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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.

ARTICLE 1. GENERAL PROVISIONS

1.06. ENACTMENT

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. 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.

ARTICLE 2. ZONING DISTRICTS AND MAP

2.01. PURPOSE

The purpose of this Article is to:

- A. Establish zoning districts in order to realize the general purposes set forth in these Zoning Regulations;
- B. Provide for orderly growth and development of the City of Frankfort and Franklin County; and
- C. Promote development that is in accordance with the Frankfort Franklin County Comprehensive Plan: Distilled Together.

2.02. ZONING DISTRICTS ESTABLISHED

The City of Frankfort and Franklin County is hereby divided into the following districts:

Table 2.02-1: Zoning Districts				
DISTRICT DESIGNATION	DISTRICT NAME	DISTRICT PURPOSE	ZONING DISTRICT EQUIVALENCY	
			CITY OF FRANKFORT	FRANKLIN COUNTY
BASE ZONING DISTRICTS				
RURAL AND NATURAL LANDSCAPE DISTRICT				
FNL	Farms and Natural Landscape	2.05.A	AG	AG
RR	Residential, Rural	2.05.B	RE	RR
RESIDENTIAL DISTRICTS				
RL	Residential, Low-Density	2.05.C	RA; RB	RA; RB
RT	Residential, Traditional	2.05.D	RC	RC
RF	Residential, Flex	2.05.E	RS; RD	RS; RD
RM	Residential, Mixed-Density	2.05.F	RL; RH	RL; RH
MIXED-COMMERCIAL DISTRICTS				
MCL	Mixed-Commercial, Local	2.05.G	CL	CL
MCC	Mixed-Commercial, Community	2.05.H	CG	CG
MCR	Mixed-Commercial, Regional	2.05.I	CH	CH
PUBLIC & CIVIC DISTRICT				
PI	Public & Institutional	2.05.J	SG	-
ENTERPRISE DISTRICTS				
EE	Enterprise, Employment	2.05.K	IC; PO	IC; PO
EG	Enterprise, General	2.05.L	IG	IG
PLANNED DEVELOPMENT AND SPECIAL DISTRICTS				
PLANNED DEVELOPMENT DISTRICTS				
PD-R	Planned Development, Residential	9.03.A.1	PR	PR
PD-MC	Planned Development, Mixed-Commercial	9.03.A.2	PC	PC
PD-E	Planned Development, Enterprise	9.03.A.3	PM	PM
SPECIAL PURPOSE DISTRICTS				
S-CBD	Central Business District	10.04.A	CB	-
S-UM	Urban Mix	10.05.A	UM	-
S-CD	Capital District	10.06.A	SC	-
S-HD	Historic District	10.07.A	SH	-
S-RH	Rural Heritage	10.08.A	-	RHM
S-MH	Mobile Home Development	10.09.A	RM	RM
S-LD	Landfill District	10.10.A		E-ZL

2.03. COMMUNITY CHARACTER DESIGNATIONS

To ensure that new development is compatible with and complements the surrounding built and natural environment, each of the Zoning Districts established under [Section 2.02. Zoning Districts Established](#) is assigned a community character designation. These designations provide the specific dimensional and design standards that guide development within each area. The community character designation suffixes are as follows:

A. Community Character Designations Established

1. "-U", Urban Sub-Area Designation

The "-U" Urban designation is applied to zoning districts intended to support a compact, mixed-use, and walkable environment. The standards for these areas are designed to encourage moderate to high-density development, foster a vibrant sense of place, and promote efficient use of existing infrastructure.

2. "-S", Suburban Sub-Area Designation

The "-S" Suburban designation applies to zoning districts that accommodate moderate-density growth. The intent is to provide a transition between the urban core and the expansive rural landscape.

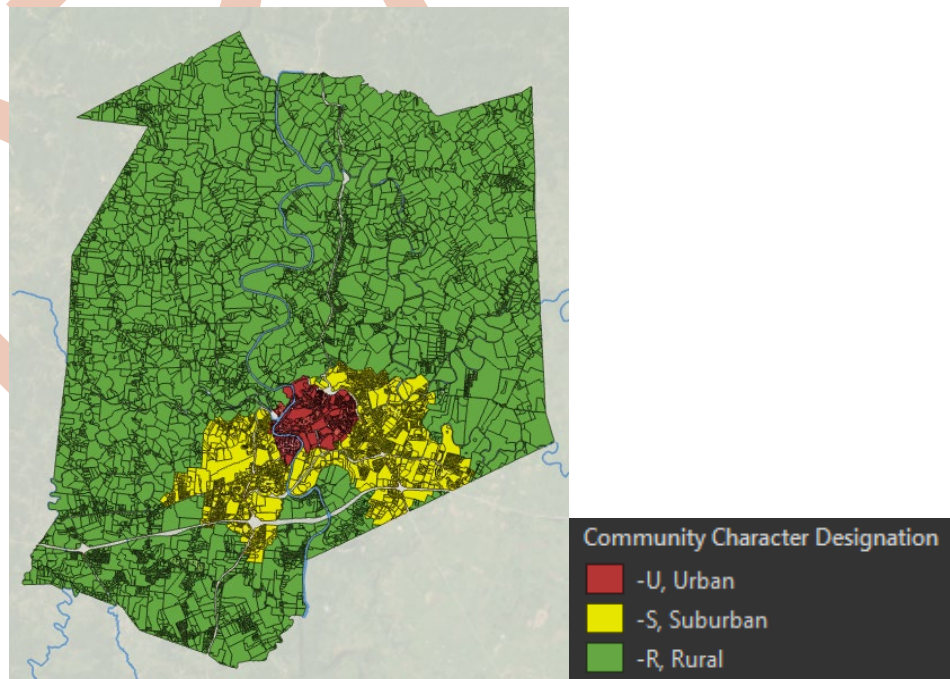
3. "-R", Rural Sub-Area Designation

The "-R", Rural designation is applied to zoning districts where the primary intent is to preserve agricultural land, natural landscape, and open space. Standards in these areas are designed to limit development density, protect the rural character of the county, and allow for principal and accessory structure placement that is appropriate for this area.

B. Applicability of Community Character Designations

1. Location

The following map shall establish the areas of Frankfort and Franklin County designated for each community character sub-area.



Map 2-1: Community Character Designations

ARTICLE 2. ZONING DISTRICTS AND MAP
2.04. ZONING DISTRICTS AND MAP

2. District Applicability

The following zoning districts shall have a community character designation:

Table 2.03-1: Community Character Designations				
BASE DISTRICT DESIGNATION	BASE DISTRICT NAME	COMMUNITY CHARACTER DESIGNATION		
		URBAN	SUBURBAN	RURAL
BASE ZONING DISTRICTS				
RESIDENTIAL DISTRICTS				
RF	Residential, Flex	RF-U	RF-S	RF-R
RM	Residential, Mixed-Density	RM-U	RM-S	RM-R
MIXED-COMMERCIAL DISTRICTS				
MCL	Mixed - Commercial, Local	MCL-U	MCL-S	MCL-R
MCC	Mixed-Commercial, Community	MCC-U	MCC-S	MCC-R
MCR	Mixed-Commercial, Regional	MCR-U	MCR-S	MCR-R
PUBLIC & CIVIC DISTRICT				
PI	Public & Institutional	-	-	-
ENTERPRISE DISTRICTS				
EE	Enterprise, Employment	EE-U	EE-S	EE-R
EG	Enterprise, General	EG-U	EG-S	EG-R

2.04. ZONING DISTRICTS AND MAP

A. Incorporation of Official Zoning Map

1. Boundaries

The boundaries of the zoning districts established by these Zoning Regulations are shown on a map or series of maps designated the official Zoning Map. The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of these Zoning Regulation as fully as if it were contained within the pages of these Zoning Regulations.

2. Location

The official Zoning Map is generated via the City and County's GIS database and is to be maintained regularly. The GIS version of the Zoning Map shall be the official record of the zoning status of all land in the City and County. The official Zoning Map is kept on file in the office of the Planning Department for the City of Frankfort, and the Office of the County Planning, Zoning, and Building Codes Department for Franklin County.

3. City of Frankfort Zoning Map Updates

The Planning and Zoning Director is responsible for updating the Official Zoning Map to reflect amendments adopted by the Board of Commissioners of the City of Frankfort, or by the Planning Commission as established by [KRS 100.2111, Alternative Regulation for Zoning Map Amendment](#).

4. Franklin County Zoning Map Updates

The Planning and Zoning Director is responsible for updating the Official Zoning Map to reflect amendments adopted by the Franklin County Fiscal Court, or by the Planning Commission as established by [KRS 100.2111, Alternative Regulation for Zoning Map Amendment](#).

B. Interpretation of District Boundaries

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

- Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city or county limits shall be construed as following such limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed as following such shore lines, and in the event of change in shore, lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes and other bodies of water shall be construed to follow such center lines.
6. Where a zoning district boundary line divides a single lot, the uses and development regulations for the most restrictive district shall apply.
7. Whenever any street, alley, place or other public way is officially vacated by the City or County, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
8. Any dispute in the determination of the Zoning District boundaries shall be heard by the Board of Zoning Adjustments.

C. Establishment of Zoning Districts for Annexed Territory

1. When a proposal of annex territory is made by the Board of Commissioners of the City of Frankfort, Kentucky, the Planning Commission shall recommend zoning classification for such territory.
2. At the first regular meeting after a proposal to annex is made by the Board of Commissioners of the City of Frankfort, Kentucky, the Planning Commission shall hold a public hearing to determine the correct zoning district or districts for territory proposed for annexation.
3. A report of findings of the Planning Commission and its recommendation for establishment of zoning districts shall be made to the Board of Commissioners of Frankfort, Kentucky, prior to the reading of an ordinance to annex.
4. As part of the ordinance to annex territory, the City of Frankfort shall include designations of appropriate zoning districts.

2.05. BASE DISTRICT PURPOSE STATEMENTS

A. FNL, Farm and Natural Landscape District

The Farm and Natural Landscape (FNL) district is intended to preserve and protect prime farmland, hillsides, floodplains, forests, and other resource-based uses. This district accommodates agricultural production, natural resource conservation, rural homesteads, and low-intensity residential development while controlling urban encroachment and preserving the natural landscape. This district also accommodates conditional use related to agri-business, agritourism, and adventure tourism where appropriate. This district should be established in accordance with the Comprehensive Plan's recommendations for the "Rural Farms and Natural Landscapes" land use category. This district does not include Community Character designations.

B. RR, Residential, Rural District

The Residential Rural (RR) district is intended to preserve the rural character and scenic quality of Franklin County's outer areas by accommodating very low-density residential development on large lots. This district supports agricultural uses, homes with limited infrastructure service needs, and cluster subdivisions, acting as a transition between agricultural lands and more suburban or urban

ARTICLE 2. ZONING DISTRICTS AND MAP
2.05. BASE DISTRICT PURPOSE STATEMENTS

development. This district should be established in accordance with the Comprehensive Plan's "Rural Residential" land use category. This district does not include Community Character designations.

C. RL, Residential, Low-Density

The Residential Low-Density (RL) district is designed to support low-density, single-family residential neighborhoods with traditional subdivision and neighborhood patterns. This district is typically located within areas of planned or existing infrastructure, while encouraging contextually appropriate density, design, and connectivity. This district should be established in accordance with the Comprehensive Plan's "Residential Neighborhoods" land use category. This district does not include Community Character designations.

D. RT, Residential, Traditional

The Residential Traditional (RT) district promotes compact, walkable, and traditional neighborhood development within established neighborhoods and the urban core. This district supports small-lot single-family homes and compatible infill development while maintaining historic neighborhood patterns, encouraging reinvestment, and supporting access to nearby supporting amenities and services. This district should be established in accordance with the Comprehensive Plan's "Urban Neighborhoods" land use category. This district does not include Community Character designations.

E. RF, Residential Flex

The Residential Flex (RF) district allows an integration of housing types—including single-family, duplexes, townhomes, and small-scale multi-family buildings. This district is intended to provide adaptable housing opportunities and facilitate transitions between single-family, multi-family, and commercial areas. This district should be established in accordance with the Comprehensive Plan's "Urban Neighborhoods" land use category. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

F. RM, Residential, Mixed-Density

The Residential Mixed-Density (RM) district is intended to accommodate moderate to high-density residential development, including apartments, condominiums, and senior or workforce housing. Located along key corridors or in areas with adequate infrastructure and access to services, serving as a buffer between commercial areas and lower-density neighborhoods. This district should be established in accordance with the Comprehensive Plan's "Multi-Family Neighborhood" land use category. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

G. MCL, Mixed-Commercial, Local

The Mixed-Commercial, Local (MCL) district is intended to serve the daily retail and service needs of nearby residential neighborhoods. Development in this district is designed at a pedestrian scale, with a focus on small businesses such as convenience retail, personal services, and neighborhood-oriented restaurants. This district should be established in accordance with the Comprehensive Plan's "Neighborhood Mixed-Use" land use category. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

H. MCC, Mixed-Commercial, Community

The Mixed-Commercial, Community (MCC) district provides for a broader range of commercial uses and services that meet the needs of multiple neighborhoods or the larger city population. Typical developments include grocery stores, pharmacies, sit-down restaurants, general retail, and professional offices. This district should be established in accordance with the Comprehensive Plan's "Neighborhood Mixed-Use" and "Regional Mixed-Use" land use categories. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

I. MCR, Mixed-Commercial, Regional

The Mixed-Commercial–Regional (MCR) district is intended to support large-scale commercial and retail uses that draw customers from across the city and surrounding counties. This includes big-box retailers, shopping centers, hotels, auto dealerships, entertainment venues, and regional medical or institutional facilities. This district should be established in accordance with the Comprehensive Plan’s “Regional Mixed-Use) land use category. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

J. PI, Public & Institutional

The Public & Institutional (PI) district is intended to accommodate public and semi-public governmental, civic, educational, and cultural uses that serve the local, regional, or state level. Typical uses include schools, libraries, government offices, public safety facilities, community centers, places of worship, and major state institutions. The district supports the long-term use of land for public purposes while ensuring compatibility with surrounding development. This district should be established in accordance with the Comprehensive Plan’s “Civic and Institutional Facilities” and “Parks and Open Space” land use categories.

K. EE, Enterprise, Employment

The Enterprise, Employment (EE) district is intended to accommodate light industrial, advanced manufacturing, research and development, logistics, and office uses in a high-quality business park or campus-like setting. This district supports clean, low-impact employment-generating activities that are compatible with adjacent non-industrial uses and are typically located near key transportation routes and infrastructure. This district should be established in accordance with the Comprehensive Plan’s “Light Industrial and Employment Center” land use category. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

L. EG, Enterprise, General

The Enterprise, General (EG) district is designed to support a full range of industrial and logistics activities, including manufacturing, warehousing, distribution, fabrication, and other intensive operations that require larger sites, outdoor storage, and freight access. This district is intended for locations with appropriate infrastructure, highway or rail access, and separation from residential neighborhoods. This district should be established in accordance with the Comprehensive Plan’s “Medium-Heavy Industrial” land use category. This district includes Community Character designations as established by [Table 2.03-1: Community Character Designations](#).

