards:

A. Parking Surfaces located on properties within the Suburban Area denoted in the Franklin County Subdivision and Site Plan Regulations shall conform to the following standards:

1. All facilities devoted to off-street parking for more than 15 spaces as required under this article shall be of a paved surface construction such as plant mix asphalt, penetrating asphalt, concrete paving, pervious concrete, pervious and impervious pavers (to standard for vehicular traffic), and/or permeable grid vegetative or stone systems not to include gravel. Main aisles of the parking lot may be required to be asphalt or concrete when deemed necesarry by the Planning Director or Engineering Official.

   a. A minimum of 25% of the parking spaces of parking areas that provide more than 15 spaces shall be provided using permeable or pervious pavement options.
   b. When 50% or more of the parking spaces of parking areas that provide more than 15 spaces are constructed utilizing permeable or pervious pavement options the minimum number of spaces required by Article 10.02 may be reduced up to 10%.
   c. When 100% of the parking spaces of parking areas more than 15 spaces are constructed utilizing permeable or pervious pavement options the minimum number of spaces required by Article 10.02 may be reduced up to 15%.

2. The parking lot shall be drained to eliminate surface water.

B. Parking Surfaces located on properties within the Rural Area denoted in the Franklin County Subdivision and Site Plan Regulations shall conform to the following standards:

1. All facilities devoted to off-street parking for more than 15 spaces as required under this article shall be of a paved surface construction such as plant mix asphalt, penetrating asphalt, concrete paving, pervious concrete, pervious and impervious pavers (to standard for vehicular traffic), and/or permeable grid vegetative or stone systems not to include gravel. Main aisles of the parking may be required to be asphalt or concrete when deemed necesarry by the Planning Director or Engineering Official.

   a. A minimum of 25% of the parking spaces of parking areas that provide more than 15 spaces shall be provided using permeable or pervious pavement options.
   b. When 50% or more of the parking spaces of parking areas that provide more than 15 spaces are constructed utilizing permeable or pervious pavement options the minimum number of spaces required by Article 10.02 may be reduced up to 10%.
   c. When 100% of the parking spaces of parking areas more than 15 spaces are constructed utilizing permeable or pervious pavement options the minimum number of

spaces required by Article 10.02 may be reduced up to 15%.

2. In cases where an off-street parking facility is required for a commercial use listed as a permitted or conditional use in the ñAGòzone and is occuring on property zoned ñAGòa non-paved surface construction may be allowed.

3. The parking lot shall be drained to eliminate surface water

10.047 Pedestrian Safety and Circulation

In any parking facility where more than one aisle of parking stalls is to be provided, a pedestrian system should be provided which separates pedestrian movement from vehicular circulation.The pedestrian system shall provide access through the parking facility from the main entrance ofthe building on site to the adjacent ROW, any adjacent pedestrian facility that may exist (i.e. trails, or other sidewalks not immediately adjacent to vehicle ROW), or to the nearest public transit shelter or pick-up location.

10.048 Drive Through Drive Aisle Design

All drive aisles constructed to access a drive through facility shall be designed to eliminate any possibility of interference with safe and efficient circulation on the development site or abutting public right-of-way.

A. Spaces Required

USE	MINIMUM SPACES	MEASURED FROM
Bank Teller Lane, Laundromats/Dry Cleaners, Drug Store, Ice Cream Parlor Drive-Through Lane	3 per Lane	Teller or Window
Automated Teller Machine (ATM)	2 per Machine	Teller Machine
Eating and/or Drinking use-including packaged alcohol	6/3 per Lane	6 from Pick-up Window-with minimum 3 from place of ordering.

B. Minimum Dimensions

Each queue space shall be at least ten (10) feet in width and twenty (20) feet in length

10.049 Landscaping

In order to achieve better traffic control, eliminate glare, decrease excessive temperature, decrease runoff, and alter the impressions created by continuously paved surface, landscape areas shall be provided within all parking lots. Such landscaping shall be in addition to areas planned for setbacks or buffers.

A. Interior Landscape islands shall be required within all parking facilities containing 6,000 or more sq. ft. of area, or twenty (20) or more parking spaces. A landscape area may be in the form of a strip planted with trees, or shrubs and grass including a pedestrian walk between parking aisles or may be appropriately spaced, planted islands, peninsulas or other green space.

B. In parking facilities containing 6,000 or more sq. ft of area, or twenty (20) or more parking spaces, a minimum of one tree for every twenty parking spaces shall be provided, with shade trees of at least (6) feet in height.

C. Landscape islands shall be installed with a lower elevation than the adjacent pavement, using curb cuts or other methods to ensure that their pervious nature is incorporated into the strategy of draining and treating surface water from the parking lot.

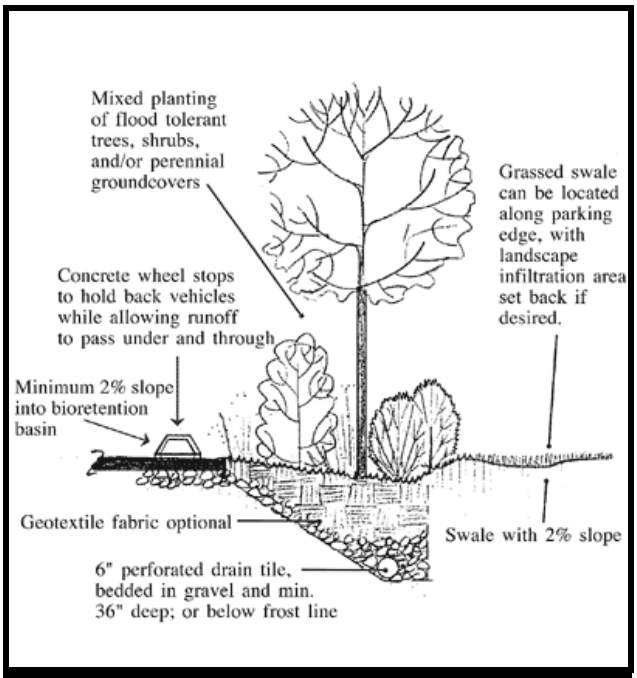


Figure 1. Cross Section view of a parking lot edge, with a biofilitration strip and optional subsurface runoff collection

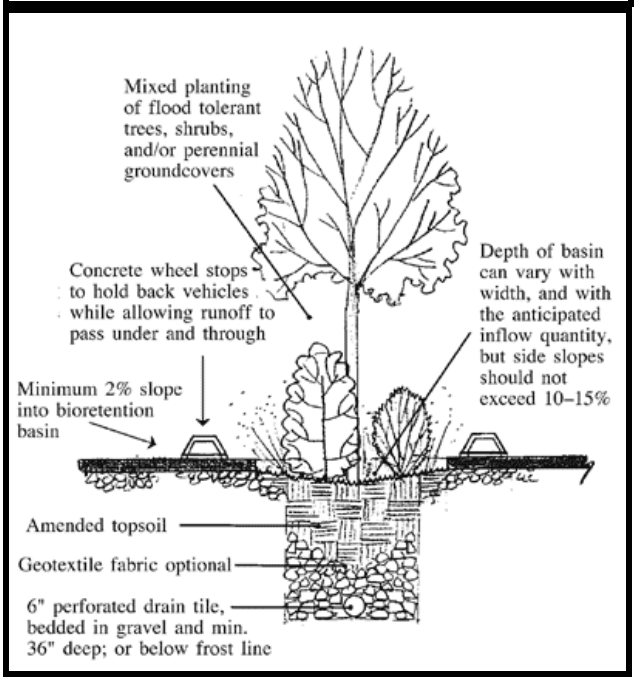


Figure 2. Cross Section view of parking lot "Wetland Island" for bio-retention with an 8 foot width

D. Landscape islands shall be installed to provide landscape foliage for a minimum of

15% of the parking area. Such islands may be equally spaced within parking bays or grouped to provide more massive areas. Grouping may be encouraged to save large existing trees which will require greater area for root feeding and watering.

E. Placement of landscape features shall not obstruct the vision of driveways or pedestrians at critical locations, i.e., access points and crosswalks.

F. All parking facilities shall provide a landscape buffer when abutting residentially used or zoned property. This landscape buffer shall included a strip of evergreen trees at least 6 feet tall at time of planting, or a privacy fence.

G. All parking facilities shall be screened, for the purpose of minimizing views of parked cars from the public right-of-way, by a 3ôminimum height screening of landscape material (trees, hedge, berming, decorative fencing/wall) except where pre-existing or proposed trees require breaks**.** This screening shall not encroach into the sight triangle at ingress/egress points.

EXAMPLES:

Commentary for example pictures: the principal advantages of the two "good" pictures are the landscaped screening and/or decorative wall. The "bad" picture shows no landscaped screening or raised berm, fence, or

NOTE: In parking facilities for less than 20 spaces the interior landscape island requirement may be met entirely through the perimeter screening requirement. In parking facilities for more than 20 spaces up to 50% of the interior landscape island square footage requirement may be met through the perimeter screening requirement.

H. Exterior lighting shall be designed, erected, and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.

10.050 Dumpsters

Dumpsters shall be located no less than ten feet from any property line and shall be screened on three sides. Dumpster screens shall consist of stone, brick, wood, or plant material. Chain link fencing is not permitted for use as a screen. If plants are to be used as screening material they should be planted so as to reach the required height in one year (planting of mature plants recommended.) Plants which die must be promptly replaced.

10.06 Setback Requirements

10.061 Setback

All parking facilities except for single-dwelling residences shall set back from all public right-of ways lines at least 1/2 of the setback requirements of the applicable zone. Any parking provided

abutting a more restrictive zone shall have the same setback as the more restrictive zone. Parking provided to the side or rear of a structure shall set back from all lot lines a distance at least one-half of the side or rear yard requirement.

