

ARTICLE 1. GENERAL PROVISIONS

1.01. ADOPTION

The zoning regulations adopted by ordinance of the Board of Commissioners of the City of Frankfort and the County Fiscal Court are confirmed and adopted in accordance with KRS Ch. 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 "The Zoning Regulations of the City of Frankfort and Franklin County, Kentucky".

1.03. PURPOSE, SCOPE, AND INTENT

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

- A. To promote and protect the public health, safety, morals, convenience and general welfare of the county;
- B. To facilitate orderly and harmonious development;
- C. To regulate the density of population and the intensity of land use;
- D. To provide for adequate light and air;
- E. To conserve energy;
- F. To prevent the overcrowding of land, blight, danger and congestion in the circulation of people and commodities;
- G. To prevent the loss of life, health or property from fire, flood or other dangers; and
- H. To facilitate the preservation of historic and culturally significant resources.
- I. To aid in the implementation of the Frankfort/Franklin County Comprehensive Plan.

1.04. NECESSITY

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

- A. The most appropriate land use and the activity on the land;
- B. The size, width, height, bulk and locations of structures, buildings and signs;
- C. The areas of land or space which are to be left unoccupied and the space between buildings and structures;
- D. Intensity of use and density of population;
- E. Districts of special use, planned developments, environmental areas, residential, commercial, industrial, and historically significant districts;
- F. Fringe areas of districts making them compatible with adjoining districts;
- G. The activities and structures on the land at or near major thoroughfares, streets or roads; and
- H. Floodplain areas and other areas having special character or use affecting their surroundings.

1.05. APPLICATION

This chapter shall apply to all land use, buildings, signs, and structures for residential, commercial, industrial and other uses within the City of Frankfort and Franklin County, Kentucky. These regulations shall be read in terms of and shall be interpreted to be included as an integral part thereof, any and all other provisions of the Frankfort Municipal Code and the Franklin County Code of Ordinances which are necessary for an understanding of this regulation and the attainment of its purposes.

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1.06. ENACTMENT

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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. INTERPRETATION

- A. The provisions of these Zoning Regulations shall be held to the minimum requirements for the promotion of the public health, safety, morals, convenience, or the general welfare.
- B. The Planning Commission or their agent is responsible for all interpretations.
- C. Whenever these Zoning Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of these Zoning Regulations shall govern.
- D. If the provisions of these Zoning Regulations are inconsistent with those of the State or Federal government, the more restrictive provisions will control, to the extent permitted by law.

1.08. REPEAL OF CONFLICTING LAW

The Zoning Ordinance adopted by the City of Frankfort, July 12, 1983 and the Frankfort County Fiscal Court, October 23, 1987 and all amendments made thereto and all ordinances or parts of ordinances in conflict with this Zoning Regulation, or inconsistent with the provisions of the regulation, are hereby repealed.

1.09. RELATIONSHIP WITH THIRD PARTY AGREEMENTS

- A. These Zoning Regulations are not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas or larger lot areas than are imposed or required by such third-party agreements, the provisions of this Zoning Resolution shall govern.
- B. In no case shall the City of Frankfort or Franklin County be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, which include Home Owners' Association rules and regulations.

1.10. CONFORMANCE

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

- A. 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 chapter 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 by these regulations.

- B. No yard or lot existing at the time of adoption of these regulations 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 chapter.
- C. 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.
- D. 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 of frontage, or unless otherwise specifically permitted by these Zoning Regulations.
- E. Where conflicts may exist between an established setback and the setback required by these Zoning Regulations, the minimum established setback shall be observed. Appeal to this requirement shall be made before the Board of Zoning Adjustment.

1.11. SEVERABILITY

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

1.12. 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 the county and amendments thereto shall apply in addition to the provisions of this chapter.