ARTICLE 3. USE REGULATIONS

3.01. PURPOSE.

The purpose of this Article is to classify, regulate, and restrict the location of commercial establishments, industries, residences, recreation, and other land uses in order to assure the compatibility of uses and practices within the goal of protecting the property rights of all individuals.

3.02. USE PROVISIONS

A. Permitted by Right

A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.

B. Permitted with Standards

A “PS” in a cell indicates that a use is allowed by-right in the respective zoning district if it meets the additional standards that are identified in the last column of [Table 3.03-1: Use Table](#). Permitted uses with standards are subject to all other applicable regulations of the code. In certain cases, the specific characteristics or operational impacts of a use designated as “PS” may require approval of a Conditional Use Permit, as identified in the use-specific standards for the respective use.

C. Conditional Uses

A “C” in a cell indicates that a use may be permitted if approved through a conditional use process as established in [Section 13.06.B. Conditional Use](#) may be subject to use-specific standards that are identified in the last column of [Table 3.03-1: Use Table](#). Conditional uses are subject to all other applicable regulations of the code, including the conditional use review standards set forth in [Section 13.06.B. Conditional Use](#).

D. Conditional Uses with Standards

A “CS” in a cell indicates that a use may be permitted in the respective zoning district upon approval through the conditional use process established in [Section 13.06.B. Conditional Use](#) and compliance with the additional use-specific standards identified in the last column of [Table 3.03-1: Use Table](#). Conditional Uses with Standards are subject to all other applicable regulations of this code, including the conditional use review procedures and approval criteria set forth in [Section 13.06.B. Conditional Use](#). Failure to meet the applicable use-specific standards shall be grounds for denial of the conditional use application.

E. Prohibited Uses

A blank cell indicates a use is prohibited in the respective zoning district. If a use is not listed on [Table 3.03-1: Use Table](#), then it shall also be considered prohibited, unless approved by Planning Commission through the similar use determination process as established in [Section 3.04. Similar Use Determination](#).

F. Section References

The section references contained in the “Section” column in [Table 3.03-1: Use Table](#) are references to additional standards and requirements within these Zoning Regulations or Codified Ordinances that apply to the use listed in the respective row. Standards referenced in the table apply in all zoning districts in which the use is permitted or conditionally permitted, unless otherwise expressly stated.

3.03. USE TABLE

The following [Table 3.03-1: Use Table](#) lists the uses that are permitted, permitted with standards, conditionally permitted, and prohibited within the designed zoning districts of Frankfort, Franklin County.

Table 3.03-1: Permitted Use Table													
USE	FNL	RR	RL (RA+RB)	RT	RF (RS+RD)	RM (RL+RH)	MCL	MCC	MCR	PI	EE (PO+IC)	EG	ADDITIONAL STANDARDS
AGRICULTURAL USES													
Agribusiness	P	C											
Agritourism	P	C											
Ecotourism	C	C								C			
Farms, Crop Production	P	P									C		
Farms, Livestock	P	PS									CS		3.06.B
Farm Product, Retail	P	CS					CS	PS	PS				3.06.C
Farm Product, Warehousing and Storage	P	C							C		P		
Farm Product, Wholesale (Raw Materials)	P	C							C		C		
Fisheries	P	C									C	C	
Forestry Services	P	C									C	C	
RESIDENTIAL USES													
Dwelling, Single-Family, Detached	P	P	P	P	P								
Dwelling, Single-Family, Attached (Townhomes)			PS	PS	PS	PS	PS						3.07.B
Dwelling, Two-Family (Duplex)				PS	P	P	P	P					
Dwelling, Multi-Family, 3 – 5 units					P	P	P	P	P				
Dwelling, Multi-Family, 6 – 15 units						P	C	C	P				
Dwelling, Multi-Family, 16 – 30 units						PS		CS	CS				3.07.C.1
Dwelling, Multi-Family, 30 + units						PS			CS				3.07.C.2
Group Homes	P	P	P	P	P								
Mixed-Use, Vertical						PS	PS	PS	PS	PS			3.07.D
Mobile Homes	P	P											10.08
Qualified Manufactured Homes	P	P	P	P	P								
Qualified Manufactured Home Parks													
Residential Care Facility, Small	P	P	P	P	P	P							
Residential Care Facility, Large						P							
PUBLIC AND SEMI-PUBLIC USES													
Arboreta, Botanical and Zoological Gardens	CS							CS	CS				3.08.A
Campgrounds	CS	CS											3.08.B
Cemeteries	CS	CS	CS	CS	CS								3.08.C
Community Garden	P	P	P	P	P	P							
Education Facility, College, University, or Trade School	CS							CS	CS	CS	CS		3.08.D
Education Facility, Public or Private	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			3.08.D
Golf Course / Country Club	C	C						C	C				
Government Facility	P	P	P	P	P	P	P	P	P	P	P		
Library, Museum, and Gallery	C	C	C	C	C	C	P	P	P	C			
Park or Recreation Facility, Public	P	P	P	P	P	P	P	P	P	P			
Religious Assembly	P	P	P	P	P	P	P	P	P	C	C	C	
COMMERCIAL USES													
Adult Entertainment Establishments									CS		CS		3.09.A
Animal Kennel, Daycare, and Training Facility	PS	CS					CS	CS	PS				3.09.B
Animal Hospital, Veterinarian Office, and Clinic	PS	PS					PS	PS	PS	PS			3.09.C
Automotive Fueling / Charging							CS	PS	PS		PS		3.09.D
Automotive Rental								PS	PS		PS		3.09.E
Automotive Sales / Leasing								PS	PS				3.09.F

Table 3.03-1: Permitted Use Table													
USE	FNL	RR	RL (RA+RB)	RT	RF (RS+RD)	RM (RL+RH)	MCL	MCC	MCR	PI	EE (PO+IC)	EG	ADDITIONAL STANDARDS
COMMERCIAL USES (CONT'D)													
Automotive Sales / Repair, Commercial & Recreational Vehicles									PS		PS	PS	3.09.G
Automotive Service / Repair, Major								PS	PS		PS	PS	3.09.H
Automotive Service / Repair, Minor							CS	PS	PS		PS		3.09.I
Automotive Wash / Detailing								PS	PS				3.09.J
Banks and Financial Institution							PS	PS	PS	PS			3.09.K
Bar / Tavern							P	P	P	P			
Bed and Breakfast	CS	CS				CS				CS			3.09.L
Brewery, Distillery, Winery, Cidery (macro)	CS							CS	CS		PS	PS	3.09.M
Brewery, Distillery, Winery, Cidery (micro)	PS	CS					CS	PS	PS		PS	PS	3.09.M
Brewpub							P	P	P		P		
Catering Service							P	P	P		P		
Club, Lounge, or Meeting Hall	P	P					P	P	P				
Commercial Recreation, Indoor (Major)								C	C		C		
Commercial Recreation, Indoor (Minor)							P	P	P		C		
Commercial Recreation, Outdoor (Major)	PS	CS						C	C		C		3.09.N
Commercial Recreation, Outdoor (Minor)	PS	CS					C	P	P		C		3.09.N
Creative Production Studio and Services							P	P	P		C		
Crematories								C	C		C		
Day Care Center	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	CS		3.09.O
Drive-in Theater	CS	CS							CS				3.09.P
Eating and Drinking Establishments							PS	PS	PS	PS			3.09.Q
Equestrian Academies and Services	P	C											
Firearm Clubs and Ranges	CS	CS						CS	CS		CS		3.09.R
Fitness Center								P	P				
Fitness Studio							P	P	P		C		
Funeral Services							P	P	P	P			
Garden Center / Greenhouse / Nursery	P	C					C	C	P		C		
General Contractors, Construction							PS	PS	PS	PS	P	P	3.09.S
Hospitals								C	P		C		
Hotels / Motels							P	P	P	P			
Institutional Care Facility		C	C	C	C	C	C	C	C				
Medicinal Cannabis, Cultivator	CS										CS	PS	3.09.T
Medicinal Cannabis, Dispensary							PS	PS	PS	PS			3.09.T
Medicinal Cannabis, Processor											CS	PS	3.09.T
Medicinal Cannabis, Producer											CS	PS	3.09.T
Medicinal Cannabis, Safety Compliance Facility							PS	PS	PS	PS	PS	PS	3.09.T
Medical Office, Clinic, Urgent Care							PS	PS	PS	PS	PS		3.09.U
Office							P	P	P	P	P	C	
Parking (Principal Use)							CS	CS	CS		CS		3.09.V
Personal Improvement Services	C						P	P	P	P	C		
Retail Sales and Service, Neighborhood-Scale						P	P	P	P	P			
Retail Sales and Service, Medium-Scale						C	C	P	P	P			
Retail Sales and Service, Large-Scale								CS	PS				3.09.W
Trade Equipment Sales								C	C		C		

Table 3.03-1: Permitted Use Table													
USE	FNL	RR	RL (RA+RB)	RT	RF (RS+RD)	RM (RL+RH)	MCL	MCC	MCR	PI	EE (PO+IC)	EG	ADDITIONAL STANDARDS
Wholesale, Commercial								C	C		C		
INDUSTRIAL USES													
Building Material Sales and Storage								CS	CS		PS	PS	3.10.A
Distribution / Fulfillment Center and Warehousing											PS	PS	3.10.B
Junk / Salvage / Tow Yard												CS	3.10.C
Laboratory and Research Facility									C		P	P	
Manufacturing, Artisanal	CS						PS	PS	PS		PS		3.10.D
Manufacturing, Fabrication								P	P		P	P	
Manufacturing, Light								C	C		P	P	
Manufacturing, General											P	P	
Mining	C											C	
Processing and Refining, Materials and Chemicals	C											P	
Self-Storage / Mini-Storage								CS	PS		PS	PS	3.10.E
Transportation Terminals and Freight Services											C	P	
Warehousing and Storage											P	P	
ACCESSORY USES AND STRUCTURES													
Accessory Dwelling Units	PS	PS	PS	PS	PS								3.11.C
Accessory Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.11.D
Accessory Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.11.E
Automated Teller Machines (ATM)							P	P	P	P			
Drive-Through Facilities								CS	PS				3.11.F
Electric Vehicle Charging Stations	P	P	P	P	P	P	P	P	P	P	P	P	
Family Child Care Home (Type I and Type II)	PS	PS	PS	PS	PS	PS							3.11.G
Fences and Walls	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.11.H
Home Occupations	PS	PS	PS	PS	PS	PS							3.11.I
Keeping of Fowl (Non-crowling)	PS	PS	PS	PS	PS						PS	PS	3.11.J
Outdoor Dining / Food Services							PS	PS	PS				3.11.K
Outdoor Displays and Sales	PS						PS	PS	PS		PS		3.11.L
Outdoor Storage, Bulk and Retail	PS							PS	PS		PS	PS	3.11.M
Pick-Up Window							PS	PS	PS				3.11.N
Roadside Stand	PS	PS	CS										3.11.O
Short-Term Rental (Non-Owner Occupied)	PS	PS			C	C	PS	PS	PS				3.11.P
Short-Term Rental (Owner Occupied)	PS	PS	PS	PS	PS	PS	PS	PS	PS				3.11.P
Swimming Pool	PS	PS	PS	PS	PS	PS							3.11.Q
TEMPORARY USES													
Construction Dumpster	P	P	P	P	P	P	P	P	P	P	P	P	
Construction Office / Trailer	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.12.B
Mobile Food Vendor	PS						PS	PS	PS	PS	PS	PS	3.12.C
Seasonal Sales							PS	PS	PS		PS		3.12.D
SPECIAL USES													
Data Center, Accessory (<2,000 sq. ft.)											PS	PS	3.13.A
Data Center, Minor (2,000 – 19,999 sq. ft.)											CS	CS	3.13.A
Data Center, Medium (20,000 – 99,999 sq. ft.)											CS	CS	3.13.A
Data Center, Major (100,000 – 499,999 sq. ft.)											CS	CS	3.13.A
Data Center, Campus (≥500,000 sq. ft.)											CS	CS	3.13.A

Table 3.03-1: Permitted Use Table													
USE	FNL	RR	RL (RA+RB)	RT	RF (RS+RD)	RM (RL+RH)	MCL	MCC	MCR	PI	EE (PO+IC)	EG	ADDITIONAL STANDARDS
Small Cellular Systems and Towers	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.13.B
Solar Energy Systems – Integrated / Roof Mounted	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.13.C
Solar Energy Systems – Small Scale	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.13.C
Solar Energy Systems – Intermediate Scale	CS	CS						PS	PS	PS	PS	PS	3.13.C
Solar Energy Systems – Large Scale	CS							CS	CS	CS	CS	CS	3.13.C
Wireless Telecommunication Facilities	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	3.13.D

3.04. SIMILAR USE DETERMINATION

- A. Where there is a proposed use that is not currently listed in the [Table 3.03-1: Use Table](#), the Planning & Zoning Administrator may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B. The Planning & Zoning Administrator should consider the nature, operation, and function of the use in its determination of an appropriate district.
- C. The Planning & Zoning Administrator shall then make a recommendation of finding that the use is not compatible with any existing zoning district and not permit the use under the current zoning code or, as an alternative, the Planning & Zoning Administrator may make a recommendation to the Planning Commission that a new district and/or new provision be adopted through the zoning text and/or map amendment procedure, pursuant to [Section 13.06.A. Zoning Map and Text Amendments](#).

3.05. GENERAL USE REGULATIONS

A. Exemption of Essential Services

1. Statutory Exemption for Public Utility Service Facilities.

Pursuant to KRS 100.324, public utilities operating under the jurisdiction of the Kentucky Public Service Commission (PSC), the Federal Energy Regulatory Commission (FERC), or municipally owned electric systems shall not be required to receive local zoning approval or Planning Commission approval for the location, relocation, construction, or maintenance of **service facilities** (including mains, pipes, conduits, wires, cables, traffic signals, hydrants, poles, substations, regulator stations, towers, and incidental accessory equipment).

2. Nonservice Facilities.

Utility structures and sites that constitute nonservice facilities (such as office space, garage space, and warehouse space not incidental to a service facility) shall comply with all applicable district regulations and site development standards of these Zoning Regulations.

3. Municipal & Public Facility Review.

Proposals for the acquisition, disposition, or major development of land or structures for municipal buildings or other non-exempt public facilities shall be submitted to the Planning Commission for advisory review in accordance with **KRS 100.324(4)** to evaluate agreement with the Comprehensive Plan prior to construction.

B. Use Separation Measurements

Measurements from use to use shall be done so from property line to property line as measured from the nearest point along the closest property to the proposed use's nearest point along the closest property boundary.

C. Mixed Uses and Multiple Occupancies

Mixed use / multiple occupancies on a lot shall be permitted in non-residential districts, provided such uses / occupancies are located within the same principal building or comply with [Section 3.05.D. Multiple Uses and Structures](#) below.

D. Multiple Uses and Structures

In the FNL; RF; RM; MCL; MCC; MCR; PI; EE; and EG zoning districts, multiple principally permitted uses and structures are allowed within a single building or on a single lot subject to the following:

1. All structures that include a principally permitted use shall meet the setbacks for a principal structure for the applicable zoning district per [Section 4.02. Dimensional Standards](#).
2. All applicable development standards for the principally permitted uses shall be required, including, but not limited to, parking, landscaping, buffering, lighting, and signage.