10.07 Parking Facility Ingress & Egress Standards

10.071 Driveway Standards

Clearly defined driveways shall be provided for ingress and egress. Driveways shall be located and constructed subject to the following criteria or such standards as established by the County Zoning Ordinance.

DRIVEWAY STANDARD	SINGLE & DUPLEX RESIDENTIAL	OTHER RESIDENTIAL	NON RESIDENTIAL
Max. width at street R-O-W	24ô	25ô	40ô
Min. width per drive lane	10ô	10ô	12ô
Min. distance from interior lot line	2ô*	2ô*	***
Min. distance between drive & structure	2ô 0ô**	2ô 0ô**	---
Min. distance from street intersection	30ô	30ô	30ô
Min. space between two drives/same property	25ô	25ô	25ô
Radius of Curb Return: Minimum	5ô	5ô	25ô

* A common drive between two lots may be permitted, but 4 feet space required between any two drives on separate properties.

** Where drives are provided with 0ôsetback to the structure, the driveway shall be constructed to drain away from the structure.

*** ½ the required setback for applicable zone

10.072 Fire Lanes

Where parking areas have more than two (2) parking bays, drives contiguous to the front of commercial structures shall provide an eight (8) foot painted fire lane and two (2) twelve (12) foot traffic lanes and be separated from parking areas by an aisle, island or identifiable marking at least three (3) feet in width.

10.073 Entrance/Exit locations

Entrance or exit drive aisles in parking facilities shall not be located to discharge traffic directly into any portion of a turning lane, taper, or an intersection. At the discretion of Planning Staff, entrance or exit drive aisles may be placed discharging into an intersection only if intersection is marked/signaled in such a way that the drive aisle is treated as an additional ROW turning movement in the intersection.

10.08 Off-Street Loading

10.081 In all zoning districts, except residential districts, one (1) off-street loading area for standing, loading and unloading shall be provided for each building or for each 25,000 square feet of usable floor area of grouped contiguous buildings.

10.082 When trailer trucks are required for such loading and unloading the space provided shall be 60 feet (depth) by 14 feet (width) by 14 feet (height).

10.09 Parking or Loading Spaces Established Prior to Adoption or Amendment of This Zoning Regulation

10.091 Existing Parking to Remain

Any parking or loading spaces established prior to the adoption or amendment of this Zoning Regulation and which are used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this Zoning Regulation for any such main building or structure erected after such adoption or amendment date shall hereafter be maintained so long as said building, structure or use remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this Zoning Regulation.

10.092 Change of Use

Where the principal use is changed and additional parking space is required under the terms of this Zoning Regulation as a result of such change, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is provided, provided there exists sufficient area on said lot available for additional parking spaces and not requiring structural alteration of any building.

10.10 Parking of Special Vehicles in Residential Districts

10.101 Parking, Storage or Use of Major Recreation Equipment and Trailers.

For purpose of these regulations, major recreational equipment is defined as including boats or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers,and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment or trailer of any kind shall be parked or stored on the grass of any property used for residential purposes smaller than 1/2 acres. Such items may be located on a driveway or in an enclosed building. The following limited exemptions apply: (1) such equipment or trailers may be parked anywhere on residential premises for a time not to exceed twenty-four (24) hours; and (2) they may be parked on the grass for no more than 30 days within a 12 month period if such vehicle, trailer or equipment is posted for sale by owner.

10.102 Living in Vehicles

No vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

10.103 Pick-Up Trucks Permitted

Pick-up trucks with campers attached, or similar vehicles, which are used for normal work day transportation, are excluded from this restriction while in regular use for such purpose.

10.104 Trucks

No vehicle with more than two axles, and requiring a commercial drivers license shall be parked or stored unless within an enclosed building, in any residential "R" zoning district under 1 1/2 acres.

10.105 Inoperable Vehicle

No junk, salvage, or inoperable vehicle or vehicle without current license shall be parked or stored in a residential "R" district under five (5) acres. Such vehicles may be stored within a completely enclosed garage in any zoning district.

10.11 Auto/Equipment Sales Lots

The following standards shall apply to the development of outdoor sales lots for the display/storage of Automobiles, Boats, Recreational Vehicles, ATVôs, Farm Equipment, Construction Equipment, or other substantially similar inventory as interpreted by staff.

A. Auto/Equipment Sales Lots differ in use from typical off street parking facilities. These lots serve as outdoor display areas of merchandise. Unlike typical off street parking facilities; Auto/Equipment Sales Lots are not required to be permanently striped so that retailers may arrange their merchandise on the sales lot as they choose.

B. All Auto/Equipment Sales Lots shall provide a landscape buffer along the edge of the sales lot and/or property line whenever the property abuts residentially zoned property. This landscape buffer shall include a strip of evergreen trees, or a privacy fence.

C. Auto/Equipment Sales Lots that utilize permeable paving options may be exempted from the interior landscape island requirements elsewhere in this ordinance. Auto/Equipment Sales Lots that do not utilize permeable paving options shall comply with paving surface requirments listed elsewhere in this ordinance.

D. Auto/Equipment Sales Lots shall comply with screening requirements described in Article 10.049 (G).

E. Auto/Equipment Sales Lots built in compliance with Article 10.11 must be separate from the required off-street parking facilities on site and marked clearly to define their area in contrast to the required off-street parking facilities. Where Auto/Equipment Sales Lots are not clearly defined as separate areas the lots shall conform to all Off-Street Parking regulations elsewhere in this regulation.

ARTICLE XI
SIGN REGULATIONS

11.01 Purpose

Signs use private land and the sightlines created by the public right-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote the health, safety, welfare, convenience and enjoyment of the public and in part to achieve the following:

11.02 Safety

To promote the safety of persons and property by providing that signs:

A. Do not create a hazard due to collapse, fire, collision, decay or abandonment,
B. Do not obstruct fire fighting or police surveillance, and
C. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driverôs ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.

11.03 Communications Efficiency

To promote the efficient transfer of information in sign messages by providing that:

A. Those signs which provide messages and information most needed and sought by the public are given priorities,
B. Businesses and services may identify themselves,
C. Customers and other persons may locate a business or service,
D. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
E. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages according to the observerôs purpose.

11.04 Definitions

For the purpose of this chapter the following words and phrases shall have the meaning respectively ascribed to them by this section:

Access-Controlled Highway: Any roadway, which has only limited access points, which are determined by the Transportation Cabinet.

Address: The numeric reference of a use or building to a street name.

Area of sign: The total area of the sign face, which is used to display a message, not including its supporting poles or structures. Computation of area of sign is addressed in Section 11.15.

Awning: A shelter projecting from and supported by the exterior wall of a building.

Building: A structure, which has a roof by columns, walls or air for the shelter, support or enclosure of persons, animals or personal possessions.

Canopy Building: A rigid multi-sided structure, which has a roof covering of fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points, may be illuminated by means of internal and/or external sources.

Canopy, Free-standing: A rigid multi-sided structure, which has a roof covering of fabric, metal or other material supported by columns or posts, may be illuminated by means of internal or external sources.

Development Identification: A sign, which indicates the name of the development or shopping center, which is located within the Planned Mixed, Planned Residential or Planned Commercial Zone districts.

Elevation: A geometric projection of a building on a vertical plane.

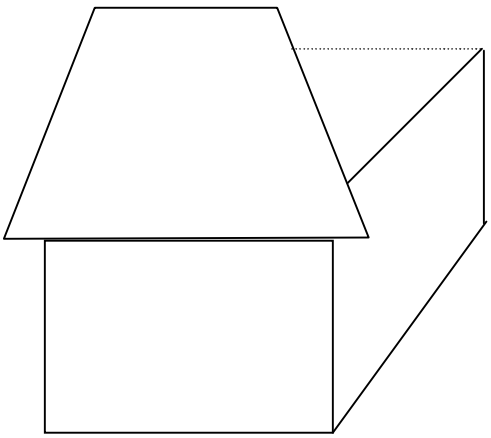
Grade: The average level of the finished surface of the ground adjacent to a sign or to the exterior wall of the building to which a sign is affixed.

Height: As applied to a sign, shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the centerline of the nearest improved public right-of-way, other than an alley. In the event a sign is equidistant from more than one improved public right-of-way, none of which are alleys, the highest point shall be used.

Individual Business Unit: A business, which is located in a structurally independent building, which has its own entrance and exit.

Intersection: The junction of the centerlines of any two public right-of-ways, other than alleyways, crossing at grade or where the crossing is separated at grade, the intersection shall be the point at which expressway travel pavements converge or diverge, or the point at which any expressway interchange ramp intersects the expressway travel pavement.

Mansard-Style Roof: A mansard-style roof is a decorative structure, which is attached to the fascia of the building, but is not structurally integrated into the building. See the attached diagram.



Measurements Along the Way: The measurement taken along the centerlines of a public right-of-way or sequence of intersecting centerlines, But in no event an alley. If the measurement is from a zoning boundary, then it shall be taken from any point where the zoning district boundary line touches the centerline to the first point on the public right-of-way centerline which is perpendicularly opposite any point on the sign. The line from the sign shall be perpendicular to the public right-of-way and shall always be taken to the public right-of-way nearest the sign.

Occupancy: The purpose for which a building is used or for which it is intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Premise: Any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.

Reader Board: A sign, or portion thereof, with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Reader boards that are not part of a fascia, monument or pole sign shall be considered ñSpecial Purpose Signs.ò

Setback: The required distance between any point on private land and the nearest point at the edge of the nearest public right-of-way, other than an alley. Where a public way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way.

Sign: Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location, by any means, including words, letters, figures, designs, symbols, fixtures, or images, but excluding striping not integral to the sign.

Sign, attached: Any sign attached to, applied on, or supported by, any part of a building such as a wall, roof, window, canopy, awning, arcade, or marquee which encloses or covers usable space.

Sign, awning: A sign painted on, printed on, or attached flat against the surface of an awning.

Sign, bench: A sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

Sign, billboard: Any off-site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises to which such advertising copy pertains.

Sign, building-mounted: A sign, which is connected to a building. This includes, but is not limited to, a wall, building canopy, projecting or awning sign. See also ñSign, attached.ò

Sign, changeable copy/reader board: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a ñtime and temperatureò portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, detached: Any sign connected to the ground, which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles, which are moving or are parked only temporarily and are incidental to their principal use for transportation.

Sign, directional: A non-premise sign whose content is limited exclusively to the identification of a specific premise or occupancy location, and which tells the location of or route to that premise or occupancy.

Sign, directory: A sign, which lists the names of the occupants of a multiple occupancy building.

Sign, election: Any type of non-premise sign, which refers only to the issues or candidates, involved in a political election.

Sign, fascia: Any sign attached to, applied on, or supported by, any part of a building such as a wall, roof, window, canopy, awning, arcade, or marquee, which enclosed or covers usable space. No fascia sign shall be allowed to project further than 12ò from the face of the building to which it is attached.

Sign, illegal: A sign which was not in compliance with this, or the applicable ordinance, when it was erected, installed, altered, or displayed.

Sign, illuminated: Any sign, which is directly lighted by any electrical light source, internal or external. This definition does not include signs, which are illuminated by street lights, or other light sources owned by any public agency or light sources, which

are specifically operated for the purpose of lighting the area in which the sign is, located rather than the sign itself.

Sign, incidental: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as ñNo Parking,ò ñEntrance,ò ñLoading Only,ò ñTelephone,ò and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. The total area of any single incidental sign shall not exceed 1 (one) square feet.

Sign, non-conforming: A sign that was erected, installed or displayed in compliance with previous sign regulations, but which is not in compliance with this Ordinance, and which has not been reconstructed, altered or otherwise modified since the adoption of this Ordinance, except to bring the sign into compliance with the provisions of this Ordinance.

Sign, off-premise: A sign, which directs attention to a business not located on the same lot where the sign is displayed.

Sign, on-premise: A sign, which directs attention to a business, or product or service, offered on the same lot where the sign is displayed.

Sign, pole: A sign that is set firmly in or upon the ground surface and is not attached to any building, canopy, or other structure. See also, ground-mounted sign or pole-mounted sign.

Sign, portable: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to ñAò or ñTò frames; menu and sandwich board signs; balloons used as signs; table umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

Sign, projecting: Any sign, which is erected on a building wall or structure and extends beyond the building wall more than twelve (12) inches.

Sign, roof: A sign erected and constructed either wholly, or in part, upon, against, or above the roof of a building. For purposes of this Ordinance, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

Sign, special purpose: A sign temporarily supplementing the permanent signs on a premise. Included in this classification are banners, streamers, flags, pennants, etc. The total square footage of these signs shall be counted in the maximum square footage allowed in Table 11.1

Sign, temporary: A sign, including paper, cardboard and fabric signs, which is used for a limited period of time and is not permanently mounted.

Sign, time or temperature: A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature.

Sign, window: A sign that is placed inside a window, or applied or attached to window panes or glass, and which is visible from the exterior of the window and is not permanently painted or otherwise permanently affixed to the window. Signs that are permanently painted or otherwise permanently affixed to the window shall be considered wall-mounted signs.

Sign Package Plan: A coordinated plan for developing signs for an individual building or a group of buildings.

Sign Support: Any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that such fixture or framework is not imprinted with any picture, symbol or work using characters in excess of one inch in height, now is internally or decoratively illuminated.

Street frontage: The distance along which a lot line adjoins a public street right-of-way from one lot line intersecting the street to the furthest distant lot line intersecting the same street. For purposes of this Ordinance, a development project containing more than one lot along a street shall be considered to have only one street frontage on that street. Corner lots have at least two (2) street fronts.

Structure: See Building.

Word Meanings: For the purpose of this chapter, one word shall be deemed to be any of the following:

A. Any word in any language found in any standard unabridged dictionary or dictionary of slang.
B. Any proper noun or any initial.
C. Any separate symbol or abbreviation, such as "&", "$", "%" and "Inc.".
D. Any telephone number, street number of commonly used combination of numerals and/or symbols such as "$5.00" or "50%".
E. Any symbol or logo that is a trademark, but which, in and of itself, contains no word or character.
F. Otherwise, each separate character is considered to be a word.

11.05 General Application

The provisions of Section 11.02 through 11.08 shall apply to all signs in Franklin County, without regard to zoning.

11.06 Imitation of Traffic and Emergency Signs Prohibited

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors or lights, which imitates standard public traffic regulatory, emergency signs or signals.

11.07 Sign Supports within Right-of-Way Prohibited—Signs Forfeited

No sign support shall be located within the public right-of-way and no sign shall project over any public right-of-way or across the public right-of-way line.

Any sign installed or placed on or over public property or right-of-way after the adoption of this Ordinance, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, Franklin County shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.

11.08 Sign Maintenance

All signs and all sign supports shall be maintained in good repair and in proper operating condition. No sign face shall remain cracked or broken, and no illuminating device shall be maintained in any way other than the method for which such device was designed and approved by the Franklin County Department of Planning, Zoning & Building Code Enforcement.

11.09 Other Codes Not in Conflict Applicable

All signs erected or maintained pursuant to the provisions of this article shall do so in compliance with all applicable State laws, with the Kentucky Building Code and the National Electric Code, and other applicable Franklin County Codes not in conflict with the provisions of this article.

11.10 Special Purpose and Election Signs

A. Special Purpose signs as defined in this Article are prohibited from being erected or maintained in the County, except as provided for in Section 11.23.
B. Any occupancy or any premise that may erect permanent signs may erect election signs for period not to exceed sixty days prior to any primary or general election. Election signs shall be removed within ten (10) days after the election or after the termination of a candidacy, whichever occurs first.
C. No building permit shall be required to be issued for Election Signs.

11.11 Government Signs

Nothing in this chapter shall be construed to prevent the display of a national or state flag or to limit government flags, government insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.

11.12 Permits

A permit, issued by the Franklin County Department of Planning, Zoning and Building Code Enforcement, is required to erect all signs not explicitly exempted by the provisions of this article. The Department of Planning, Zoning and Building Code Enforcement shall inspect any sign, for which a permit is issued, after its erection for conformity to the provisions of this Article.

11.13 Permit Applications

All applications for permits shall include a drawing, indicating dimensions of the sign, and all existing signs maintained on the premises, a drawing of the lot or building facade indicating the proposed location of the sign, and specifications for its construction, lighting, motion and wiring, if any.

11.14 Non-Conforming Signs

Non-conforming signs shall be allowed to continue, except that, no non-conforming sign shall be enlarged or relocated to another portion of the lot, without bringing the sign into compliance with these regulations. In cases where non-conforming sign(s) have been damaged due to fire, acts of God, or other catastrophic events, these signs shall be permitted to be replaced in their original non-conforming state.

11.15 Computations

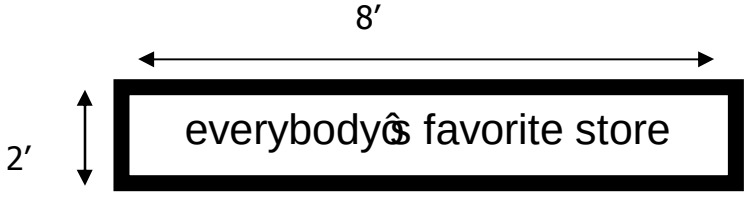
The following principles shall control the computations of sign area and sign height:

1. Computation of Area of Individual Signs. The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall is clearly incidental to the display itself.

   Signs, which are comprised of individual letters, shall have the total area of the sign calculated by adding the computed area of all individual letters together, and shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall is clearly incidental to the display itself.

Sign, as part of a casing:

Total area of this sign is 16 square feet.



Individual Sign Letters:

E V E R Y B O D Y' S

f a v o r i t e s t o r e

Each individual upper-case letter is 1ôx 6ò, except the Yô, which is 1ôx 9ò
Each individual lower-case letter is 1ôx 4ò, except the ñfò, which is 1ôx 6ò

Total area of this sign is 9.0 square feet.

2. Computation of Area of Multi-faced Sign. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. When a sign is within the building setback, the calculation for the sign may use either the base elevation or the elevation of the roadway.

11.16 Variance Procedure Provided

The Board of Zoning Adjustments shall have the power to grant variances from the height or setback provisions of this article, in accordance with the Variance provisions outlined in K.R.S.100.243, Findings Necessary for Granting a Variance. Requests for deviations from the maximum permitted sign area shall be considered as a waiver request to be heard by the Planning Commission, in accordance with Section 1.08.

11.17 Signs in Residential Zones

The following signs shall be permitted in all residential zones (RR, RA, RB, RC, RS, RD, RL, RH, and RM), subject to any specific conditions listed below.

A. Signs identifying a residential subdivision, limited to two (2) signs at the main entrance(s) with the total square footage of each sign not exceeding thirty-two (32) square feet.
B. "For Saleò and ñFor Auctionò signs, not exceeding thirty-two (32) square feet and located on the residential premises being offered for sale or auction. Such signs will not require a permit.

C. "For Rent" signs not exceeding six (6) square feet and located on the premise being offered for lease. Such signs will not require a permit.