ARTICLE 3. USE REGULATIONS
3.06. AGRICULTURAL USE REGULATIONS

E. Principal Building Required

1. No use shall be conducted on a lot without a principal structure first being established or present, unless specified otherwise.
2. The following uses are not required to have a principal structure:
 - a. Agricultural uses
 - b. Arboreta
 - c. Cemeteries
 - d. Community Gardens
 - e. Open Space and Conservation
 - f. Parking, Principal
 - g. Park or Recreation Facility, Public or Private
 - h. Public / Private Utility
 - i. Recreation or Entertainment Facility, Outdoor
3. The conducting of a principal use within an accessory structure is prohibited unless specifically exempt and regulated herein.

3.06. AGRICULTURAL USE REGULATIONS

A. Agricultural Land Exemptions

Notwithstanding any other provision of this Zoning Regulation, per [KRS 100.111\(2\)](#), "agriculture use" means the use of:

1. A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species
2. Regardless of the size of the tract of land used, small farm wineries licensed under [KRS 243.155](#).
3. A tract of at least five (5) contiguous acres used for the following activities involving horses:
 - a. Riding lessons
 - b. Rides
 - c. Training
 - d. Projects for educational purposes
 - e. Boarding and related care; or
 - f. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by [KRS Chapter 230](#), involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by [KRS Chapter 230](#), involving more than 70 participants shall be subject to local applicable zoning regulations; or

B. Farms, Livestock

Such uses, when located within the "RR" district, are subject to the following:

1. Lots shall be a minimum of five (5) acres in size.
2. Animals shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the property.

C. Farm Product, Retail

1. All operations must be confined to an enclosed building, or enclosed and fully covered on all sides by an opaque ornamental 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 5. Parking, Loading, and Circulation](#).
2. In the CB and UM Districts, home garden equipment and supplies shall be confined within the structure. Sale of farm or equipment products in these districts shall be prohibited.

3.07. RESIDENTIAL USE REGULATIONS

A. Conversion of a Dwelling

The conversion of any building into a dwelling, or the conversion of any dwelling to accommodate an increased number of dwelling units or families, shall only be permitted within a zoning district that permits multiple dwelling units or accessory dwelling units. Such use shall be subject to all the applicable regulations contained within these zoning regulations.

B. Dwelling, Single-Family, Attached

1. Single family attached dwellings may be built to the side property lines when a shared wall is located on the shared property line. Where a shared wall is not located on the property line, the dwelling shall meet the required side setback.
2. No more than three (3) contiguous single-family attached dwellings may be established at the same setback. A variation of at least three (3) feet shall be required where a break in setback occurs.
3. A minimum of 10 feet shall be maintained between each separate group of dwelling units on one shared lot.
4. Driveways of attached units shall be paired. The minimum distance for driveways providing off street parking from garage / building to sidewalk shall be 18 feet.

C. Dwelling, Multi-Family

1. Multi-Family, 16 – 30 Units

In the “-S” and “-R” Community Character Designations, the following standards shall apply:

- a. A minimum of 25 percent of the development shall be occupied by open or green space that may include landscaping / screening areas, drainage areas, active and passive recreation areas, and other similar uses. Required on site retention and/or detention basin facilities can be used toward the open space requirement but may not be counted towards more than 50% of the required open space.
- b. The development shall include a minimum of one (1) amenity that are to be utilized by the residents of the development and/or the public. Such amenities may include club houses, pools, dog parks, playgrounds, active or passive parks, walking trails, public gathering areas, and other similar uses.

2. Multi-Family, 30+ Units

In the “-S” and “-R” Community Character Designations, the following standards shall apply:

- a. A minimum of 25 percent of the development shall be occupied by open or green space that may include landscaping / screening areas, drainage areas, active and

ARTICLE 3. USE REGULATIONS

3.08. PUBLIC & INSTITUTIONAL USE REGULATIONS

passive recreation areas, and other similar uses.

- b. The development shall include a minimum of two (2) amenities that are to be utilized by the residents of the development and/or the public. Such amenities may include club houses, pools, dog parks, playgrounds, active or passive parks, walking trails, public gathering areas, and other similar uses.
- c. Required on site retention and/or detention basin facilities can be used toward the open space requirement but may not be counted towards more than 50% of the required open space.

D. Mixed Use, Vertical

1. Residential uses shall only be permitted on the first floor if they are located in the rear half of the building to allow for a non-residential use to utilize the first-floor storefront
2. Residential uses are permitted to utilize the entirety of the second story or any additional stories

3.08. PUBLIC & INSTITUTIONAL USE REGULATIONS

A. Arboreta, Botanical, and Zoological Gardens

1. Sites that include the keeping of zoo animals shall be a minimum of 20 acres and be located at least 500 feet from any residential zoning district, residential lot line, or recorded residential subdivision.
2. Animals shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the property.
3. Overnight sheltering of animals shall be within a completely enclosed building. Such buildings shall be within an area fully enclosed by a fence.
4. Site access shall be from an arterial or collector street at minimum.

B. Campgrounds

1. Such use shall only be permitted where principal access is to a street designated at least a collector.
2. Designated turnaround areas and emergency access routes shall be provided.
3. Camp sites for tents and recreational vehicles shall be used for temporary stay.
4. Such use shall comply with the standards established in [902 KAR 15:020](#).

C. Cemeteries

1. Parking shall be provided on site.
2. Cemeteries shall be established in compliance with all applicable City, County, and State laws.
3. The front lot line may be required to include buffering if the Planning Commission makes such a determination based on the adjacent uses.
4. Columbaria or other structures accessory to the cemetery shall meet the minimum bulk, screening, and setback requirements for the applicable underlying base zoning district.
5. Access to the site shall be from at least a collector street. Site circulation shall be such to create minimal interference with normal traffic operations on public rights-of-way. This provision may be waived or modified by the Planning Commission for sites located within the -R character sub-area on a case by case basis.

D. Education Facilities

1. Facilities shall provide a traffic management plan indicating designated drop-off and pick-up areas and on-site bus circulation (grades K-12).

3.09. COMMERCIAL USE REGULATIONS

A. Adult Entertainment Establishments

1. General Regulations

The establishment and operation of any SOB within the jurisdiction of Frankfort/Franklin County shall be subject to the following authorities Where conflicts arise in regulations, the more stringent shall apply.

- a. [KRS 231.010 et seq.](#): Regarding the permitting of entertainment venues.
- b. [KRS 531.010 et seq.](#): Regarding state-level criminal conduct standards.
- c. [SB 147 \(2024\)](#): Establishing the 933-foot minimum statewide separation "floor."
- d. Franklin County Ordinance No. 1, 2006 Series: regarding non-zoning business licensing and background checks.

2. Locational Standards and Buffers

All Sexually Oriented Businesses shall comply with the following minimum separation requirements. These distances shall be measured in a straight line from the nearest property line of the SOB to the nearest property line of the protected use:

- a. A minimum separation of 1,000 feet shall be maintained from any:
 - i. Educational facility (Public or Private K-12);
 - ii. Daycare center or preschool;
 - iii. Park, playground, or public recreational facility;
 - iv. Place of worship or religious institution; or
 - v. Public library.
- b. A minimum separation of 1,000 feet shall be maintained from any parcel zoned for residential use (R-Districts) or any parcel identified as a "Residential" character area in the Comprehensive Plan.
- c. No SOB shall be located within 1,500 feet of any other existing or permitted Sexually Oriented Business.

3. In addition to standard Site Plan Review requirements, the following shall apply:

- a. No Zoning Permit or Certificate of Occupancy shall be issued until the applicant provides documentation of an approved [City/County] Adult Entertainment License pursuant to the applicable Business Regulation Code.
- b. Site and floor plans shall demonstrate an "Open Booth" design. No viewing area shall be obscured by doors, curtains, or enclosures, and all such areas shall be visible from a continuous main aisle.
- c. Notwithstanding the provisions of the Sign Code, no exterior signage or display for an SOB shall contain any matter that is "Harmful to Minors" as defined by [KRS 531.010\(3\)](#).

B. Animal Kennel, Daycare, and Training Facility

1. Any outdoor run or enclosure shall be enclosed (uncovered) with a six (6) foot high privacy fence (wood or vinyl material), wall, or other similar method as determined appropriate by the Planning & Zoning Director. Chain link fences, with or without slats, do not meet this requirement.

ARTICLE 3. USE REGULATIONS
3.09. COMMERCIAL USE REGULATIONS

2. All principal boarding use activities shall be conducted within a completely enclosed principal structure. There shall be no storage or boarding of animals outside of a completely enclosed structure.
3. Any outdoor run or enclosure shall not be located in the front yard and shall comply with the minimum building setback requirements for the underlying zoning district.
4. Any outdoor run or enclosure shall not be used between the hours of 10:00 p.m. and 7:00 a.m.

C. Animal Hospital, Veterinarian Office and Clinic

1. Any outdoor run or enclosure shall not be located in the front yard and shall comply with the minimum building setback requirements for the underlying zoning district.
2. There shall be no breeding and/or boarding of dogs or other animals, except for confinement under emergency treatment in facilities within the principal structure.

D. Automotive Fueling / Charging

1. Fuel canopies, gas pumps, charging stations, air compressors, and similar equipment may be located in the front yard.
2. The only services permitted to be performed on a vehicle on site shall be the dispensing of fuel, oil, air, windshield wiper fluid, the charging of electric vehicles, and other similar activities customarily incidental to such use.
3. Under canopy lighting fixtures shall be flush mounted with the surface of the underside of the canopy and shall meet the lighting standards established by [Article 8. Outdoor Lighting](#).
4. Automobile fueling stations do not include facilities designed for the fueling of semi-trailer trucks.
5. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.
6. Electronic displays on freestanding signage shall be subject to the standards of [Section 7.09.B. Electronic Message Board](#).
7. Headlights shall be completely screened from public streets and adjoining property using hedges, shrubs, walls or similar methods, unless the adjacent property is used for automotive-related purposes.
8. This section shall not apply to electric vehicle (EV) chargers as an accessory use in a parking lot for use by customers or employees.
9. No outdoor speaker systems shall be permitted for uses that are located within 100 feet of any residential lot line, residential zoning district, or recorded residential subdivision.

E. Automotive Rental

1. Automotive rental uses shall be conducted from a permanent principal structure located on the same lot. The use of temporary trailers, sheds, or outdoor kiosks as the sole business office is prohibited.
2. Any automotive repair and service work shall be accessory to the rental operation and shall be conducted within a completely enclosed building.
3. Headlights shall be completely screened from public streets and adjoining property using hedges, shrubs, walls or similar methods, unless the adjacent property is used for automotive-related purposes.
4. No outdoor speaker systems shall be permitted for uses that are located within 100 feet of any residential lot line, residential zoning district, or recorded residential subdivision.
5. All sales and circulation areas must be paved with asphalt or concrete. There shall be no vehicle storage or sales on unpaved and unstriped areas.

6. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

F. Automotive Sales / Leasing

1. A principal structure is required for an Automotive Sales / Leasing use.
2. Any automotive repair and service work shall be accessory to the sales / leasing operation and shall be conducted within a completely enclosed building.
3. Headlights shall be completely screened from public streets and adjoining property unless the adjacent property is used for automotive-related purposes.
4. No outdoor speaker systems shall be permitted for uses that are located within 100 feet of any residential lot line, residential zoning district, or recorded residential subdivision.
5. All sales and circulation areas must be paved with asphalt or concrete. There shall be no vehicle storage or sales on unpaved and unstriped areas.
6. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

G. Automotive Sales/ Repair, Commercial and Recreational Vehicles

1. Use shall be located along a street classified at least as a major arterial.
2. No outdoor speaker systems shall be permitted for uses that are located within 100 feet of any residential lot line, residential zoning district, or recorded residential subdivision.
3. No trucks, machinery, or equipment shall be parked or stored within the front yard or on an arterial street within 25 feet of the right-of-way.
4. All other requirements outlined in [Section 3.09.F. Automotive Sales / Leasing](#) shall apply to Automotive Sales / Repair, Commercial and Recreational Vehicles.

H. Automotive Service / Repair, Major

1. All repair work shall be conducted within a completely enclosed building.
2. Vehicles awaiting service, or awaiting customer pick up, and which are licensed, and operable shall be parked in a marked parking space on a surface paved with either asphalt or concrete.
3. Any unlicensed, inoperable, junk, or wrecked vehicles, and any outdoor storage of car parts or similar materials shall be located in the rear yard and completely screened by a six (6) foot high privacy fence (wood, vinyl, or other similar material as approved by the Planning & Zoning Director) or wall. Chain link fences, with or without slates, do not meet this requirement.

I. Automotive Service / Repair, Minor

1. All repair work shall be conducted within a completely enclosed building.
2. There shall be no outdoor storage of car parts, junk cars, or other similar materials.

J. Automotive Washing / Detailing

1. Use shall be located along a street classified at least as a major collector.
2. Vacuuming and/or steam cleaning equipment may be located outside a building in the side or rear yard but shall not be placed in any yard adjoining a residential lot line, residential district, or recorded residential subdivision.
3. All vehicles required to wait for access to the facility shall be provided with off-street parking or stacking spaces, as required per [Section 5.04. Off-Street Stacking Spaces](#).
4. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

K. Banks and Financial Institutions

ARTICLE 3. USE REGULATIONS
3.09. COMMERCIAL USE REGULATIONS

1. Where permitted, any drive-through facilities shall meet the requirements established in [Section 3.11.F. Drive-Through Facilities](#), and any pick-up window facility shall meet the requirements established in [Section 3.11.N. Pick-Up Windows](#).

L. Bed and Breakfast

1. Bed and breakfast homes may be located in any single-family residential structure subject to conditional use permit review and approval by the Board of Zoning Adjustment.
2. The owner of any single-family residential structure where a Bed and Breakfast Home is located must reside at the home.
3. Bed and breakfast homes shall be limited to four (4) lodging units or bedrooms provided for guest accommodations. The maximum length of stay for any guest shall be four (4) nights.
4. No structure shall be altered or enlarged beyond its existing walls in order to accommodate the bed and breakfast uses
5. Parking shall be provided in accordance with [Article 5. Parking, Loading, and Circulation](#).
6. Any sign that is provided shall not exceed two (2) square feet and meet all requirements for the applicable zoning district related to signage in [Article 7. Signage](#).
7. The owner of the bed and breakfast shall be required to obtain approval and licensing from the State of Kentucky Health Department for septic systems.

M. Brewery, Distillery, Winery, and Cidery

1. Outdoor storage for such use is only permitted in the EE or EG Districts and shall comply with outdoor storage requirements of [Section 3.11.M. Outdoor Storage, Bulk and Retail](#).
2. All production shall be within completely enclosed structures.
3. Outdoor dining or gathering areas are subject to the regulations in [Section 3.11.K. Outdoor Dining/Food Service Areas](#).
4. All production shall be within completely enclosed buildings, except exterior storage tanks that hold materials or products associated with the brewing or distilling process must be located in the side or rear yard, unless waived by the Planning Commission. Such storage tanks shall be subject to the maximum height restrictions of the zoning district they are located within. No signage or identification may be located on such containers unless approved by the Planning Commission.
5. When a facility located within the FNL district, the following shall apply:
 - a. Delivery of any supplies and pick-up of finished products shall not be carried out by vehicles with more than three axles.
 - b. The distillery/winery shall not operate between the hours of 9:00 p.m. and 7:00 a.m. (with the exception of any incidental activities of an agricultural nature). (*The fermentation of the distillery's product does not constitute "operation" for the purposes of this requirement.)
 - c. The craft distillery/winery must be located on a lot that is a minimum of 50 acres.
 - d. If a distillery, the location of the actual distillery facility (i.e., mash tun, 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.
 - e. Any retail sale on site shall be clearly incidental to the distillery operation and in compliance with the applicable state and federal statutes.
 - f. 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.

- g. 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.

N. Commercial Recreation, Outdoor (Major)

1. All active recreation areas, structures, outdoor seating, and public gathering spaces shall be setback a minimum of 100 feet from any adjacent residential zoning district boundary or existing residential use.
2. The facility shall have primary vehicular access from a designated Collector or Arterial roadway. Access via local residential streets is strictly prohibited.
3. When adjacent to a residential zoning district or existing residential use, outdoor activities, amplified sound, and grounds maintenance using heavy equipment shall be restricted to the hours of 7:00 AM to 10:00 PM.
4. All outdoor lighting shall be fully shielded, downward-facing, and comply with Article 5. Outdoor Lighting. Lighting for outdoor playing fields, courts, or tracks shall be extinguished within 30 minutes of the conclusion of the final event or by 10:30 PM, whichever occurs first.
5. Ancillary accessory uses including concession stands, and retail sales directly related to the principal recreational use are permitted, provided the dimensional standards and lot / building coverage requirements established by [Article 4. Dimensional Standards](#) for the applicable zoning district are met.

O. Day Care Center

The following provisions apply to commercial Day Care Centers. Family Child Care, Home (as regulated by [Table 3.03-1: Use Table](#) and [Section 3.11.G. Family Child Care Home](#) are not included in this use type.

1. Such use shall comply with all provisions established by [KRS Chapter 199](#) related to Day Care Centers and Child Care.

P. Drive-In Theater

1. Site must have direct access to an arterial road as identified in the functional street classification map.
2. The viewing screen shall not be visible from any public right-of-way within 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 buffer not less than six (6) feet in height.
3. Stacking space for the vehicles waiting for admission to the theater shall be equal to 20% of the capacity of the theater. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way circulation.
4. Sale of refreshments shall be limited to patrons of the theater. Amusement parks, playgrounds, or similar, shall be accessible only to the patrons of the theater.
5. All parking area and access ways shall be adequately illuminated; provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public right-of-way or neighboring properties, as established in [Article 8. Outdoor Lighting](#).

Q. Eating and Drinking Establishment

ARTICLE 3. USE REGULATIONS
3.09. COMMERCIAL USE REGULATIONS

1. Establishments may include a drive-through facility as an accessory to the use only in districts where permitted in the Accessory Structures and Uses subsection of [Table 3.03-1: Use Table](#) and as regulated by [Section 3.11.F. Drive-Through Facilities](#).
2. Establishments may include a pick-up window facility as an accessory to the use only in districts where permitted in the Accessory Structures and Uses subsection of [Table 3.03-1: Use Table](#) and as regulated by [Section 3.11.N. Pick-Up Windows](#).
3. Establishments may include outdoor dining / food service as an accessory to the use only in districts where permitted in the Accessory Structures and Uses subsection of [Table 3.03-1: Use Table](#) and as regulated by [Section 3.11.K. Outdoor Dining/Food Service Areas](#).

R. Firearm Clubs and Ranges

1. Outdoor Firearm Clubs and Ranges shall meet the following:
 - a. Outdoor shooting ranges, including firing lines, targets, and berms, shall be a minimum of 500 feet from all property lines, and a minimum of 1,000 feet from any residential use, educational facility, or place of worship.
 - b. Earthen berms or bullet containment systems behind all targets shall be a minimum of 20 feet in height.
2. Indoor Firearm Clubs and Ranges shall meet the following:
 - a. Facilities shall include ballistic walls, ceilings, and containment systems.
 - b. Facilities shall include air filtration systems for lead and particulate removal.

S. General Contractors, Construction

1. In the MCL districts, such use is permitted for business office portion of use only. No equipment may be located, either temporarily or permanently, at this location.
2. In the MCC and MCR district, all equipment on site must be located within a completely enclosed structure or within a fenced in area not visible from the right-of-way.

T. Medicinal Cannabis

1. Such licensed cannabis businesses shall comply with the provisions established by [KRS 218B](#).
2. Medical Cannabis Cultivator uses shall be limited to only Tier I and Tier II in the Farms and Natural Landscape, FNL district as a conditional use.

U. Medical Office, Clinic Urgent Care

1. Medical offices, clinics, and urgent cares shall not include helipads on site unless specifically approved through the conditional use process established in [Section 13.06.B. Conditional Use](#).

V. Parking (Principal Use)

1. Parking, Commercial and Fleet Vehicles

- a. All landscape and buffer requirements outlined in [Section 6.07. Landscape Buffer Requirements](#) shall apply.

2. Parking, Passenger Vehicles

- a. All landscape and buffer requirements outlined in [Section 6.07. Landscape Buffer Requirements](#) and [Section 6.08. Vehicular Use Area \(VUA\) Landscaping Requirements](#) shall apply.
- b. Signage shall be limited to freestanding signage for parking lot identification per street frontage as well as Incidental Signs per [Section 7.09.D. Incidental Signs](#).

W. Retail Sales and Service, Large-Scale

1. Large-scale retail establishments shall be accessed from at least a collector street, and the number and location of access points shall be reviewed and approved by the appropriate

jurisdiction having authority. Site circulation shall be provided with internal access drives that connect developments, buildings, and parking areas.

2. If there are multiple lots that comprise the overall development, cross access and cross parking agreements shall be established that are agreed upon and executed by all applicable property owners.
3. The development shall provide continuous internal pedestrian walkways, no less than four (4) feet in width, which are provided from the public sidewalk located in the adjacent road right-of-way to each principal customer entrance of the principal building on the site. The internal walkway on site must feature landscaping, benches and other such materials/facilities for no less than fifty percent (50%) of its length.
4. Raised sidewalks, no less than eight (8) feet in width shall be provided along the full length of the building along any façade featuring a customer entrance or which abut public parking areas.
5. All deliveries, loading, and trash storage or removal shall be conducted behind the building, in the rear yard.
6. The development shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following amenities, which in combination shall make up a minimum of five percent (5%) of the gross floor area of the large retail establishment. Such amenities may be included within the designated open space or green space required in Subsection Z.6 (above).
 - a. Decorative pedestrian plaza with benches;
 - b. Pocket park;
 - c. Outdoor playground area;
 - d. Kiosk or wayfinding area;
 - e. Water feature;
 - f. Clock tower; or
 - g. Other such deliberately shaped area or a focal feature of amenity.
7. Parking shall be distributed around large buildings on not less than two sides to shorten the distance to other buildings and public sidewalks and to reduce perceived scale of paved surfaces. No single parking area shall exceed 200 spaces unless divided into two or more sub-areas separated from each other by landscaping, access drives or public streets, pedestrian walkways or building.

3.10. INDUSTRIAL USE REGULATIONS

A. Building Material Sales and Storage

1. A principal building is required on site.
2. Materials stored outside shall be located in the side or rear yard and shall comply with the outdoor storage requirements of [Section 3.11.M. Outdoor Storage, Bulk and Retail](#).
3. Any operations conducted outside of the principal structure shall be within an area enclosed on all sides with a solid wall or uniformly opaque fence not less than six (6) feet in height.

B. Distribution / Fulfillment Center and Warehousing

1. Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
2. Fleet vehicle parking areas shall be screened with an opaque, solid wall, fence, or hedge that is at least six (6) feet in height along all sides visible from adjoining residential property.

ARTICLE 3. USE REGULATIONS
3.10. INDUSTRIAL USE REGULATIONS

3. No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.
4. No outdoor storage of any material or waste shall be permitted on site.
5. Loading docks and spaces shall meet the standards of [Section 4.07. Design Standards for Enterprise Districts](#).

C. Junk / Salvage / Tow Yard

1. Such use shall be a minimum of 300 feet from any residential lot line, residential zoning district, or recorded residential subdivision, unless otherwise established by the Board of Zoning Adjustments.
2. Such uses shall be located within one (1) mile of a state highway, federal highway, or freeway interchange.
3. The use shall have direct frontage and ingress / egress to an arterial street.
4. With the exception of processing of metal salvage, all waste processing shall be conducted within a completely enclosed building, or within a solid opaque masonry, brick, or concrete wall with a minimum height of eight (8) feet.
5. No articles shall be stacked or piled so as to exceed the height of the wall.
6. Burning on site is prohibited.
7. Processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

D. Manufacturing, Artisanal

When such use is located within a MCL, MCC, MCR, or S-CBD zoning district, retail of products manufactured on site shall be included.

E. Self-Storage / Mini-Storage

1. The subject property shall have frontage and access from a Collector or higher rated street. This shall not be waived or modified.
2. Within Special Districts, new construction and any demolition of existing principal structures on the subject site shall only be permitted by the Planning Commission through the Development Plan approval process outlined in Section 13.06.E. Development Plan.
3. New construction will be permitted subject to approval of a Development Plan in accordance with [Section 13.06.E. Development Plan](#), and [Article 14. Subdivision Regulations](#).
4. No outside storage yard (boat, trailer, RV, etc.) shall be located inside of any required landscape buffer/easement. Any outside storage yard area that is not located adjacent to a residential zone or right-of-way, shall be set back a minimum of 25 feet from the property line. The outside storage yard area shall be further screened by a 6' privacy fence plus a 3' tall hedge (at time of planting) on all exterior sides located along the immediate perimeter of such storage yard, other than the entrance gate(s).
5. The maximum height of any building shall be 16 feet. The height shall be determined as defined within [Section 4.03.F. Height Measurements](#).
6. Access to each unit shall be limited to only internal drives.
7. Apart from the primary access drive, perimeter access drives shall be setback a minimum of 12 feet when no landscape buffer/easement is required; and perimeter access drive shall not encroach into any required landscape buffer/easement.
8. Exceptions to the above standards:
 - a. When the entire exterior perimeter of the buildings facing residential zoned property or street right-of-way are constructed with brick or split face cement blocks and the

roof(s) are gable or hip contain shingles, the project may be administratively exempt from subsections E.2 and E.5. above; or

- b. When all storage units are contained within a single building that are fully enclosed, heated and cooled, and provide all access to the units from the interior of the building, the project may be administratively exempt from subsections E.2 and E.5. above.
9. When an applicant is seeking Planning Commission review concerning any of the above items, such review shall be completed prior to the Board of Zoning Adjustment's review of the requested Conditional Use Permit.

3.11. ACCESSORY USE AND STRUCTURE STANDARDS

A. Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses and structures.

B. General Provisions

Accessory uses or structures shall be permitted, provided that:

1. The building or use is incidental to, and customarily found in connection with, a principal building or use permitted in the district in which it is located.
2. It is subordinate to, and serves, the principal building or use.
3. It is located on the same lot as the principal use for which it serves.
4. An owner (or their authorized agent) applies for, and receives a Zoning Permit, unless otherwise exempted or not required by this section.
5. An accessory use or structure shall not be established unless a principal use or structure has first been established on a site in conformance with the applicable provisions of these Zoning Regulations.
6. Unless permitted by the Planning Commission, or as part of a Planned Development approval by the City or County, accessory structures and uses shall be prohibited in any open space area required by the provisions of these Zoning Regulations, with the exception of those structures that serve the open space, including but not limited to gazebos, picnic shelters, pergolas, and the like.

C. Accessory Dwelling Unit

1. No more than one (1) accessory dwelling unit is permitted per lot.
2. Accessory dwelling units may be within the principal structure, attached to the principal structure as an addition, or a stand-alone, detached structure. In all cases, the accessory dwelling unit shall be located on the same lot as the principal dwelling unit and structure.
3. Accessory dwelling units shall not exceed 800 square feet or 30% of the gross floor area of the principal dwelling, whichever is greater. For basement conversions within the principal structure, this maximum may be exceeded if no expansion of the structure's footprint occurs. Any accessory dwelling unit that exceeds this requirement shall require review and approval through the variance process as established by [Section 13.06.C. Variances](#).
 - a. Within the SH and SC districts, existing accessory structures that exceed these maximum dimensions or area provisions may be utilized as accessory dwelling units, provided that no further enlargement of the structure occurs.
4. Detached accessory dwelling units shall not exceed the height limit for accessory structures or the principal structure, whichever is less. Such structures shall comply with accessory structure setbacks and be located in the side or rear yard only.

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3.11. ACCESSORY USE AND STRUCTURE STANDARDS

5. One (1) pedestrian entrance is allowed on the street-facing facade. Secondary entrances must be oriented to the side or rear yard.
6. Accessory dwelling units must comply with maximum lot coverage requirements applicable to the principal dwelling.
7. Accessory dwelling units shall not be subdivided or sold separately from the principal dwelling that such accessory dwelling unit serves.
8. Short-term rental use of such dwelling units shall meet all standards and processes as established in [Section 3.11.P. Short Term Rentals](#).

D. Accessory Structures

1. General Regulations

- a. Accessory structures shall be located on the same lot as the principal use or principal structure served.
- b. Accessory structures shall be permitted only in yards authorized by the applicable zoning district as established in these provisions and shall not be located within a required front yard unless expressly permitted by these Zoning Regulations.
- c. Accessory structures shall be located at least 10 feet from any other building on the same lot, unless otherwise permitted by district-specific standards.
- d. Accessory structure height shall be measured in accordance with [Section 4.03.F. Height Measurements](#).
- e. An accessory structure may be constructed prior to the principal structure, provided a building permit has been issued for the principal structure. Use prior to issuance of a certificate of occupancy for the principal structure shall not exceed six (6) months. One additional six (6) month extension may be approved by the Planning & Zoning Director.
- f. Where an accessory structure is attached to the principal structure, the minimum setback standards for the principal structure in the applicable zoning district shall apply.
- g. Breezeways connecting accessory structures to principal structures shall not exceed 15 feet in length, measured wall-to-wall. Any breezeway exceeding 15 feet shall be considered an extension of the principal structure and shall comply with all standards applicable to principal structures.
- h. ADA-accessible ramps may be permitted within the front yard, subject to compliance with [Section 4.02. Dimensional Standards](#).
- i. Dog houses, gardens, playsets, trampolines, fire pits, sports equipment, hot tubs, and similar items, as determined by the Planning & Zoning Director shall be exempt from these provisions and shall not require a Zoning Permit.
- j. Accessory structures associated with uses classified as Public and Semi-Public Uses in [Table 3.03-1: Use Table](#) shall be regulated as residential accessory structures under this section unless otherwise specified.

2. Accessory Structures in the FNL and RR Zoning Districts (or Residential Lots Larger than one (1) acre)

a. Permitted Yards

Accessory structures shall not be located within the minimum required front yard setback for the applicable zoning district.

b. Lot Coverage

The cumulative area of accessory structures shall not exceed ten percent (10%) of the total lot area. Agricultural buildings, barns, greenhouses, and similar agricultural related structures shall be exempt from this coverage limitation.

c. Height

Accessory structures shall not exceed 25 feet. Agricultural buildings shall comply with principal structure height regulations of the applicable zoning district, unless otherwise provided in [Section 4.03.G. Exceptions to Height Requirements](#).

d. Setbacks

Minimum side and rear yard setback shall be two (2) feet.