D. Signs identifying apartment or multi-family complexes, consisting of eight (8) dwelling units or more on a single lot, shall be permitted to display up to two (2) signs at the entrance to such complexes, with the total square footage of such signs not exceeding thirty-two (32) square feet.

E. Signs identifying a major home occupation, which has been approved by the Board of Zoning Adjustment. Such sign shall be limited to two (2) square feet and shall be required to be attached flush to the front facade of the residence.

F. Signs identifying business offices, as permitted in the "RH" zone, shall follow the "PO" guidelines contained in Table 11.1.

G. Signs identifying churches or schools or other type of institution, which may be permitted in any Residential (R) zone may be permitted, not to exceed thirty-two (32) square feet in area. In addition, one bulletin board or announcement board may be permitted not exceeding twenty (20) square feet in area is allowed for any church, school, community center or other public or semi-public institution.

H. Election signs shall be permitted to be placed on private property, subject to the conditions indicated below. Election signs shall not require a permit.

1. Where signs are otherwise permitted, an election sign may be erected no sooner than sixty (60) days before the election and the sign shall be removed within ten (10) days following the election to which it applies; the owner of the property on which the sign is placed shall be responsible for its removal.

2. Election signs may be placed on private fences with the owner's permission no sooner than sixty (60) days before the election and the signs shall be removed within ten (10) days following the election to which it applies.

3. Election signs may not be erected or placed on public property, including rocks, trees, public fences, sign posts, light poles or utility poles on public property.

11.19 Signs in the Professional Office (PO), Limited Commercial (CL), General Commercial (CG), and Highway Commercial (CH) Zone Districts

It is not the intent or purpose of these regulations to presuppose what advertising needs each individual business may have. To this end, the following types of signs shall be permitted in the PO, CL, CG, and CH zone districts. Table 11.1 indicates the Maximum Total Sign Area permitted per parcel of property. Within the limits or conditions established by the section and Table 11.1, each individual property owner shall determine the types of signs to be placed on the property and/or building. The total area of all signs shall be determined by the Planning and Building Codes Department and the total area of all such signs shall not exceed the limits set forth in Table 11.1.

In no case, though, shall any one (1) sign exceed 30% of the allowable sign area and, no free-standing signs may exceed 100 square feet, with the following exceptions:

A. Multiple businesses on a single parcel of property may increase the area permitted to 150 square feet; however no one business shall have a sign on that pole sign which exceeds 75 square feet if multiple businesses are utilizing it for advertising purposes.

B. Building-mounted (Attached) and Pole- or Ground-mounted signs for properties located the following distances from the road right-of-way may be increased by the following percentages:

Distance from Right-of-Way	Percentage of Increase
Zero ï 30ô	No increase
31ôï 50ô	20%
51ôï 75ô	30%
Over 76ô	50%

11.20 Signs Permitted in the Professional Office (PO), Limited Commercial (CL), General Commercial (CG) and Highway Commercial (CH) Zone Districts

A. Building-mounted (Attached) Sign(s) shall be permitted per building face, except that no fascia sign shall be permitted on any face of the building, which adjoins residentially-used or -zoned land.

B. One Pole or one Ground-mounted Sign. Both types of signs shall not be permitted per parcel or property.

C. Changeable Copy/Reader Boards (if attached to and made a part of the fascia, pole-mounted or ground-mounted signs);

D. Entrance/Exit Signs [not to exceed three feet (3') in height];

E. Drive-Thru Service Identification;

F. Pricing signs (used in conjunction with Full Service and Self-service gasoline stations);

G. Canopy signs

H. Awning signs, used as Fascia Signs;

I. Menu Boards at Drive Through Service Businesses/Restaurants;

J. Roof signs on mansard-style roofs.

Table 11.1 Maximum Total Sign Area per Parcel of Property, By Zone District

Note: The maximum total Area of ALL signs in a CL, CG, or CH, and PO-zoned parcel shall not exceed the lesser of the following:

ZONE DISTRICT	PO	CL	CG	CH
Maximum Total Square Feet	100	200	800	1,000
% of Ground Floor Area of Principal Building	4%	4%	8%	10%
Square Feet of Signage per Linear Foot of Street Frontage	2	2	6	8

Table 11.2 Height and Setback Requirements for Pole or Ground-mounted Signs in CL, CG, PO or CH-zoned Property

ZONE DISTRICT	PO		CL		CG		CH	
Sign Type	Monu-ment	Pole	Monu-ment	Pole	Monu-ment	Pole	Monu-ment	Pole
Min. Height (from ground to bottom of sign)	0ô	9ô	0ô	9ô	0ô	9ô	0ô	9ô
Max. Height (from ground to top of sign)	6ô	25ô	6ô	25ô	6ô	50ô	6ô	50ô
Front Yard, Side Yard & Rear Yard Setbacks: ½ distance required in Basic Zone District ï This distance is measured from the property line.								

11.21 Signs in the Industrial Commercial (IC) and General Industrial (IG) Zone Districts

The following signs shall be permitted in the IC and IG Zone Districts. All other signs shall be prohibited.

A. Ground-mounted sign, limited to 1% of Total Ground Floor Area of building, or 100 square feet, whichever is less; or Pole-mounted sign, limited to 1% of Total Ground Floor Area of the building, or 150 square feet, whichever is less. Only one (1) ground or pole-mounted sign shall be permitted per street frontage. Maximum height shall be 10ôfor monument signs and 25ô for pole signs.

B. Fascia sign per street facade limited to 5% of the total facade area to which it is attached.

C. Entrance/Exit Signs limited to a total of 32 square feet, and having a height no greater than 3 feet.

D. Shipping/Receiving signs limited to a total of 32 square feet, and having a height of no greater than 3 feet.

11.22 Sign Package Plan Required in Planned Unit Development Zone District (PR, PM, PC)

In any newly proposed or existing Planned Unit Development Zone District, a Sign Package Plan shall be prepared by the developer and approved by the Planning Commission at the same time the Final Development Plan is approved.

The Sign Package Plan shall establish the maximum size, the prototypical design, and the number of signs that will be allowed within the subject planned development. After the Sign Package Plan has been approved by the Planning Commission, the Franklin County Department of Planning, Zoning & Building Code Enforcement shall be

authorized to issue sign permits for businesses when the requested sign is in compliance with the approved Sign Package Plan. No permit for any sign shall be issued unless it is in compliance with the approved Sign Package Plan.

The sign package plan shall include the following information:

A. Front Building Elevation(s), indicating lengths of individual storefronts, location(s) of signs, and the maximum sign area for each individual business sign.
B. Location of Development Identification Sign, if any, indicating the setbacks and maximum sign area for this sign.
C. Drawings, to scale, of all signs proposed for the Planned Unit Development, including dimensions (height and width).
D. Color Schemes for all Signs and the Design of all Signs, including how they will need to be erected, and the types of structures which, will be used to support each sign.
E. The types of structures that will be used to support each sign.
F. The elevation of the centerline of the nearest adjacent improved public right-of-way, for purposes of determining the maximum height permitted.

11.221

The Sign Package Plan, once approved, shall become a part of the Final Development Plan. Any change to this portion of the plan shall require that an Amended Final Development Plan be submitted by the Developer/Owner of the Planned Unit Development for approval by the Planning Commission, as a whole. The Chairman shall not approve any amended Sign Package Plan administratively, as provided for in Sections 5.06 and 7.403 of this Ordinance.

11.222

The following is a list of maximum sign areas permitted per type of sign and applicable zone district:

A. Development Identification: Development Identification Signs shall identify the name of the development, only and shall not exceed 150 square feet per street frontage. One Development Identification Sign per street frontage shall be permitted. Individual Tenants shall not be permitted to display a sign on the Development Identification Sign.
B. Fascia Signs Identifying Tenants. Each tenant shall be permitted to display one (1) fascia sign identifying his or her business. Each tenant sign shall be limited to one (1) square foot of sign area for each one (1) linear foot of building frontage. In no case shall a tenant be limited to less than 25 square feet of fascia sign, or allowed a maximum of over 250 square feet.

   Businesses located on the interior of a single building, and having customer/client access from the interior of the building shall be permitted to have one (1) fascia sign on the exterior of the building. The maximum area of this sign shall be no greater than one (1) square foot of sign area for each one (1) linear foot of interior storefront area. No minimum or maximum sign areas shall apply to this requirement.

C. Monument Signs. On individual lots within a Planned Unit Development, businesses shall be permitted one monument sign. The maximum permitted sign area for a monument sign shall not exceed 40 square feet. The maximum height of the monument sign shall not exceed six (6) feet. The location of any approved monument sign shall be one-half (1/2) the distance of the building setback.

11.23

Special Purpose Signs shall be permitted on a temporary basis only, for no more than ten (10) days at any one time and for no more than six (6) times in any one calendar year (January 1 to December 31). The square footage of these signs shall be included in the calculations determining the maximum limits allowable under Table 11.1.

11.24 Setbacks

Except as otherwise noted herein, the setback for all ground-mounted and pole-mounted signs shall be one-half the distance required in the Basic Zone District's Bulk, Density and Height Table. Entrance/Exit signs may be located at the right-of-way, but in no instance shall they project into the right-of-way and shall not be greater than three (3) feet in height.