3. Accessory Structures – Residential Districts

a. Permitted Yards

Accessory structures in all residential districts (with the exception of the RR district as established in [Section 3.11.D.2. Accessory Structures in the FNL and RR Zoning Districts](#), shall be located in the rear or side yard only.

b. Height

Accessory Structures shall not exceed the height of the principal structure.

c. Setbacks

Minimum side and rear yard setback shall be two (2) feet.

d. Maximum Cumulative Area

The cumulative area of all accessory structures on a lot shall not exceed the footprint size of the principal structure, nor shall it exceed the maximum lot coverage established in [Section 4.02. Dimensional Standards](#).

4. Accessory Structures – Non-Residential Zoning Districts

a. Permitted Yards

Side and rear yards only. Accessory structures shall not be located within the minimum required front yard setback.

b. Setbacks

Accessory structures greater than 200 square feet in area shall comply with principal structure setback requirements.

E. Accessory Uses

Any use which is customarily found in conjunction with, and required for the full utilization and economic vitality of a principal use, is permitted provided that:

1. The use meets the definition of accessory use;
2. The use complies with the applicable standards of this section; and
3. The use complies with any other applicable standards of these Zoning Regulations.

F. Drive-Through Facilities

Drive through uses as an accessory are only permitted within a -S or -R character designation

1. All drive-through areas, including, but not limited, stacking lanes, trash receptacles, outdoor speakers, drive-up windows and other objects associated with the drive-through area shall be located in the side or rear yard of a property.
2. Drive-through structures shall be subject to the vehicle stacking requirements of [Section 5.04. Off-Street Stacking Spaces](#).

ARTICLE 3. USE REGULATIONS

3.11. ACCESSORY USE AND STRUCTURE STANDARDS

3. Audible electronic devices such as loudspeakers, automobile service order devices and similar instruments shall not be audible from adjacent residential properties.
4. All signage shall comply with [Article 7, Signage](#).
5. An opaque, solid wall, fence or hedge that is at least six feet in height shall be located along all property lines that abut a residential property.

G. Family Child Care Home

Family Child Care Home, as defined by these Zoning Regulations, shall meet all requirements as established by [KRS 199.8982](#) and related provisions of [KRS Chapter 199](#), as administered by the Cabinet for Health and Family Services.

H. Fences and Walls

Walls and fences are permitted in any zoning district in accordance with the following provisions:

1. Any wall or fence shall be constructed entirely within the lot lines of any lot or parcel;
2. Fences and walls shall not impede or negatively impact drainage areas. In cases of uncertainty, the applicable engineering officials should be consulted.
3. Fences shall be installed with the structural members or framing directed inward toward the property in which the fence serves.
4. No barbed wire or electric fence shall be permitted in any residential (R) district, mixed-commercial (MC), or special (S) district.
5. Maximum height for wall or fences shall be in accordance with the following table:

Table 3.11-1: Maximum Permitted Fence and Wall Heights by District				
ZONING DISTRICT	FRONT YARD	SIDE YARD	STREET SIDE YARD	REAR YARD
FNL	4 ft	8 ft	8 ft	8 ft
RR, RL, RT, RF	4 ft.	6 ft.	6 ft	6 ft.
RM	4 ft.	8 ft.	6 ft	8 ft.
MCL, MCC, MCR	4 ft.	8 ft.	6 ft	8 ft.
S-CB; S-HD	Reference Design Guidelines			
EE, EG	8 ft.	8 ft.	8 ft	8 ft.
PD	Designed in accordance with plan.			

I. Home Occupations

1. General Regulations

a. Permit Required

No business license for a Major Home Occupation shall be issued unless:

- i. A Conditional Use Permit has been issued by the Board of Adjustments; or
- ii. In the case of a Minor Home Occupation, the applicant has demonstrated compliance with all requirements of this Section.

b. Non-Transferability

A home occupation permit is non-transferable. A new home occupation permit shall be required upon any change in:

- i. The nature of the home occupation;
- ii. The occupant operating the home occupation; or
- iii. The address of the operation.

c. Retail Activity

- i. Retail sales on the premises shall be limited to handmade items, including crafts made in the home, and goods sold in conjunction with a service provided on site.
 - ii. Goods, products, or commodities purchased for the primary purpose of resale shall not be sold at retail or wholesale on the premises, stored, or displayed on the premises, or distributed to other locations.
 - iii. These provisions do not prohibit the storage of goods sold through mail-order or online sales, provided such storage does not violate other provisions of these regulations.
 - d. **Area Limitation**
 - i. The home occupation shall be clearly incidental and subordinate to the dwelling's residential use.
 - ii. No more than 50% of the principal dwelling floor area shall be used for the home occupation. If located in an accessory structure, that floor area may be counted toward the 50% limit.
 - e. **Permitted Location**

Home occupations shall be conducted only within:

 - i. The principal dwelling unit (including the basement and attached garage); and/or
 - ii. One (1) roofed, fully enclosed accessory structure located on the same parcel as the principal residence.
 - f. **Alteration of Structures**

No structural alterations shall be made that changes the residential character of the dwelling if no home occupation were present.
 - g. **Parking**

Any required parking for such operation shall be provided on-site and shall not alter the residential character of the lot.
 - h. **Products and Processing**

With the exception of arts and crafts created on site for individual orders, no goods, samples, materials, or products shall be sold, stored, displayed, manufactured, or processed on site.
 - i. **Performance Standards**
 - i. The home occupation shall not produce odor, vibration, fumes, glare, or electrical interference beyond what is typical for residential uses.
 - ii. No equipment or process shall cause visual or audible interference in off-site radio/television reception or cause voltage fluctuations off-site.
 - iii. No electrical or mechanical equipment or processes shall change the fire rating of the dwelling unit.
 - j. **Prohibited Home Occupations**

The following operations shall be prohibited as home occupations:

 - i. Automobile and small engine repair;
 - ii. Medical or dental offices (except psychiatry/psychology, and telehealth);
 - iii. Home cooking and catering;
 - iv. Private clubs;

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- v. Eating and drinking establishments;
- vi. Fortune telling and similar;
- vii. Health spas (excluding personal trainers and massage therapists);
- viii. Hotels / motels;
- ix. Wholesale establishments;
- x. Kennels; and
- xi. Any use not specifically listed above, but exhibits characteristics of a listed prohibited operation, and which is determined to cause a negative impact on the residential character of the vicinity. Determinations shall be appealable to the Board of Zoning Adjustments.
- xii. Agriculture-related “home-based processing and micro-processing” in compliance with [HB 391](#) and [KRS 217.005 through KRS 217.215](#) shall be not be prohibited.

2. Minor Home Occupations

- a. Minor Home Occupations may be administratively approved, subject to the following:
 - i. No person other than a resident of the dwelling shall be engaged or employed in the home occupation.
 - ii. No visible exterior evidence of the home occupation shall be permitted.
 - iii. No advertising shall contain the property address.
 - iv. Customers, students, clients, or patrons of the home occupation are prohibited with the exception of pre-arranged pick-up or drop-off.
 - v. The use shall not require additional off-street parking or generate traffic beyond what is typical for a residential dwelling.
- b. No business license shall be issued for the operation until compliance with all criteria and conditions of this section is demonstrated.

3. Major Home Occupations

Major Home Occupations shall require a Conditional Use Permit from the Board of Zoning Adjustments, and shall comply with the following:

- a. Employees shall be limited to residents of the dwelling unit, except that one (1) non-resident employee may be present at any one (1) time.
- b. Limitations on hours of operation, number of customers permitted at the premises at one time, and frequency of customer and/or client visits shall be as determined by the Board of Adjustment.
- c. Hours of operation for such occupations with on-site patrons shall be between the hours of 7:00 a.m. and 9:00 p.m.
- d. No non-resident employee may work on-site between the hours of 9:00 p.m. and 7:00 a.m.
- e. One (1) non-illuminated sign, not exceeding two (2) square feet in area may be permitted per premises. Such sign shall not be freestanding.
- f. Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two (2) commercial deliveries (including, but not limited to, UPS, Federal Express, and U.S. Postal Service Express Mail) shall be made within any 24-hour period.

J. Keeping of Fowl (Non-Crowing)

1. Only the keeping of non-crowing chickens shall be allowed. Adult roosters, turkeys, guineas, ducks, geese or other domestic fowl are specifically prohibited.
2. There shall be no more than six (6) chickens kept on a property at any one time unless livestock is otherwise permitted in the zoning district.
3. A property housing chickens shall keep the chickens enclosed in the rear yard only. The rear yard shall be enclosed with a six foot (6') fence.
4. In addition to the fencing requirement, the chickens shall be kept in a structure with a roof that is enclosed on all sides, that has adequate ventilation, and that is able to be locked and secured to ensure chickens cannot run at large or leave the property and are safe from predators. Whenever left unattended, the chickens shall be kept within the structure.
5. The structure and any associated run attached to it shall be located in the rear yard and be a minimum of twenty-five feet (25') from the nearest residence, not including the residence of the owner of the chickens. For the purposes of this section, "residence" shall be defined to include both the principal structure and any decks, porches or sunrooms attached to the principal structure. This requirement shall be met at the time of permit issuance and is not meant to be retroactively applied in the event an adjacent residence constructs an addition of some type that encroaches upon an existing chicken henhouse/coop/tractor/run.
6. Chickens shall not be kept in a manner that would allow a perceptible odor beyond the property line.
7. There shall be no breeding or slaughtering of backyard chickens.
8. Provision shall be made for storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed from the property. In addition, the henhouse/coop/tractor/run and surrounding area shall be kept free from trash and accumulated droppings or feed.
9. All feed shall be stored inside or in a weather and rodent resistant container designed to prevent access by animals.

K. Outdoor Dining / Food Service Areas

1. Outdoor dining or food service areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking area. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café / food service area and the principal building.

L. Outdoor Displays and Sales

These provisions apply to outdoor display and sale areas that are accessory to a principal use and shall not apply to uses where outdoor display or sale is the principal use (e.g., automotive sales, equipment rental, etc.).

1. Outdoor display and retail areas shall not be located within the public right-of-way, nor shall it interfere with parking or the safe and unobstructed view of pedestrian or vehicular traffic.

M. Outdoor Storage, Bulk and Retail

1. Black plastic-coated chain link fencing shall only be permitted where the fencing is not visible from any public rights-of-way or residential uses.
2. All outdoor storage areas shall be screened from view of the public right-of-way by a six (6) foot fence in conformance with this section. Screening shall not be required if the outdoor storage area is located of view from any public right-of-way.

ARTICLE 3. USE REGULATIONS

3.11. ACCESSORY USE AND STRUCTURE STANDARDS

N. Pick-Up Windows

1. All pick-up areas, including, but not limited to, stacking lanes, trash receptacles, window openings, and other objects associated with the pick-up window, shall be located in the side or rear of a property, and shall not interfere with, or impede any public right-of-way.
2. Audible electronic devices, such as loudspeakers, automobile service order devices, and similar instruments, shall not be permitted.
3. Pick-up windows are subject to all vehicle stacking requirements of [Section 5.04. Off-Street Stacking Spaces](#).
4. All signage associated with such facility shall comply with [Article 7. Signage](#).

O. Roadside Stands

1. Retail sales shall be limited to products raised, cultivated, or produced on premises. Items raised, cultivated, or produced locally, or in the immediate vicinity may be sold, but may not be the primary source (more than 50%) of products sold on premises.
2. No part of the operation or signage shall encroach within any public right-of-way.

P. Short Term Rentals

1. The maximum stay for a short term rental shall be 29 consecutive days for the same occupant.
2. The dwelling unit shall be limited to a single short term rental contract at a time.
3. The maximum number of persons residing in the short term shall not exceed two (2) times the number of bedrooms plus four (4) individuals.
4. No food or alcoholic beverages shall be prepared for or served to the guest by the host.
5. Outdoor signage in conjunction with the short term rental is prohibited.
6. If the short term rental is not the primary residence of the host, they shall provide information on how to be contacted by phone, email, and address. This information shall be provided in a conspicuous location within the short term rental.
7. Each short term rental shall provide an evacuation plan and provide smoke detectors in compliance with the Kentucky Residential Code.
8. Short-term rentals located within the City of Frankfort shall comply with the City's Noise Regulations established in the [Code of Ordinances – Section 131.01](#). Short term rentals located within Franklin County shall adhere to quiet hours between 11 p.m. and 7 a.m. Guests with pets are subject to the City's provisions regarding animals, found in [Chapter 90 of the Code of Ordinances](#). If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Planning Director may revoke the approval of the short term rental.
9. All short term rental hosts must submit an annual registration form to the Department of Planning and Community Development.
10. Each short term rental shall remain in compliance with the City of Frankfort's Business Regulations as codified in [Title XI of the City of Frankfort Code of Ordinances](#), or the Franklin County Business Regulations as codified in [Title XI of the Franklin County Code of Ordinances](#).
11. The short term rental host shall request a rental housing inspection at the time of annual registration through the Department of Planning and Community Development.
12. Short-term rental shall be required to renew its business license on an annual basis and comply with all transient room and local taxes requirements.

13. If the short term rental ceases operations they shall notify the Department of Planning and Community Development in order to keep an up-to-date record of operating short term rentals within the City.
14. Short term rentals shall not be utilized for private or commercial special events in which the number of participants exceeds the maximum occupancy limit, such as parties, weddings, concerts, or the like.
15. Detached accessory structures may be used as a short term rental only in a permitted Detached Accessory Dwelling Unit.
16. In the S-CD, Special-Capital District, non-owner-occupied short-term rentals shall be capped at a maximum of 5% of the total dwelling units located within that zoning district.
17. In the S-HD, Special-Historic District, non-owner occupied short term rentals shall be capped at, and not to exceed eight (8) non-owner occupied short term rentals within that zoning district.
18. Owner-occupied short-term rentals may rent their property for up to and not to exceed 24 days per calendar year, while they are not residing at the property and will still qualify as an owner-occupied short-term rental.
19. Apartment buildings under common ownership shall not operate more than 50% of the dwelling units in an apartment building as a short-term rental. This does not apply to condominiums where dwelling units are individually owned.
20. For Short Term Rentals regulated as conditions uses, the Board of Zoning Appeals shall take into consideration:
 - a. The number and concentration of Short Term Rentals, if any, within the general vicinity of the property being considered for such use.
 - b. Demonstrated compliance record of the applicant if they operate other Short Term Rentals in Frankfort or Franklin County.
 - c. The occupancy rate of other Short Term Rentals in the general vicinity, including those operated by the applicant.
 - d. Whether other Short Term Rentals in the general vicinity have been cited as a nuisance, including those operated by the applicant.
21. **Enforcement and Penalties**
 - a. The requirements of this Section may be enforced by the Planning and Community Development Department.
 - b. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a violation and shall be issued a Notice of Violation. In the event that the violation is not corrected within 10 days following the issuance of a Notice of Violation, a Citation may be issued and a civil penalty applied in accordance with the following:
 - i. First Offense / Citation - \$100.
 - ii. Each subsequent day a violation continues after issuance of a Notice of Violation without correction shall be considered a separate offense subject to a penalty of \$25 / day.
 - c. Hosts who remain in violation after the prescribed time frame for correction shall have their license revoked. Continued operation of a Short Term Rental in violation of this ordinance may result in legal action instituted against the violator in a Court of appropriate jurisdiction.

Q. Swimming Pools

ARTICLE 3. USE REGULATIONS

3.11. ACCESSORY USE AND STRUCTURE STANDARDS

The following regulations apply to all privately owned swimming pools, hot tubs, and spas installed or maintained for more than fifteen (15) consecutive days and designed to contain water exceeding eighteen (18) inches in depth, unless otherwise exempted herein.

1. Setbacks and Location

- a. A minimum setback of five (5) feet shall be maintained from all side and rear property lines to any deck or patio surrounding the pool; and
- b. A minimum setback of 15 feet shall be maintained from all side and rear property lines to the water's edge. For the purposes of this provision, water's edge includes any structure used to enter or exit the water that is located in or under the water at the perimeter of the pool.
- c. Distance from a principal or accessory structure to the pool, deck, or patio shall comply with all applicable building and fire codes.
- d. No swimming pool, deck, patio, or related structure shall be located within a recorded easement for any purpose.

2. Fencing and Safety Barriers

Fences and safety barriers for pools within the City of Frankfort must comply with the requirements found within the City Nuisance Code. Any swimming pool, or the permitted area of the property in which it is located, shall be enclosed by a wall, fence, or barrier constructed of approved materials to prevent uncontrolled access from streets or adjacent properties. Such enclosure shall:

- a. Be not less than four (4) feet and not more than six (6) feet in height, measured from finished ground level on the side of the barrier away from the pool; and
- b. Be maintained in good condition at all times.
- c. Gates and doors within the enclosure shall be self-closing and self-latching, equipped with a lock or latching device, and maintained so as to positively close and latch when released from an open position of six (6) inches
- d. Where a self-latching device is located less than fifty-four (54) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate.
- e. No existing pool enclosure shall be removed, replaced, or altered in any manner that reduces its effectiveness as a safety barrier.
- f. For above-ground pools, the pool sidewall may serve as the required safety barrier provided:
 - i. The sidewall is at least 48 inches in height as measured from grade at the base of the wall, or as otherwise approved by the Planning and Zoning Director; and
 - ii. Any ladder or means of access is capable of being locked, removed, or secured in an upright position to prevent unauthorized entry.
- g. Spas or hot tubs equipped with a safety cover that complies with ASTM F1346, as amended, shall be exempt from the enclosure requirements of this section.

3. Illumination

Any lighting used to illuminate a swimming pool, hot tub, or spa shall be arranged and shielded to deflect light away from adjacent properties

4. Utilities

If electrical service drop conductors or other utility wires cross over or under a proposed pool location, the applicant shall coordinate with the applicable utility provider to relocate such facilities prior to issuance of a zoning or building permit. Required relocation shall be completed before final permit approval.

3.12. TEMPORARY USE REGULATIONS

A. General Provisions

1. A temporary Zoning Permit shall be required for all temporary buildings, structures, or uses that are either not constructed, installed, or established to exist in perpetuity in order to ensure conformance to these zoning regulations and which are to be established for a period not to exceed 180 days as established by the Kentucky Building Code for temporary structures, unless otherwise specified herein.
2. Temporary buildings, structures, or uses shall be reviewed in accordance with the provisions of this section and all other applicable sections of these Zoning Regulations.

B. Construction Office / Trailer

1. A construction trailer or temporary offices, with fixed connections to utilities such as electric and telephone / data, may be used for temporary office and storage during the duration of construction on a site.

C. Mobile Food Vendors

1. Mobile food vendors shall comply with all applicable regulations of the [City of Frankfort Code of Ordinances Chapter 115](#), [Franklin County Ordinances](#), and [Kentucky Revised Statutes Chapter 217](#), including all relevant state health and food safety standards.
2. Mobile food vendors shall be located entirely on private property with the permission of the property owner and shall not encroach into any public right-of-way, sidewalk, or street without the appropriate permits.
3. All operations, including customer queuing and signage, shall be contained entirely on the property and shall not obstruct drive aisles, emergency access, or public rights-of-way.
4. Waste collection shall be provided on-site and removed daily. Disposal of wastewater, grease, or other refuse on the premises is prohibited unless specifically approved by the local health authority.
5. Temporary signage is permitted in accordance with zoning requirements, provided it is removed at the close of each day and is not located within a public right-of-way.

D. Seasonal Sales

A seasonal sales of items pertaining to a holiday, event, or season (ex: sale of Christmas trees, pumpkins, and similar items) is subject to the following:

1. Seasonal sales which are sponsored by a governmental entity are exempt from the requirements of this section.
2. A site plan shall be submitted for approval that illustrates the location of the sales area, parking, circulation, pedestrian and vehicle ingress or egress, surface material, and sanitary facilities, as applicable.
3. The applicant for the activity shall provide written agreement from the property owner granting permission for the proposed use.
4. No activities shall take place in the public right-of-way.
5. Signage for seasonal sales shall be limited to the size and type requirements of the zoning district in which they are located and shall be attached to, and flush mounted to the temporary sales structure, tent, trailer, or similar use.

6. A seasonal sale is limited to a period not to exceed 60 days per calendar year.

3.13. SPECIAL USE REGULATIONS

A. Data Centers

1. General Requirements

- a. A principal building is required on site and shall be designed and constructed to accommodate data processing, storage, and associated mechanical and electrical infrastructure.
- b. Cryptocurrency mining and blockchain validation operations as a primary use shall be prohibited.
- c. Where the requirements of this section differ from the underlying zoning requirements, the most restrictive of the two shall be required.

2. Classification by Size

- a. Accessory Data Center (<2,000 sq. ft.) shall be permitted as an accessory use in accordance with the underlying zoning district.
- b. Minor Data Center (2,000–19,999 sq. ft.) shall require standard development plan approval as established by [Section 13.06.E. Development Plan](#).
- c. Medium Data Center (20,000–99,999 sq. ft.) shall require standard development plan approval as established by [Section 13.06.E. Development Plan](#).
- d. Major Data Center (100,000–499,999 sq. ft.) shall require Planning Commission approval.
- e. Data Center Campus (≥500,000 sq. ft.) shall require Planning Commission and legislative approval.

3. Location and Separation

- a. Data Centers shall be set back a minimum of 500 feet from any residential lot line, residential district, park, school, or hospital.
- b. The minimum setback may be reduced to 300 feet when separated by an arterial roadway or highway.

4. Building Design and Screening

- a. Blank walls exceeding 100 feet in length facing a public right-of-way shall incorporate façade articulation or architectural variation.
- b. All rooftop mechanical equipment shall be screened from view from adjacent properties and public rights-of-way.
- c. Mechanical yards, substations, and utility infrastructure shall be located to the side or rear of the principal structure and screened with an opaque wall or fence not less than eight (8) feet in height.
- d. Enhanced architectural standards, including masonry materials and step-backs, shall be required when adjacent to non-industrial districts.

5. Noise Standards

- a. Continuous noise generated by mechanical equipment, including cooling systems and backup generators, shall comply with applicable noise regulations at the property line.
- b. An acoustic analysis may be required as part of site plan or conditional use approval.
- c. Generator testing shall be limited in frequency and duration as determined during

development plan review.

6. Mechanical and Utility Infrastructure

- a. Backup generators, fuel storage tanks, cooling towers, and substations shall be located behind the principal building or within enclosed service areas. Any generator located outside a building shall not be tested more than once per week, with testing only occurring between the hours of 8 a.m. to 5 p.m.
- b. All such equipment shall be screened from view with an opaque wall, fence, or landscaping.
- a. Any equipment associated with the facility shall not generate any noise that equals or exceeds a measured sound level of 65 dBA when measure at or beyond any property boundary of the sound source.
- c. On-site fuel refining or industrial-scale fuel processing is prohibited.

7. Traffic and Access

- a. All loading areas and service access shall be located to the side or rear of the building and shall not face a public right-of-way.
- b. Site access shall be designed to minimize conflicts with adjacent properties and shall comply with spacing requirements for driveways.
- c. Emergency access shall be provided in coordination with the applicable fire authority.

8. Environmental and Infrastructure Impacts

- a. Developments shall provide documentation of projected water usage and energy demand as part of site plan approval.
- b. Developments shall implement low-impact development practices in energy efficiency. The development shall:
 - i. Minimize land disturbance;
 - ii. Maximize tree preservation;
 - iii. Minimize impervious surface;
 - iv. Utilize alternative energy sources (solar, wind, hydro, or any other system that can be demonstrated to the Planning Director to reduce energy demands from the distribution systems) to the greatest extent possible; and
 - v. Utilize reclaimed water for cooling, when available.
- c. Stormwater management facilities shall be designed to accommodate large roof areas and impervious surfaces.
- d. No industrial waste discharge shall be permitted beyond standard sanitary and stormwater systems.

9. Security and Lighting

- a. Perimeter fencing shall not exceed eight (8) feet in height unless otherwise approved and shall be designed to minimize visual impact.
- b. Lighting shall be directed downward and shielded to prevent glare onto adjacent properties.
- c. Flashing, strobe, or high-intensity lighting visible from off-site shall be prohibited.

10. Outdoor Storage

- a. No outdoor storage of materials or equipment shall be permitted except for screened mechanical and utility infrastructure.

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- b. All permitted outdoor equipment shall comply with [Section 3.11.M. Outdoor Storage, Bulk and Retail](#).

B. Small Cell Systems and Towers

1. Purpose

These regulations balance the need for new Small Cell Systems and Small Cell Towers with the impacts New Small Cell Towers have on adjacent land uses; provide for the safest and most efficient integration of cellular antenna facilities for Cellular Telecommunication Services or Personal Communication Services within the community; provide for these facilities in coordination with the recommendations of the City of Frankfort / Franklin County Comprehensive Plan; and to further the public health, safety, and general welfare of the City of Frankfort and Franklin County.

2. Title

These regulations shall be known as the Regulations for Small Cell Systems and Small Cell Towers in the City of Frankfort and Franklin County and may be referred to as "these regulations."

3. Authorization

These regulations are adopted pursuant to authority granted to planning commissions in the Commonwealth of Kentucky by [KRS 100.985 through 100.987](#).

4. Citations of Kentucky Revised Statutes

Whenever a provision of these regulations cites a provision of the Kentucky Revised Statutes (KRS), and that provision is later amended or superseded, these regulations shall be deemed amended to refer to the amended provision, or to the provision that most closely corresponds to the superseded provision

5. Applicability

These regulations apply to every utility or company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct a small cell system or small cell tower for cellular telecommunications services or personal communications services. These regulations also apply to towers that do not meet the requirements of minor adjustments, in accordance with [Section 3.13.B.16. Amendments to Approved Plans](#) of these regulations.

6. Relationship to Applicable Codes

These regulations are not intended to supersede in any way the requirements of the local zoning ordinance or the requirements of the Kentucky Building Code.

7. Status as Minimum Standards

In their interpretation and application, these regulations shall be viewed as minimum standards or requirements, adopted for promotion of the public health, safety, and general welfare. Whenever these regulations conflict with a requirement of any other lawfully-adopted rule, regulation, ordinance, order, or resolution, the most restrictive or that imposing the higher standards shall govern

8. Compliance Required

Except as hereinafter specified, no small cell system or small cell tower shall hereafter be placed or constructed except in conformity with these regulations and all applicable federal, state and local law and regulations.

9. Burden of Proof

The burden of demonstrating that an application subject to these regulations complies with applicable review and approval standards is on the applicant.

10. Pre-Application Conference

A pre-application conference is optional and is not required. A pre-application conference does not trigger any of the FCC's shot clock requirements for placement of small cell or small cell towers. Applicants may contact staff and request a pre-application conference. Upon receipt of this request, staff will set up the meeting which shall include staff, the applicant, any applicable utility providers, the local jurisdiction, and the owner of the right-of-way or property on which the small cell system or small cell tower is proposed to be installed. A pre-application conference allows for early coordination by identifying existing structures that might be suitable for collocation and identifying any other items which are in conformance/nonconformance with the comprehensive plan, local zoning ordinance, and/or the provisions of these regulations. A pre-application conference provides an opportunity for an initial discussion regarding proposed structure locations, design and the application submittal, approval process and coordination with utilities for possible use of pre-existing structures. Applicants desiring to have a pre-application conference should supply the applicant's preferred locations, structure design style and structure height one week prior to the pre-application conference or upon request for a pre-application conference.

11. Application Submittal

Prior to making an application for a small cell system tower in the rights-of-way, applicant must first obtain a franchise from Franklin County, unless applicant already possesses a franchise from Franklin County or the Commonwealth. All proposed small cell systems, except non-tower small cell systems, co-locations to existing structures or those exempted by [Section 3.13.B.14. Location and Design Regulations](#) shall be subject to Planning Commission review and approval. Non-tower small cell systems, co-locations to existing structures and those exempted by [Section 3.13.B.14. Location and Design Regulations](#) shall be subject to administrative review and approval by staff. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of these regulations and the Comprehensive Plan. One application for multiple proposed towers within the same small cell system is encouraged whenever possible.

12. Application Requirements

- a. All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of [KRS 61.878](#). The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.
- b. Applicants for the construction of small cell systems and/or small cell towers for cellular telecommunications services or personal communications services may choose to provide either the uniform application per [KRS 100.9865](#) or in lieu of the uniform application, the following information should be submitted:
- c. **Fee Structure**
 - i. **Co-locations**

The application fee is \$500 for up to five antennas which are placed on existing utility poles, towers or other structures. For each additional antenna placed on existing utility poles beyond the five, there is an additional fee of \$100 per antenna.

ii. New Towers

The application fee is \$1,000 for each new small cell tower which supports an antenna.

- d. A written description and map showing the coverage area of the provider's existing facilities in the general and site- specific areas that are the subject of the application.
- e. A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap capacity shortfall, expand or provide new coverage, or to deploy new technology in the applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
- f. A statement by an authorized representative that the applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, the Kentucky Public Service Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility.
- g. A statement by an authorized representative that the applicant or provider is in compliance with all conditions required for such license and approvals.
- h. A full description of the number and dimensions of all small cell towers proposed to be installed.
- i. A site development plan, signed and sealed by a professional engineer registered in Kentucky, showing the proposed location of the tower and existing structures within 500 feet of the proposed site.
- j. A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas and equipment enclosures.
- k. A statement indicating the individual who is the authorized agent and their preferred email and mailing address to receive communications.
- l. Photographs of view shed from each proposed tower location, taken in at least four directions.
- m. Description of whether other overhead utilities exist within 500 feet of the proposed antenna location.