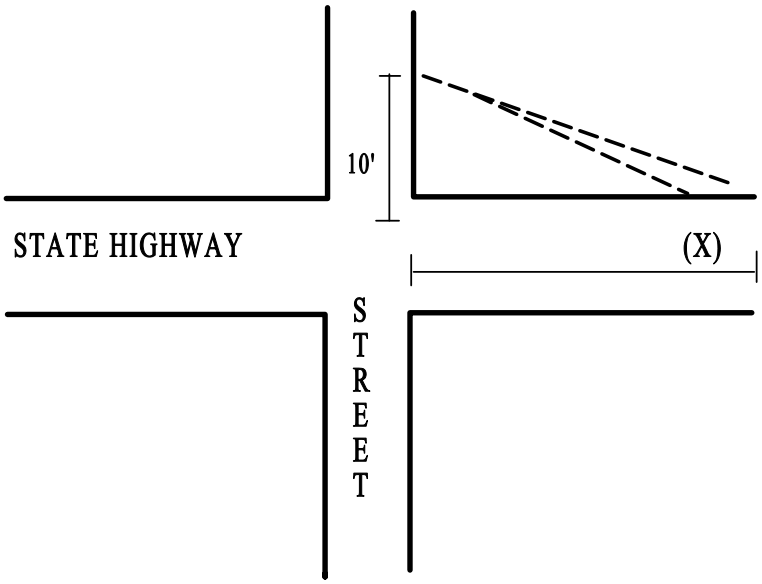
11.25 Sight Distance Triangle

No ground-mounted business identification sign shall be placed within the sight distance of a street intersection or the intersection of the entrance/exit to a business and the public street. If a pole sign is proposed within this sight triangle, the minimum distance from the ground to the bottom of the sign shall be 15 feet. For purposes of this section, the following sight distance triangle measurements shall be used:

STATE HIGHWAY

Where a County street, driveway or other entrance intersects with a state highway or other County street, the sight triangle shall consist of the area between a point ten (10) feet along the street or driveway edge of pavement and a point located along the edge of the state highway pavement, the distance an automobile traveling the speed limit can go in six seconds, as indicated in the table below.

(X) Sight Distance	Speed Limit
484ô	55 mph
396ô	45 mph
308ô	35 mph
220ô	25 mph
132ô	15 mph



11.26 Projection

No sign determined to be a fascia sign shall be allowed to project further than eighteen inches (18") from the face of the building.

11.27 Non-Premise Advertising Signs

11.271

Non premise or advertising signs, including billboards and poster boards are permitted only in the CH, IC and IG zone districts. Non-premise signs shall not be permitted on any residential used property, regardless of zoning. Non premise signs shall be permitted only when facing streets designated as an Arterial Street in the Functional Highway Classification system contained within the Comprehensive Plan.

11.272 Size Height and Location

A. No sign shall exceed two hundred and forty (240) square feet in area.
B. Not more than one sign face is permitted on the same side of any sign structure. This does not prohibit double-faced structures provided that both faces are ninety (90) degrees to an arterial highway and are mounted on the same frame.
C. No non-premise sign is permitted within 2,500 feet of any other such sign.
D. The maximum height shall be fifty (50) feet.

E. No non-premise sign shall be permitted within 1,000 feet of the right-of-way of an Interstate, or a highway classified, by the Kentucky Transportation Cabinet, as a Federal-Aid Highway.

11.273 Illumination

Non-premise advertising signs shall be permitted to be illuminated, with the following conditions:

A. Any illumination shall be external and shall be directed toward the sign.
B. Deflectors shall be attached to the lights, so that the light is directed toward the sign.

11.28 Non-Profit, Church, Organizational Signs

Non-profit enterprise, charitable organizations or church directional signs are permitted, provided they meet the following criteria:

A. No sign may be greater than six (6) square feet.
B. Such signs shall only:
    1. Identify the church, non-profit enterprise, or charitable organization,
    2. Direct the traffic pattern in the direction of its location,
    3. Indicate the distance necessary to be traveled to reach the location,
    4. Have a minimum spacing of One Hundred Feet (100') from any other non-profit, charitable organization or church designated directional sign.

C. No such sign shall be located closer than twenty feet (20') from the roadway and shall have a distance of five (5') from the ground to the bottom of the sign.
D. Written consent of the owner must be submitted to the Franklin County Planning, Zoning & Building Codes Office when the proposed sign is to be located on private property. Such sign shall not count in the total sign allocation for that business or property.

11.29 Interstate Business Signs

11.291 Purpose

The purpose of the Interstate Business Sign section is to allow for business establishments offering goods and services in the interest of the traveling public to inform the motorist of the travel related goods and services available along the Interstate. The Interstate Business Sign regulations shall apply only for on-premise pole signs. Regulations for fascia signs shall conform to other sections within this ordinance.

11.292 Definition

For the purpose of this section, Interstate shall be defined as a fully controlled access highway, which gives preference to through traffic and has access only at selected public roads and that has no at-highway grade crossings or intersections.

11.293 Sites Affected

Interstate business signs may be located within a 3,500-foot radius of the center point of the intersection of U.S. Highway 127 and Interstate 64, the center point of the intersection of U.S. Highway 60, Versailles Road and Interstate 64, and the center point of the intersection of U.S. Highway 151 and Interstate 64. Maps (Map 11-1, 11-2 and 11-3) are attached to this section to serve as a general reference in determining eligible properties.

11.294 Permit Procedures

A business, which meets the criteria established in sections 11.281, 11.282 and 11.283, may apply for a building permit to erect an interstate sign. This sign shall meet the height, size, and location requirements, which are contained elsewhere in this section. No sign shall be erected without first applying for and receiving a permit for the erection of this sign.

11.295 Maximum Height

No interstate business sign shall exceed one hundred feet (100') in height.

11.296 Maximum Size

The maximum size of an interstate business sign can be no greater than 350 square feet, per sign face, with a maximum size of 700 square feet for all sign faces.

11.297 Location

The interstate business sign must be located on the same site as the business. These signs must meet the following setbacks, as measured from the property lines:

Front Setback:	15 feet
Side Setback:	5 feet
Rear Setback:	15 feet

For purposes of this measurement, a property with multiple street frontages shall be required to meet the front setback along any one of the street frontages.

ARTICLE XII
NON-CONFORMING USE AND NON-COMPLYING STRUCTURE

12.01 Non-Conforming Uses

Are any lawful use, whether of a building, structure or tract of land existing at the time of the enactment of this ordinance which does not conform to one or more of the provisions of this zoning ordinance.

12.02 Continuance of Non-Conforming Uses

A non-conforming use existing lawfully at the time of enactment of this ordinance may be continued except as restricted in this article.

12.021 Repairs, Alterations

Nothing in this ordinance shall be interpreted to prevent normal or maintenance of any building occupied by a non-conforming use. Alterations may be made in such a building when necessary in the interest of public health or safety or appearance.

12.022 Extension, Enlargement or Relocation

A non-conforming use shall not be extended, enlarged or placed on a different portion of the lot occupied by such use on date of enactment of the ordinance.

12.03 Changes to Other Uses

12.031 Change of Conforming Use

A non-conforming use may be changed to any conforming use.

12.032 Change to a Less Non-Conforming use

A non-conforming use may be changed to any conforming use provided the new use is less non-conforming than the original use.

A. Any change to a less non-conforming use shall be interpreted to be a change to any use which is first listed in the use table at least one column left of the column in which the non-conforming use is first listed.
B. Any change to another, less non-conforming use must be approved by the Board of Adjustments.
C. In considering changes to lesser non-conforming use the Board shall consider the impact upon the surrounding area, the site design of the proposed use and the rehabilitation of the structure.
D. Any change shall only be permitted if adequate provisions for required off-street parking are assured.

12.04 Cessation

If, for a continuous period of six months, a non-conforming use has ceased or the furnishings of a non-conforming use are removed and not replaced, the building or land shall thereafter be used only for a conforming use or less non-conforming use as provided in 13.03 unless an extension has been granted by the Board of Adjustment.

12.05 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

12.06 Amortization of Land and Structures

The non-conforming use of land where no building is involved shall be discontinued within five (5) years from the date of adoption of these regulations except where farming is the primary use lawfully existing at the time this article became effective.

12.07 Non-Complying Structures

Any structure which does not comply with one or more of the applicable district height, bulk and density regulations or off-street parking requirements either on date of

enactment of this ordinance or as a result of any subsequent amendments to this article shall be a provision of this article.

12.071 Continuance of Non-Complying Structures

The use of a non-complying structure may be continued subject to provisions of this article.

A. Maintenance, Repairs. Nothing in this article shall be interpreted to prevent normal maintenance and repair when necessary in the interest of public health, safety or appearance.
B. Enlargement. A non-complying structure shall not be enlarged in any way which would either a.) Create a new noncompliance or, b) increase the degree of noncompliance with respect to bulk regulations and off-street parking requirements.

12.072 Replacing Damage Buildings

Any non-complying building or structure damaged more than sixty percent (60%) of its then fair market value (as determined by an insurance company's appraiser) by fire, collapse, explosion or acts of God shall not be restored or reconstructed in any non-complying form except that such building may be rebuilt but not to exceed its original non-conformity. If damage is less than sixty percent (60%), it may be reconstructed as before, provided that a building permit is issued within six (6) months.

12.08 Non-conforming Lots of Record

12.081 Substandard lots

In any residential zone or district permitted uses may be erected or enlarged on any single lot of record at the date of adoption of these zoning regulations even though such lot fails to meet the requirements for area or frontage or both:

A. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership.
B. Dimensional requirements other than those applying to area or frontage, or both of the lots shall conform to the regulations of the zone or district in which such lot is located.

12.082 Combination of Lots

In any residential zone or district permitted uses may be erected or enlarged on any single lot of record at the date of adoption of or amendment of this zoning regulation and do not meet the requirements established for lot width or area, the land involved shall be considered to be an undivided parcel for the purposes of this zoning regulation.

12.083 Subdivision of lots

No subdivision of such parcel shall be made which creates a lot with width or area below the requirements stated in this zoning regulation.