13. Processing of Applications

- a. Applications will be reviewed for substance only when they meet all submittal requirements. If applications are not complete, staff must notify the applicant within ten days from the submission of the application stating the application is incomplete and identifying the missing materials, which must be submitted in order to complete the application. No further review of the application will take place until the application is complete. If the resubmitted materials are not complete, staff must notify the applicant within ten days from the submission of the application stating the application is incomplete and identifying the missing materials, which must be submitted in order to complete the application. No further review of the application will take place until the application is complete.
- b. For applications that are eligible for administrative review and approval, staff shall review and take final action on applications for new small cell systems within 30 days of a completed application. This time period will not begin until the application

is deemed complete by staff. Staff shall notify the applicant once the application is deemed complete and provide the deadline for the staff review period. Staff shall either approve, approve with conditions, or deny the application. If staff does not make a final decision within the required 30 days, the application shall be deemed to be approved as submitted.

- c. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of staff in the administration of these regulations may appeal the action to the Board of Zoning Adjustments pursuant to [Section 13.06.D. Appeals](#) of these Zoning Regulations.
- d. An applicant claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Zoning Adjustments shall appeal from the final action to the Franklin County Circuit Court. Such appeal shall be taken within 30 days after such action, or such longer period as allowed under applicable law.
- e. The procedure by which the Planning Commission may allow for waivers of these regulations is set out in [Section 13.07. Waivers and Modifications](#) of these Zoning Regulations.
- f. In addition to Planning Commission approval, any applicable building, zoning, and electrical permits, and permission from the local jurisdiction, right-of-way or property owner are required prior to the beginning of construction.

14. Location and Design Regulations

A new small cell system is subject to design review and approval by staff. The design criteria required for the new small cell systems is determined by the type of location or zoning district in which the facility is to be located. The design review and approval process, including any public hearing, shall be compliant with commonwealth and federal law, including applicable FCC cell siting application shot clock approval timelines.

a. Non-Tower Small Cell System Locations

A utility planning to locate an antenna or related equipment on existing telecommunications structures, water towers, buildings, utility poles (as defined by this regulation) or other existing structures 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 locate the antenna or related equipment including a statement documenting that the new antenna or related equipment location does not change the height of the structure beyond the lower of 10 feet, or a 10% increase in height over the original height of the structure. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.

b. New Small Cell System and Small Cell Tower Locations

The regulations in this division apply to all new small cell system and small cell towers.

- i. Except when deployed in response to temporary service outages, as a result of emergencies, or at the request of first responders, temporary, mobile or wheeled cellular antenna towers shall not be permitted.
- ii. New small cell towers shall not exceed the maximum building height for the zoning district (or adjacent zoning district if in right-of-way) within which they are located or 35-feet whichever is greater. A height that is in excess of what is permitted within the zoning district may be approved by

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staff if it integrates stealth technology that better meets the objectives of these regulations.

- iii. New small cell towers shall be designed and constructed to accommodate a minimum of two service providers.
- iv. New small cell towers may be located on public or private nonresidential land or within a public right-of-way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
- v. New small cell towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the stealth technology, such as a design intended to look like a streetlight pole.
- vi. New small cell towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the stealth technology. Such display shall not exceed the width of the pole, unless required by state or federal regulations or a wider sign is integral to the stealth technology, such as a design which integrates a decorative banner.
- vii. If a new small cell tower is located in an area with primarily underground utilities, or where no adjacent overhead utility lines exist, it shall not utilize overhead utility lines.
- viii. In instances where an antenna is proposed to be constructed within a historic or commercial district with established public or private design control measures, regulations in division [Section 3.13.B.14.c. New Small Cell Systems and Small Cell Towers in Residential Zones](#) of this section shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as certificates of appropriateness, such approvals may be required.

c. New Small Cell Systems and Small Cell Towers in Residential Zones

The regulations in this division apply to small cell systems small cell towers to be located within, or immediately adjacent to, residential zoning districts as defined in [Section 3.13.B.14.a. Non-Tower Small Cell System Locations](#) of this section.

- i. Facilities in residential areas are strongly encouraged to be non-tower wireless communication facilities, which are exempt from these regulations per [Section 3.13.B.14.a. Non-Tower Small Cell System Locations](#) of this section.
- ii. New small cell towers and antenna or related equipment shall be camouflaged by stealth technology. Examples of appropriate stealth technology for residential areas includes, at a minimum, towers with all cables, wires, transmission equipment, electric meters, power equipment, etc. installed inside the small cell tower. Other types of stealth technology or other methods which will reduce the visual impact may be approved by staff.
- iii. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the stealth technology as approved by staff.
- iv. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.

- v. New small cell towers should avoid areas without overhead utilities. If a small cell tower is located in an area with primarily underground utilities it must adhere to stealth technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, streetlight or other approved design. In areas with overhead utilities, cylindrical antennas are required.
- vi. In residential areas, a small cell tower shall not be located closer than the height of the proposed tower to an existing or proposed residential structure, or no closer than 30 feet, whichever is greater.
- vii. Efforts should be made to locate new small cell towers in the yard location where other overhead utilities are located in the event that co-location has been demonstrated to be infeasible.
- viii. New small cell towers within residential areas should be located to avoid obstructing the view of building facades by placing the tower at a corner, intersection or along a lot line.
- ix. New small cell tower shall not be located within 500 feet of an existing small cell system tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.

d. **New Small Cell System and Cell Towers in Non-Residential Zones.**

The regulations in this division apply to towers to be located within non-residential zoning districts.

- i. In instances where a facility is proposed to be constructed in the right of way within 100 feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations in [Section 3.13.B.14.c. New Small Cell Systems and Small Cell Towers in Residential Zones](#) shall be followed.
- ii. Antennas in commercial, institutional, or park areas are encouraged to be installed as non-tower wireless communication facilities.
- iii. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred:
 - (A). Co-locate on an existing structure whenever possible.
 - (B). Institutional.
 - (C). Industrial.
 - (D). Commercial.
 - (E). Public parks.
 - (F). Agricultural.
- iv. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible. Ground mounted equipment boxes should be screened from view with shrubs or other appropriate screening as approved by staff.
- v. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.
- vi. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by staff.

vii. Cylindrical antennas shall be required, unless another antenna style is integral to the stealth technology as approved by staff.

viii. There shall be no more than a four inch offset between the pole and pole mounted equipment enclosures.

15. Evaluation Criteria

Evaluation of the proposal shall be based upon the following criteria and shall be subject to administrative approval by staff:

- a. The extent to which the proposal is consistent with the purposes of these regulations.
- b. The extent to which the proposal minimizes the impact on adjacent land uses, especially in terms of visual impact.
- c. The extent to which the proposed facility is camouflaged (i.e., use of stealth technology).
- d. The extent to which the proposed facility conforms to the character of the surrounding area (i.e., buildings, street lighting, signs).

16. Amendments to Approved Plans

- a. Any amendments to plans for small cell systems and small cell towers, except for the minor adjustments outlined below, shall be made in accordance with the procedure required by [Section 3.13.B.13. Processing of Applications](#) subject to the same limitations and requirements as those under which such plans were originally approved. Minor adjustments shall be submitted and reviewed per the requirements of [Section 3.13.B.13.a.](#)
- b. The following activities shall be considered minor adjustments from the original approval of an application for towers located in public rights-of-way. Changes are measured cumulatively from the original approval of the tower or base station.
- c. Tower height increases by less than 10% or ten feet, whichever is greater.
- d. Change in the tower width of less than 10% or six (6) feet, whichever is greater.

17. Penalty

- a. Violation of the provisions of this chapter 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.
- b. Violation of the provisions of [Article 12. Flood Damage Prevention](#) 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 [Article 12. Flood Damage Prevention](#) or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100 or imprisoned for not more than one 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.
- c. Violation of the provisions of [Section 7.14. Sign Construction Standards](#) or failure to comply with any order or inspection report within the same time limit stated therein shall be guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than \$25.00 nor more than \$500 or by punishment; for not more than

one year or by both such fine and imprisonment each day that such violation or failure to comply occurs, or is continued, shall constitute a separate offense.

C. Solar Energy Systems

1. Purpose

The purpose of these regulations is to:

- a. facilitate the siting, development, construction, installation, and decommissioning of solar energy systems in the City of Franklin and Franklin County in a predictable manner that promotes and protects the safety, health, and general welfare of the community;
- b. encourage the appropriate siting of solar energy systems to bolster local economic development and job creation, diversify the state's energy portfolio, strengthen energy and grid security, and reduce other environmental impacts;
- c. consider, avoid to the extent possible, and mitigate any adverse impacts to wildlife and nationally important agricultural lands, forests, endangered species habitat, and historic, natural, and other sensitive lands; and
- d. establish standards and requirements to assure that the use and enjoyment of lands located adjacent to, and in proximity of, solar energy systems are fully protected; and
- e. serve as supplemental as permissible to any safety, health, or environment requirements of federal and state law and regulation.

2. Applicability

- a. These regulations apply to the siting, construction, installation, and decommissioning of any new SES within the jurisdiction of the City of Franklin and Franklin County after the effective date of these zoning regulations.
- b. An SES in operation, or which has begun physical construction prior to adoption of these regulations, shall be considered to have legal nonconforming status in accordance with [KRS 100.253](#).
- c. The following are not subject to the provisions of these regulations:
 - i. Modification to an existing SES that alone or in combination increases the total SES footprint by no more than five percent (5%) of the original footprint.
 - ii. Routine maintenance and repair, including replacement of solar panels, not increasing the existing SES footprint.
- d. Any exempt SES shall provide the Planning Commission, Board of Adjustment, or other city and/or county authority having jurisdiction, with information concerning service facilities which have been located on and relocated on private property in accordance with [KRS 100.342\(3\)](#).
- e. An SES shall comply with all applicable federal, state, and local laws, regulations, permitting, and other requirements, and applicable building, fire, electrical, and plumbing codes.

3. Accessory Use

The SES is permitted as an accessory use within any zoning district where the SES is permitted as a principal or conditional use, subject to the requirements contained herein.

Notwithstanding the foregoing, a Small Scale Ground Mounted SES qualifies as an accessory use only if its area is less than 50% of the footprint of the primary structure.

4. General Requirements – Integrated and Rooftop Solar Energy Systems

a. Solar Access

Consistent with [KRS 381.200\(2\)](#), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.

b. Tree Removal

The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable and shall comply with all the requirements of the City of Frankfort and Franklin County ordinances and zoning regulations regarding tree removal, and any applicable state or federal requirements.

c. Height Restrictions

A rooftop SES shall conform to any height restrictions for roof-mounted mechanical devices or equipment for the applicable zoning district. A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet.

d. Lighting

Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.

e. Historic Preservation

Where an integrated rooftop SES is proposed to be installed on a property located within an historic district, or which is listed on the National Register of Historic Places, the proposed installation shall be subject to any review and compliance required by federal, state, and local laws and regulations for exterior renovations or additions to such structures.

5. General Requirements – Ground Mounted SESs

a. Solar Access

Consistent with [KRS 381.200\(2\)](#), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.

b. Tree Removal

The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable and shall comply with all the requirements of the City of Frankfort and Franklin County ordinances and zoning regulations regarding tree removal, and any applicable state or federal requirements.

c. Height Requirements for Ground Mounted SES

A Ground Mounted SES shall not exceed 20 feet in height as measured from the highest natural grade below each solar panel without a variance approved by the Board of Adjustment or other authority having jurisdiction. The height restriction excludes utility poles, storage batteries, substation structures, and antennas constructed for the project. A Ground Mounted SES may exceed 20 feet in height upon finding that the SES would be more productive, use less land, or provide other environmental, economic, or other benefits if the height limitation is increased.

d. Agrivoltaics Projects

Ground Mounted SESs in agricultural zones, or within the “-R” subarea as defined in [Section 2.03. Community Character Designations](#) shall be encouraged to be Agrivoltaic Projects.

e. **Non-Agrivoltaic Projects**

Ground Mounted SES that are not Agrivoltaic Projects, or cease to be Agrivoltaic Projects, located in agricultural zones, or within the “-R” subarea as defined in [Section 2.03. Community Character Designations](#) on land identified by the Natural Resources Conservation Services of the United States Department of Agriculture as either prime farmland or farmland of statewide importance, shall be designed and structured to allow for future farming of the site to the extent commercially practicable, including the establishment of effective ground cover, minimization of erosion and sedimentation, and decompaction of soil. For the purposes of this section, a Ground Mounted SES shall not be treated as an Agrivoltaic Project or shall cease to be treated as an Agrivoltaic Project, as applicable, if the Ground Mounted SES is not co-located on a parcel of land being simultaneously used for agricultural use. For the purposes of this section, agricultural use has the same meaning as found in [KRS 100.111\(2\)](#).

f. **Siting Restrictions**

- i. An Intermediate or Large Scale Ground Mounted SES, measured from the closer of the outer edge of the nearest panel or perimeter fencing, shall be located at least:
 - (A). A minimum of 50 feet from the property line of any property zoned for residential or agricultural use,
 - (B). A minimum of 30 feet from the property line of any property zoned for commercial, business, industrial, office, or institutional use, and
 - (C). A minimum of 50 feet from the centerline of any public road.
 - (D). A minimum of 100 feet from a residence located on a property other than that on which the Ground Mounted SES is to be installed.
- ii. These setback provisions above can be waived in writing by the adjacent property owner to whom the property line or residence setback is applicable.
- iii. Setbacks are not required where the property line is shared by two (2) or more participating landowners.
- iv. Setback requirements may be reduced by 25% where effective existing or proposed visual screening is determined to exist by the Planning Commission.

g. **Screening**

Ground Mounted SESs shall be reasonably screened from properties zoned for residential uses other than that on which the SES is to be constructed using the Buffer standards established by [Section 6.07. Landscape Buffer Requirements](#) of these zoning regulations.

h. **Signage**

A Ground Mounted SES may include such signage as is required by law to provide safety information and other signage as may be permitted by law.