12.09 Conditional Uses Not Nonconforming Uses

Any existing principal permitted use at the date of the adoption or amendment of this zoning regulation which would thereafter require a conditional use permit shall without further action be deemed a conforming use, but any enlargement or replacement of such use in buildings or on land, shall require a conditional use permit as provided.

ARTICLE XIV
BOARD OF ADJUSTMENT

14.01 Establishment

The Board of Adjustment as constituted at the time of the adoption of this zoning regulation shall continue in power. Future appointments shall be made as required by KRS 100.217 and by Franklin County and Franklin County Joint Planning Commission agreement.

14.02 Proceedings

The Board of Adjustment shall conduct meetings 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 of the meeting, and the subject or subjects which will be discussed. A simple majority of the total membership of the Board of Adjustment shall constitute a quorum. The Board shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall, immediately after adoption, be filed in the office of the Board. A transcript of the minutes of the Board of Adjustment meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

14.03 Powers

The Board of Adjustment shall have the following powers:

14.031 General Powers

The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Board shall have the right to receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States government, for the purpose of carrying out the provisions of this zoning regulation. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give the evidence bearing upon the questions before it. The Chairman of the Board of Adjustment shall have the power to administer oaths to witnesses prior to their testifying before the Board of any issue.

14.032

The Board of Adjustment shall have the power to grant conditional use permits, approve dimensional variances or to hear appeals from administrative decisions.

14.033

The Board of Adjustment shall have no power or authority to grant any use variance which permits any use of land or structure not permitted by this ordinance, or to grant any conditional use not indicated in these zoning regulations and is specifically prohibited from doing.

14.04 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 planning area of uses which are specifically named in this zoning regulation which may be suitable only in specific locations in the zone only if certain conditions are met.

14.041

The Board may approve, modify or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions shall be recorded in the Boardôs minutes and on the conditional use permit, along with a reference to the specific section in this zoning regulation to the specific section in this zoning regulation listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.

14.042

The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other regulations.

14.043

In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, the granting of such conditional use permit shall be reconsidered by the Board of adjustment at a public hearing with notice as required.

14.044

Once the Board of Adjustment has granted a conditional use permit and all of the conditions have been satisfied, then a building or occupancy permit may be issued and the use will be treated as a permitted use subject to the following limitations:

A. The permitted use applies only to the specific use approved.
B. The use is permitted only at the location approved.
C. The permitted use is granted only to the person to whom the Board issued the conditional use permit.
D. The use is permitted only subject to any continuing conditions specified by the Board.
E. The permitted conditional use is not transferable with neglect to use, location or person. Any change in ownership, person or use shall be subject to new consideration by the Board of Zoning Adjustments.

14.05 Dimensional 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 date of adoption or amendment of this 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 this zoning regulation 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.

14.051

Before any variance is granted, the Board must find all of the following which shall be recorded along with any imposed conditions or restrictions in minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

A. The specific conditions in detail which are unique to the applicantôs land and do not exist on other land in the same zone.
B. The manner in which the strict application of the provisions of this zoning regulation would deprive the applicant of a reasonable use of land in the manner equivalent to the use permitted over landowners in the same zone.
C. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this zoning regulation.

D. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood and, if within a Floodplain Zone would not increase the flood heights.

E. For dimensional variances of lowest floor elevations (including basement) from the regulatory flood elevation in a Flood Fringe District only:

The property on which the structure is to be located is an isolated lot of one-half acre or less, contiguous to and surrounded by existing structures constructed below such required first floor elevation or a structure listed on the National Register of Historic Places is to be restored or reconstructed.

14.052

A dimensional variance applied to the property for which it is granted and not the individual who applied for it. A variance also 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.

14.06 Administrative Review

The Board of Adjustment 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 the Building Inspector in the enforcement of this zoning regulation. Appeals under this section must be taken within thirty (30) days of the date of official action by the Building Inspector.

14.07 Appeals

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decisions of the zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from by filing with said officer and with the Board a notice of appeal specifying the ground 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 any hearing by the Board any interested person may appear and enter his appearance all shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Building Inspector at least one week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by an authorized representative.

ARTICLE XV
CONDITIONAL USES

15.01 General

Wherever any conditional use is considered by the Board of Adjustments, the Board shall determine that the following conditions have been met.

15.011

That street or road capacity and condition is adequate to serve anticipated additional traffic.

15.012

That public facilities required are available.

15.013

That the conditional use proposed is in accordance with the intent of the zoning district within which it will be located.

15.014

That the proposed use, will have no adverse effect upon the adjacent or surrounding property.

15.015

That appropriate screening or buffering is provided.

15.016

That any sign requirement specified in Article 11, will have been met and that no sign for any conditional use in any residential zoning district exceeds two (2) square feet.

15.017

That all specific conditions enumerated in this Article, Sections 15.02 through 15.12 will have been fulfilled.

15.018

That the use and development of land, complies with the adopted Comprehensive Plan.

15.02 Specific Conditions

In addition to the above general conditions the Board shall evaluate the standards and conditions for those uses which follow and for which specific conditions are established.

15.03 Cemeteries and Mausoleums

15.031 Location

A cemetery or mausoleum may be granted a conditional use by the Board of Zoning Adjustments to locate in any AG, RR, RA, RB, RC, RD, CL, CH or IC zone.

15.032 Site Plan

Any proposal for a cemetery or mausoleum shall be accompanied by a site plan showing all ingress, egress, building sites, external rod system and such information as may be required by the Board of Zoning Adjustments.

15.033 Accessory Uses

Any accessory uses included on the site must be clearly defined and all such accessory uses and be no more objectionable than the principal use.

15.034 Area

Any new cemetery shall be located on a site not containing less than 20 acres.

15.035 Setback

All structures including but not limited to mausoleums, permanent monuments or maintenance building shall be set back not less than 35 feet from any property line or street right-of-way line and all graves or burial lots shall be set back not less than 25 feet from any property line or street right-of-way.

15.036 Landscaping

All required yards shall be landscaped and maintained.

15.037 Compatibility

The proposed use must be entirely compatible with adjacent and surrounding land uses.

15.038 Access

Access to the proposed site must be adequate in order that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations. All principal entrances shall be from at least a collector street.

15.04 Civic, Community or Private Clubs

The Board of Zoning Adjustments shall hold public hearing before issuing a conditional use permit for civic or community clubs. Such hearing shall determine that:

15.041

The design of the structure is compatible with the surrounding neighborhood.

15.042

Off-street parking meets requirements in Article 10.

15.043

Adequate access is provided to an arterial or collector street and traffic is not required to travel through a residential neighborhood. Principal access is prohibited to local neighborhood streets.

15.044

The civic, community or private club is organized as a non-profit service oriented association.

15.05 Churches and Religious Organizations

The Board of Zoning Adjustment shall hold a public hearing before issuing a conditional use permit for a church, temple, synagogue or other structure for religious activities. Such hearing shall determine that:

15.051

The design of the structure is compatible with the surrounding neighborhood.

15.052

Off-street parking meets requirements of Article 10.

15.053

Adequate access is provided to an arterial or collector street and traffic is not required to travel through a residential neighborhood. Principal access is prohibited to local neighborhood streets.

15.06 Day Care Centers, Nurseries, Kindergartens

15.061 Location

A day care center, nursery or kindergarten may be granted a conditional use is the RR, RA, RB, RC, RS, and RD zone districts and shall contain no more than six (6) children. A Day Care Center, Nursery, or Kindergarten may be granted a conditional use in the RL and RH zone districts, but shall contain no more than twelve (12) children. Any Day Care Center, Nursery or Kindergarten proposed to be located within a Church in any residential (R) zone district may be granted a conditional use for more than six (6) or twelve (12) children provided that all requirements listed under Section 15.06 are met. Signs shall not be permitted to advertise this business.

Day Care Centers, Nurseries, or Kindergartens shall be permitted in the PO, CL, CG, CH, IC, IG, and AG zone districts for up to thirty-five (35) children. Applicant shall comply with all requirements of Section 15.06. When said Day Care Center abuts property zoned or used for residential purposes, a Conditional Use Permit shall be required. If a Day Care Center, Nursery, or Kindergarten in the PO, CL, CG, CH, IC, IG, and AG zone districts proposes to have over thirty-five (35) children, a Conditional Use Permit shall be required.

15.062 Site Plan

Any proposed Day Care Center, Nursery or Kindergarten shall provide a site plan showing all ingress and egress, parking, structure site and playing area.

15.063 Total Area

The total lot area of any Day Care Center, Nursery or Kindergarten shall not be less than 5,000 square feet.

15.064 Play Area

All Day Care Centers, Nurseries or Kindergartens shall provide a fenced play area of one thousand five hundred (1,500) square feet for the first ten (10) children with one hundred (100) additional square feet for each additional child. No portion of the play area shall be closer than thirty-five (35) feet to any public street.

15.065 Interior Space

Usable interior space within any child care facility shall be not less than thirty-five (35) square feet per child. Kitchen, bath restroom or passageway shall not be counted as usable space.

15.07 Home Occupations

15.071 Purpose and Location

A home occupation is an accessory use which is incidental to the use of the dwelling for residential purposes. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent an undue increase in traffic or parking problems on local streets but at the same time provide a means for individuals to operate businesses customarily conducted from private homes. Such permits may be granted in any zoning district where residences are permitted.

15.072 Classification

Home occupations will be categorized into two different types: Minor Home Occupations and Major Home Occupations. Minor Home Occupations may be administratively approved provided that the applicant meets all criteria set forth in Section 15.07. Major Home Occupations shall require a Conditional Use Permit by the Board of Zoning Adjustment prior to the issuance of a Business License.

A. Minor Home Occupations may be administratively approved when the following conditions are met:

1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation
2. There shall be no visible exterior evidence of the conduct of the occupation
3. No advertisement shall be placed in any media (newspaper, magazine, telephone directory, radio television) containing the address to the property.
4. No customers/students/clients will be allowed on site.
5. The home occupation shall not create the need for off-street parking beyond normal dwelling needs, and will not generate additional traffic.

No Business License shall be issued for the conduct of a Minor Home Occupation until the applicant has shown that all criteria and conditions of Section 15.07 have been met.

B. Major Home Occupations shall require approval of a Conditional Use Permit from the Board of Zoning Adjustments. In order for the Board of Zoning Adjustments to approve a Major Home Occupation the following conditions must be met:

1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.
2. No more than two customers, clients or pupils shall be permitted on the site at any one time except that an occupant of a single-family dwelling may provide group or professional therapy for no more than four individuals at one time.
3. Any Major Home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M and 7 A.M.
4. No nonresident employee may work at a home occupation between the hours of 9 P.M and 7 A.M.
5. The home occupation shall not have more than one non-illuminated sign not exceeding two (2) square feet in area, and this sign shall not be freestanding.

6. Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two commercial deliveries (e.g. UPS, Federal Express, and U.S. Postal Service Express Mail) shall be made in any 24-hour period.

15.073 Permit

No Business License for a Major Home Occupation shall be issued unless either a Conditional Use Permit has been issued by the Board of Zoning Adjustments for Major Home Occupation or in the case of Minor Home Occupations the applicant has shown that all conditions listed under section 15.07 have been met.

15.074 Permit, Not Transferable

A special permit for a home occupation is not transferable. A new permit must be applied for whenever there is a change in the occupations, occupant or address.

15.075 Retail Activities

Generally, only handmade items, crafts made in the home, and sale items in conjunction with the services may be offered for sale on the premises. No other goods, products, or commodities bought for the express purpose of resale shall be sold at retail or wholesale on the premises, nor shall such goods or products be stored or displayed on the premises or distributed to other locations. This provision is not meant to prohibit the storage of goods sold through a mail-order or online sales business as long as the storage of those goods does not violate any other provision of this regulation.

15.076 Occupation Types

The following uses are prohibited as home occupations; barber shops, beauty parlors, automobile and small engine repair, medical or dental office other than psychiatry/psychology, home cooking and catering, private clubs, eating and drinking establishments, fortune tellers, health spas (excluding personal trainers/massage therapist), hotels/motels, wholesale and retail, kennels.

If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment.

Note: Agriculture related "homebased processing & microprocessing" taking place in accordance with HB391 and KRS 217.0005 through KRS 217.215 shall not be prohibited by the preceding list of occupation types.

15.077 Limitation on Area

The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. A home occupation shall occupy less than 50 percent of the floor area of the principal dwelling unit, when the occupation is located in an accessory structure the area of the accessory structure may be counted towards the floor area of the principal dwelling unit.

15.078 Location

The operation of Home Occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.

15.079 Parking

Parking facilities required by this ordinance have been provided and shall not alter the residential character of the lot.

15.0710 Alteration of Structure

No residential structure shall be altered or added to in such a manner that the alteration would conflict with the residential nature of the structure were no home occupation in use.

15.0711 No Products or Processing

Except for the creation and production of arts and crafts there shall be no good, samples, materials or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation, however, this article shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.

15.0712

No electrical or mechanical equipment or processes that would change the fire rating of the dwelling unit shall be permitted. No home occupation may cause odor, vibrations, fumes, or glare which is beyond the scope of odors, vibration, fumes, or glare which could result from typical behaviors in a residential setting. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

15.08 Schools, Parks, Playgrounds and Related Facilities

15.081

The Board of Zoning Adjustments may issue a Conditional Use Permit for schools, parks, playground or outdoor recreational facilities in any zone, listed in the chart of Permitted Uses, after first holding a hearing to determine compatibility with the surrounding development.

15.082

Each Site or facility must be proposed in accordance with the Comprehensive Plan for Frankfort and Franklin County.

15.083

Elementary schools, parks and playgrounds providing active and passive participant recreation for a neighborhood can be located in any zone provided adequate access is provided to such a facility.

15.084

Off-Street parking is provided.

15.085

Adequate provision is made for safe loading and unloading of children on site.

15.09 Retail Uses in Multifamily Residence Zones

15.091 Purpose

Limited retail facilities may be permitted within multi-family residential structures only to provide a needed facility to residents of that multi-family complex.

15.092 Access

Retail facilities so permitted shall be within a residential building and have access only from an interior corridor and court. No such facility may have direct access or exposure form a public street.

15.093 Location

All such facilities shall be limited to the ground floor of any residential structure.

15.094 Signs

In addition to other regulations governing signs in general or signs for conditional uses, any sign for commercial uses in a residential district shall be limited to six (6) square feet exposed only to interior corridor or court. In addition, a sign limited to two (2) square feet may be permitted along a public street on which the residential complex fronts.

15.10 Drive-In Theaters

15.101 Location

Drive-In Theaters may be permitted in an AG, CH, or IC zoning district.

15.102 Access

The site must have direct access to an arterial road as identified to the functional street classification map. In addition to the required setback from streets and highways, all yards shall be planted and maintained as a landscaped strip.

15.103 Screening and Visibility

The theater, viewing screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence or densely planted evergreen hedge not less than six (6) feet in height.

15.104 Stacking and Loading

Loading space for patrons waiting for admission to the theater shall be equal to twenty (20) percent of the capacity of the theater. All entrances and exits shall be separated and internal circulation shall be laid out to provide one-way traffic.

15.105 Accessory Sales

Sale of refreshments shall be limited to patrons of the theater. Amusement parks or kiddylands shall be accessible only to the patrons of the theater

15.106 Lighting

All parking area and access ways shall be adequately lighted provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

15.107 Noise

No central loudspeakers shall be permitted.

15.11 Junk, Wrecking and Automobile Storage Yards

15.111 Locations

Because of the nature and character of junk, wrecking and automobile storage yards, the Board of Zoning Adjustments may issue special exceptions for such uses in the IG zones.

15.12 Processing

Except for processing of metal salvage all other waste processing shall be entirely within an enclosed building. No processing operation shall be permitted closer than three hundred (300) feet from an established residential district.

15.13 Screening

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, designed to obscure the view of any wrecked cars from the road. Such fence or wall shall be constructed on or inside the front, side and rear yard setback lines required within the district in which it is located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and property line is expressly prohibited.

15.14 Access

One access driveway shall be permitted on any single street frontage.

15.15 Shared Family Dwellings and/or Mini Nursing Homes

15.151 Purpose

Regulations governing shared family dwelling and/or mini nursing homes are intended to provide opportunities for safe, sanitary and affordable housing to single parents, elderly and disabled persons allowing a õSharingò of the dwelling. They are also sharing to provide security, companionship and sharing household tasks and savings in household expenses. The residents of nature and such a dwelling shall not be used to provide temporary or transient housing. No portion of these regulations is to be interpreted as applying to limited care/treatment center or half-way houses.

15.152 Definition

Shared family dwellings and/or mini nursing homes (for the developmentally disabled) shall be any building occupied by not more than four (4) developmentally disable residents, who shall be supervised and monitored in their daily activities by a recognized local social services agency, in which the common areas and facilities are shared, thus meeting their household needs.

15.153

In order to ensure compliance with the above definition and intended use of shared family dwellings and/or mini nursing homes, the Board of Zoning Adjustments shall determine and provide adequate conditions for each conditional use permit issued as follows:

A. Determine that the recognized local social services agency is in fact an agency currently operating in Frankfort/Franklin County.
B. Attach reasonable conditions to ensure that each such dwelling is monitored on a regular basis by the recognized local social service agency, such schedule to be determined by the Board. Any change in site location or monitoring agency will cause the conditional permit use to become null and void.

15.154 Location

Shared family dwellings and/or mini nursing homes are permitted in any multi-family district, except shall be permitted only as a conditional use in the following zone districts PO (Professional Office), RD (Two Dwelling District), RL (Low Density Multi-family).

15.155 Limitation of Occupancy

A shared family dwelling and/or mini nursing home shall consist of two (2) or more private spaces for the exclusive use of an individual õfamily unitò and common spaces shared by these õfamiliesò. These common spaces shall include a kitchen, dining and living area.

15.156 Alteration of Structure

No residential structure shall be altered or enlarged beyond its existing exterior walls in order to accommodate the shared family dwelling and/or mini nursing home. In addition, no structure shall be internally remodeled to accommodate the addition of more bedrooms for a shared family and/or mini nursing home use than those that organically existed except that a three (3) bedroom house may be enlarged, via interior remodeling only, to a four (4) bedroom house.

15.16 Charitable Indigent Limited Care Facility

15.161 Purpose

Provide services to individuals and families on a temporary basis only, who are indigent, and are existing in a level of poverty in which real hardship and deprivation are suffered and the comforts of life are wholly lacking. Such facilities shall be operated only by recognized local charitable organizations.

15.162 Definition

A Charitable indigent Limited Care Facility shall be any part of a building or building in which is recognized local charitable organization (such as a church, church group, coalition of local churches, Salvation Army, or American Red Cross) operates a facility to meet the needs of indigent individuals and families on a temporary basis only. No full-time living quarters are to be provided for either indigents or staff in said facility.

A Charitable Indigent Limited Care Facility is an organization whose purpose is to provide temporary care for the indigent of the community and help them find additional assistance with other agencies within the community.

15.163 Conditions

The following minimum conditions must be met prior to using any building for a Charitable Indigent Limited Care Facility:

A. A minimum of forty (40) square feet of usable area must be provided for each person housed. Not to include square footage of the church, sanctuary, mechanical areas, kitchens, bathrooms, hallways or offices. Maximum number of overnight inhabitants shall not exceed thirty (30).

B. Must provide off-street parking for three (3) vehicles, plus one (1) for every two (2) full-time employees. Parking must be in a designated facility. If parking area is not owned by facility operator, written consent must be provided by the property owner.

15.17 Bars and Taverns

15.171 Purpose

To promote and/or protect the public health, safety, morals and general welfare of the community; to facilitate orderly growth and development through the proper consideration of the nature and character of the bar an/or tavern and its relationship to agricultural, rural and similar residential uses and with a view to preserving property value and to insure the maintenance of quality of life. The herein stated use is established to regulate the location and the ingress and egress to the property.

15.172 Definition

Bars and taverns shall be any business that holds a license to sell beer, wine and /or liquor by the drink.

15.173 Conditions

In order to limit the adverse effect on adjacent surrounding property the following conditions must be met prior to the issuance of any Conditional Use Permit by the Board of Adjustment.

A. The proposed bar and/or tavern must be at least 500 feet from any residential zoning district or residential use. This includes property across the street.
B. Parking area shall be screened; yards, entries, and walks shall be landscaped as required by Article 10.
C. Principal access shall be from a frontage road or an interior drive.
D. Any proposal for a Conditional Use shall be accompanied by a site plan showing all ingress, egress, landscaping, building site (existing and proposed) all utilities, means of fire protection, parking layout and other information as may be required by the Staff or the Board of Adjustments.

15.18 Bed and Breakfast Homes

15.181 Purpose

The regulation governing Bed and Breakfast Homes are designed to allow a homeowner in Rural Residential (RR). High Density Multi-Family residential (RH) zone and the Agricultural (AG) zone districts to operate a transient overnight lodging business strictly as an accessory use to the residence with approval by the Board of Zoning Adjustments.

15.182 Definition

A Bed and Breakfast Home is defined as a single-family resident in which overnight accommodations are provided or offered for transient guests for compensation, and in which no more than two (2) family-style meals are provided per a twenty-four (24) period.

15.183

In order to ensure compliance with the above definition and intended use of a Bed and Breakfast Home, the Board of Zoning Adjustments shall determine that the following conditions for each conditional use permit are met:

A. Location: Bed and Breakfast Homes may be located in any single-family residential structure in a High Density Multi-Family (RH) Agricultural (AG) and Rural Residential (RR) Zone District, provided that Conditional Use Permit has been issued by the Board of Zoning Adjustments.
B. Limitation of Occupancy: A Bed and Breakfast Home shall be limited to six (6) lodging units or bedrooms provided for guest accommodations. The Maximum length of stay for any guest shall be six (6) nights. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.
C. Owner residency: The owner of any single-family residential structure where a Bed and Breakfast Home is located must reside at the home.
D. Alteration of Structure: No structure shall be altered or enlarged beyond its existing exterior walls in order to accommodate the Bed and Breakfast Use.
E. Parking: Parking for this Bed and Breakfast use shall be provided in accordance with Article 10, Parking Regulations. Each Bed and Breakfast shall be required to provide one (1) parking space per each lodging unit or bedroom provided for overnight accommodations.
F. Signs: Any sign that is provided for this use shall not exceed two (2) square feet.
G. Licensing: The owner of the Bed and Breakfast shall be required to obtain approval and licensing from the State Health Department for septic systems.

15.19 Craft Distilleries and Small Farm Wineries (not in industrial Districts)

15.191 Purpose

To define a ñcraft distilleryò and ñSmall Farm Wineryò and place conditions upon its operation that will allow it to be an asset to its immediate surroundings as well as to prevent any conflicts with the rural nature of the location of said distilleries.

15.191 Conditions

In order to limit the adverse effect on adjacent surrounding property the following conditions must be met prior to the issuance of any Conditional Use Permit by the Board of Zoning Adjustment.

1. Delivery of any supplies and pick-up of finished products shall not be carried out by vehicles with more than 3 axles.

2. The distillery/winery shall not operate between the hours of 9 pm and 7 a.m. (with the exception of any incidental activities of an agricultural nature). *
3. The Craft Distillery/winery must be located on a lot that is a minimum of fifty acres.
4. If a distillery; the location of the actual distillery facility (i.e. mashtun, fermenters, still, or bottling facilities) shall be located a minimum of 150 feet from every property line. In the case of a winery the location of the fermenters, and bottling facilities shall be located a minimum of 150 feet from every property line.
5. Any retail sale on site shall be clearly incidental to the distillery operation and in compliance with the applicable state and federal statutes.
6. Craft Distilleries or Small Farm Wineries in residential or agricultural zones shall not produce more than 50,000 gallons per year of finished product. This production maximum includes any product distilled off-site and/or shipped in to be blended and/or bottled on site**
7. Any proposal for a Conditional Use shall be accompanied by a site plan showing all ingress, egress, building site (existing and proposed), all utilities, means of fire protection, parking layout and other information as may be required by the Staff or Board of Zoning Adjustments.

<u>* The fermentation of the distilleryôs product does not constitute ñoperationò for the purposes of this requirement.</u>
<u>**For reference, ñSmall Farm Wineryôs òhave a maximum production of 50,000 gallons annually as licensed in the Commonwealth of Kentucky.</u>

ARTICLE XVI
ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

16.01 Administration and Enforcement

The Planning Director and/or Zoning Enforcement Officer of Franklin County shall administer and enforce this Zoning Regulation except as otherwise provided herein.

16.011

The Zoning Officer shall promptly investigate complaints of violations and report his findings and actions to complaints. He shall use his best efforts to prevent violations and to detect and secure the correction of violations.

16.012

If the Franklin County Office of Planning and Zoning finds any of the provisions or the Zoning Regulations are being violated, it shall notify in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

16.013

The Franklin County Office of Planning and Zoning orders discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done.

16.014

He shall take or cause to be taken any other action authorized by this Zoning Regulation to ensure compliance with, and prevent violations of, the provisions thereof.

16.02 Building Permit Required

No building for human habitation shall be erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a building permit therefore issued by the Building Inspector having properly vested authority under the Kentucky Building Code and this ordinance. No building permit shall be issued by him except in conformity with the provisions of this Zoning Regulation unless he has a written order from the Board of Adjustments in the form of an administrative review decision, a conditional use permit or dimensional variance. In other such cases as building activities will commence which do not fall under the jurisdiction of the Kentucky Building Code the Planning Director and/or Zoning Enforcement Officer of Franklin County may require zoning permits or other instruments to ensure the building activities compliance with the entirety of the Franklin County Zoning Ordinance.

16.021 Application for Building Permits

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale and showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of any existing principal buildings and accessory buildings; the lines within which the proposed building or structure is to be erected or altered; the proposed height; the existing and intended use of each building or part of building; the number of families or housekeeping units the building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Regulation.

16.022

One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as ñApprovedò or ñDisapprovedò and attested to same by signature on such copy. The original, similarly marked, shall be retained by the Building Inspector.

16.03 Certificate of Occupancy Required

Except as allowed by this Regulation, no person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or move, wholly or partly, until a certificate of occupancy shall have been issued by the Building Inspector, having properly vested authority under the Kentucky Building Code and this ordinance. Such certificate shall show that the structure or use, or both, on the premises, or the affected part thereof, are in conformity with the provisions of this Zoning Regulation. It shall be the duty of the Building Inspector to issue such certificate if he finds that all of the provisions of this Zoning Regulation have been met, and to withhold such certificate unless all requirements of this Zoning Regulation have been met.

16.031 Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Building Inspector for a period to exceeding six (6) months during alterations or partial occupancy of a building pending it completion.

16.032 Certificate of Occupancy for Existing uses or Structures

Upon written application from the owner or tenant, and upon inspection to determine the facts in the case, the Building Inspector shall issue a certificate of occupancy for any building, premises or use, certifying that the building, premises or use is in conformity with the provisions of this Zoning Regulation or that a legal non-conformity exists as specified in the certificate.

16.033 Structures and used to be as Provided in Building Permits, Plans, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement and construction set fourth in such permits, plans and certificates and no other. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Regulation.

16.04 Reconstruction of Unsafe Walls

Nothing in this title shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshall.

16.05 Amending the Zoning Map

The Planning Commission may recommend a change of zone to the Fiscal Court if, after a public hearing, it determines that the new zone requested meets all established criteria. The fee for a change of zone application shall be established by the Planning Commission.

16.06 Review of Zoning Ordinance

16.061

Upon adoption of these regulations, the Planning Commission shall periodically review both the text of this ordinance and the accompanying maps.

16.062

Such periodic review shall be on a regular schedule by the Planning Commission, but not less frequently that once every five (5) years and after any amendment to the Comprehensive Plan.

16.063

Upon review of the text and maps, the Planning Commission shall recommend all appropriate changes to the Zoning Regulations. Such changes shall be presented to the Fiscal Court as proposed amendments to the Zoning Regulations.

16.07 Enforcement

All departments, officials, and public employees of Franklin County which are vested with the duty or authority to review and issue permits or licenses shall do so in conformance with the provision of this regulation. Any permit or license issued for any use, building or purpose which is in conflict with the regulations shall be considered null and void.

16.08 Interpretation

In interpreting and applying the provisions of this ordinance, it shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The Planning Commission or their agent is responsible for all interpretations. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this ordinance shall govern.

16.09 Penalties for Violations

Violation of the provisions of this Zoning Regulation or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a violation punishable by a fine not to exceed $250 and each day such violation or non-compliance continues shall be a separate offense.

This Ordinance is subject to periodic amendment. Updates will be available
in the Franklin County Planning & Zoning Office