6. General Requirements Applicable to Siting Board Regulated SESs

a. Decommissioning

Whenever an application is submitted for a Siting Board Regulated SES for land use approvals under this ordinance, such application shall include a decommissioning plan that shall describe how the Siting Board Regulated SES will be decommissioned and dismantled following the end of its useful life. The decommissioning plan shall, at a minimum, include plans to:

- i.** Remove all above-ground facilities, unless:
 - (A).** The applicant is or will be the landowner; or
 - (B).** The applicant is the lessee of the land and has reached an agreement with the lessor providing otherwise.
- ii.** Remove any underground components and foundations of above-ground facilities, unless:
 - (A).** The applicant is or will be the landowner; or
 - (B).** The applicant is the lessee of the land and has reached an agreement with the lessor providing otherwise.
- iii.** Facilities removed under this subsection shall be removed to a depth of three (3) feet below the surface grade of the land in or on which the component has been installed, unless the applicant is the lessee of the land and has reached an agreement with the lessor providing otherwise.
- iv.** Return the land to a substantially similar state as it was prior to the commencement of construction;
- v.** Leave any interconnection or other facilities in place for future use at the completion of the decommissioning process unless:
 - (A).** The applicant is or will be the landowner; or
 - (B).** The applicant is the lessee of the land and has reached an agreement with the lessor providing otherwise.
- vi.** Secure a bond or other similar security as defined below for the project to assure financial performance of the decommissioning obligation, provided that:
 - (A).** The amount of the proposed bond or similar security shall be determined by an independent, licensed engineer who is experienced in the decommissioning of solar electric generating facilities and has no financial interest in either the Siting Board Regulated SES or any parcel of land upon which the Siting Board Regulated SES is located. The proposed amount of the bond or similar security shall be the net present value of the total estimated cost of completing the decommissioning plan, less the current net salvage value of the Siting Board Regulated SES's components.
 - (B).** The bond or other similar security names:
 - (1).** For property that is leased by the applicant, each landowner from whom the applicant leases land the Energy and Environment Cabinet as the primary co-beneficiaries; or

- (2). For the property that is owned by the applicant, the Energy and Environment Cabinet as the primary beneficiary; and
 - (3). City of Frankfort, Franklin County as a secondary beneficiary
- (C). The bond or other similar security shall be provided by an insurance company or surety that shall at all times maintain at least an "Excellent" rating as measured by the AM Best rating agency or an investment grade credit rating by any national credit rating agency and, if available, shall be noncancelable by the provider or the customer until completion of the decommissioning plan or until a replacement bond is secured; and
- (D). The bond or other similar security shall provide that at least thirty (30) days prior to its cancellation or lapse, the surety shall notify the applicant, its successor or assign, each landowner, the Energy and Environment Cabinet, and the City of Frankfort or Franklin County of the impending cancellation or lapse. The notice shall specify the reason for the cancellation or lapse and provide any of the parties, either jointly or separately, the opportunity to cure the cancellation or lapse prior to it becoming effective. The applicant, its successor, or its assign shall be responsible for all costs incurred by all parties to cure the cancellation or lapse of the bond. Each landowner, or the Energy and Environment Cabinet or the City of Frankfort or Franklin County with the prior approval of each landowner, may make a demand on the bond and initiate and complete the decommissioning plan.
- vii. Unless the applicant is or will be the landowner, communicate with the affected landowner at the end of the Siting Board Regulated SES's useful life so that any requests of the landowner that are in addition to the minimum requirements set forth in this paragraph may, in the sole discretion of the applicant or its successor or assigned, be accommodated; and
- viii. Incorporate the requirements of [Section 3.13.C.6.a.i -vi.](#) (above) into the applicant's leases with landowners, if any.

Where the applicant is also seeking a construction certification pursuant to [KRS 278.700-278.716](#), the applicant may submit a copy of the complete state siting board application and the site assessment report meeting the requirements of [KRS 278.706](#) and [278.708](#) in lieu of the above requirements of [Section 3.13.C.6.a.i -vi.](#) (above).

b. Changes to Decommissioning Plan; Transfer of Sale or Ownership or Control of Siting Board Regulated SES.

It is acknowledged and recognized that [KRS 278.210](#), among other things, requires the secretary of the Energy and Environment Cabinet to periodically review the decommissioning plan and the bond or similar security required by [KRS 278.706\(2\)\(m\)](#) and imposes notice requirements and other conditions in connection with the transfer or sale of ownership, control, or the right to control, a Siting Board Regulated SES. The applicable City of Frankfort or Franklin County authority deems

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all such monitoring, review, and change of ownership or control requirements set forth in [KRS 278.210](#) sufficient; provided, however, that the applicant, its successor, or its assign shall notify the applicable City of Frankfort or Franklin County authority of any changes to the decommissioning plan or the bond or similar security required by [KRS 278.706\(2\)\(m\)](#) that may be made from time to time pursuant to the provisions of [KRS 278.210](#).

c. Construction Certificate

Whenever an application is submitted that is for a Siting Board Regulated SES for land use approvals under these zoning regulations, such land use approval(s) shall be obtained prior to the granting of a construction certification pursuant to [KRS 278.700 – 278.716](#).

7. Conditional Use Permit Review Standards

- a. The Board of Adjustments shall consider the standards set forth in [Section 13.06.B. Conditional Use](#) when determining whether the issuance of a conditional use permit is warranted. The Board of Adjustment shall further determine the granting of a conditional use for the proposed SES:
 - i. Does not materially endanger the public health or safety;
 - ii. Meets all applicable conditions and specifications set forth in this Ordinance;
 - iii. Would not substantially injure the value of adjoining property; and
 - iv. Be in conformity with the Comprehensive Plan, particularly the sustainability goals and objectives of the Comprehensive Plan.
- b. A conditional use permit issued by the Board of Adjustment shall include, at a minimum, all applicable requirements of Sections 5, 6, and 7 of these provisions, and any additional conditions deemed by the Board of Adjustment necessary or appropriate pursuant to [KRS 100.27](#) to allow the proper integration of the proposed SES into the zone and location in which it is proposed.

D. Wireless Communications Facilities

1. Purpose

The purpose of these regulations is to allow for cellular antenna towers to be located in the City of Frankfort and Franklin County in order to meet the increasing demands for wireless communication services, and as codified in [KRS Chapters 100 and 278](#), and with the intention of providing:

- a. the safest and most efficient integration of cellular antenna
- b. facilities in compliance with the recommendations of the comprehensive plan;
- c. promotion of co-location;
- d. facilities compatible with adjacent land use;
- e. facilities that further the public health, safety, and general welfare.

2. Intent

- a. In as much as the Congress of the United States enacted the Telecommunications Act of 1996, being Pub. L. 104-104, Sec. 1(a), Feb. 8, 1996, 110 Stat. 56, amending various sections of U.S.C. Titles 15, 18, and 47, it is the intent of this subchapter to deregulate the telecommunications industry by providing a more competitive environment for wired and wireless telecommunications.
- b. 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.

- c. The intent of this subchapter 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.

3. Applicability

This subchapter shall apply to all cellular telecommunication towers located, or to be located, within the jurisdiction of the city and county.

4. General Requirements

- a. A cellular antenna tower for cellular telecommunications services or personal communications services may be allowed in any zone after a review by the Frankfort/Franklin County Planning Commission, in accordance with the adopted goals and objectives of the Frankfort/Franklin County Comprehensive Plan and the regulations contained within the Frankfort Zoning Ordinance, and after being granted a Certificate of Necessity and Convenience by the Public Service Commission. Co-location of service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for multiple carriers or by co-location on existing facilities. Any request for review of a proposal to construct such an antenna tower or to reconfigure, enlarge or reconstruct an existing antenna tower, shall be made only in accordance with these regulations.
- b. Telecommunication antennae shall not be allowed on any building or structure located within the City's historic zoning districts or identified on the National Register of Historic Places, unless approved by the Architectural Review Board. Towers are not allowed within 2,000 feet of any historic building or historic zoning district.
- c. However, if the property is subject to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. Review of the Conditional Use Permit plan shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the Conditional Use Permit. The property owner shall be responsible for making alternative provision for any alteration of Conditional Use Permit or shall obtain a variance or waiver of the Permit requirement affected by the location of the tower on the site. (Editor's Note: As authorized in KRS 100, the Planning Commission may modify an existing Conditional Use Permit in conjunction with a request for review of a proposal to construct an antenna tower for cellular telecommunications services or personal communications services.)
- d. Commencing from the time that a utility files a uniform application with the Public Service Commission, 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 by the applying utility, shall be deemed confidential and proprietary within the meaning of [KRS 61.878](#). The Public Service Commission and the local Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by

a court of competent jurisdiction. Any person in violation this subsection shall be guilty of official misconduct in the second degree as provided under [KRS 522.030](#).

5. Permitted Locations

- a. To the extent feasible, applicants are encouraged to consider properties owned by the local government for the location of cell towers, if such properties are appropriate in view of surrounding land uses. Wherever 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.
- b. In accordance with the procedures established by this subchapter, cellular antenna towers may be permitted in any zone when approved by the Planning Commission, with the following exception:
- c. 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 applicant's justification.

6. Design Standards

a. Lighting / Signage

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

b. Setbacks

- i. 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.
- ii. All accessory structures associated with the cellular antenna tower shall be located as close to the antenna tower as possible and at least 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.

c. Fencing / Screening

- i. The site shall be enclosed by a six (6) foot security fence, with two (2) feet of Constantine wire. Such fence may be located within the front, side or rear yard.
- ii. Visual landscape screening shall be required surrounding the outside of the fence. Such screening buffer shall be at least 20 feet in width, with a double-row staggered planting of evergreen trees planted at 15 feet on center. In any zone, whenever possible, all antenna towers shall be designed and constructed to minimize any potential negative aesthetic, environmental or visual impacts.

d. Miscellaneous Development Standards

- i.** The tower shall be constructed to withstand a minimum wind speed with one-half 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.
- ii.** The location of the cellular antenna tower shall not interfere with the traffic circulation, access, storm drainage, required landscaping or other requirements of this chapter and shall not reduce the number of parking spaces below what is otherwise required.
- iii.** All new cellular antenna towers shall be designed and constructed to reasonably accommodate a minimum of three service providers.
- iv.** All option and site lease agreements shall not prohibit the possibility of collocation.
- v.** Monopole and alternative design cellular antenna towers shall be permitted in all zones. Lattice towers and guyed
- vi.** towers may only be located in non-residential zones.
- vii.** In cases where a cellular antenna tower or antenna is located on a portion of a property whose "subdivision" 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.
- viii.** 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 County Building Department.
- ix.** 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.
- x.** A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of 325 feet regardless of the maximum height requirements listed in the specific zoning district.

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

- a.** When no adequate alternate site for a cellular antenna tower is available, a site in a residential or an agricultural zone may be permitted.
- b.** 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.
 - i.** 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.
 - ii.** 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.
 - iii.** Asphalt or other hard-surface paving shall be provided for driveways and parking.

- iv. 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 chapter.

8. 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 the 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 the commonwealth's Open Records Act, being [KRS 61.870](#) to [KRS 61.884](#), 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.

9. 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

- i. 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 utility's completed uniform application to the Frankfort/Franklin County Joint Planning Commission within five consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience, as required by [KRS 278.020\(1\)](#).
- ii. For applicants who are requesting co-location, all requirements in these regulations apply, except those that are specifically waived in [Section 3.13.D.9.d. Application Requirements](#).

b. Co-Location

- i. 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.

- ii. 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 this chapter. If the Planning Director determines that the application is in conformity with these regulations and the regulations contained within this chapter, 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.
- iii. If the Director determines that the application is not in conformity with these regulations and the regulations contained within this chapter, a public hearing, pursuant to Section division [3.13.D.9.c. Notices and Posting](#) below, shall be scheduled.

c. **Notices and Posting**

At least one (1) public hearing on the proposal shall be held, at which time interested parties and citizens shall have the opportunity to be heard. It is the responsibility of the applicant to send and post information about the hearing and certify to the Planning Commission office that the notices and postings have been done.

- i. Notice of the hearing shall be sent by first class mail to the owner of every parcel of property within 500 feet of the tower site's property boundaries, to the owner of every parcel of property adjoining at any point the property form which the applicant proposes to create the tower site, and to the owner of every parcel of property directly across the street from said property. If the property is in a cooperative form of ownership or has co-owners, notice may be in the manner described in [KRS 100.214 \(2\)](#) for such ownership. Notice shall also be sent by the applicant to the Mayor of Frankfort, depending on which jurisdiction the proposed site is located. Such notices shall include the date, place and time of the public hearing, the address and telephone number of the Planning commission's office, and a statement that the recipient has the right to submit testimony to the Planning Commission, either in writing or by appearance at any Committee or Commission meeting scheduled for review of the request. Such notices by first class mail shall be mailed no sooner than the date of acceptance of the application by the Planning Commission and no later than fourteen (14) days in advance of the hearing.
- ii. Notice of the date, time and place of such hearing shall be published at least once but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
- iii. Notice of such hearing shall be posted in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first class mail is sent for a minimum of fourteen (14) consecutive days immediately prior to the hearing. The notices shall remain until the Planning Commission issues its final decision or 60 days has passed since acceptance of the request by

ARTICLE 3. USE REGULATIONS
3.13. SPECIAL USE REGULATIONS

the Planning Commission, whichever occurs first. Said posting shall be as follows:

- (A).** Each sign shall be at least two (2) feet by four (4) feet in size;
- (B).** Such signs shall be constructed of durable material and depicting the following information in a minimum of one (1) inch high lettering except for the words "tower" or "Monopole" which shall be printed letters at least four (4) inches high: "(Name of applicant) proposes to construct a telecommunications ("tower" or "monopole") on this site. If you have questions, please contact (name, address, and telephone number of applicant) or the Executive Director, Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, KY 40602. (refer to assigned docket number)". Such notices shall include the date, place and time of the public hearing, the address and telephone number of the Planning Commission's office, where additional information regarding the hearing may be obtained.

d. Application Requirements

An application for the construction of a cellular antenna tower on a site not previously approved shall include the following:

- i.** All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 - (A).** City of Franklin
 - (B).** Franklin County; and
 - (C).** A one-half (1/2) mile area outside of the boundaries of the county's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;
- ii.** A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from a FCC license holder to locate at least one antenna on the applicant's tower.
- iii.** Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable with the telephone number of the person who prepared the directions.
- iv.** Radio frequency requirements, as follows:
 - (A).** General coverage area, including overlap ("hand-off") area with other sites.
 - (B).** Specific (targeted) coverage area(s) and required field strength(s).
 - (C).** System specifications of the proposed site and adjoining sites, including:
 - (1).** Number of antennas and sectors
 - (2).** Geographical coordinates of tower location.

- v.** Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site, according to the following:

 - (A).** No existing towers or facilities are located within a three (3) mile radius of the proposed tower location.
 - (B).** Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.
 - (C).** Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.
 - (D).** The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
 - (E).** Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.
 - (F).** Existing towers are not located within a reasonable distance to provide the necessary coverage.
- vi.** Unless co-locating, certification, supported by evidence, there is no other site which is materially better from a land use perspective within the immediate area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites within a one (1) mile radius of the proposed tower location, a description of potential sites, and a discussion of the ability or inability of the sites to host a cellular antenna tower. Potential sites that should be considered (in order from most preferred to least preferred) include existing utility towers, highway rights-of-way (except designated parkways), industrial districts, airports, public facilities, office towers, commercial districts and commercial centers, agricultural districts and residential towers. Desirable locations include water towers, radio, and television towers, tall buildings, signs, steeples, and flag poles. Stealth technology is encouraged. Reasons for not locating on a potential site would include, but not be limited to, the following:

 - (A).** Unwillingness of the site owner to entertain a telecommunications facility;
 - (B).** Economically impractical;
 - (C).** Topographic limitations of the site;
 - (D).** Adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmission;
 - (E).** Physical site constraints that would preclude the sign construction of a telecommunications facility;
 - (F).** Technical limitations of the telecommunications system;

- (G)
(H)
(I).
(J).

the type of service and the width of easements;

- (K). Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces;

(L). **Circulation System**

- (1). Pedestrian walkways, including alignment, grades, type of surfacing, and width;
- (2). Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;

- (M). Provisions for control of stormwater detention/retention, erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

- (N). Demonstration of the failure characteristics of the tower and that the site, setbacks, and separation from other uses is of adequate in terms of distance.

- ix. Certification that a geotechnical investigation report was performed by a professional engineer registered in Kentucky that includes borings, foundation design recommendations, and a finding as to the proximity of the proposed site to flood hazard areas (the utility may file findings prepared by a land surveyor as to the proximity of the proposed site to flood hazard areas).

- x. Certification that the applicant notified property owners and governmental officials as described in [Section 3.13.D.9.c. Notices and Postings](#), and that notices were posted, as described in [Section 3.13.D.9.c. Notices and Postings](#). The names and addresses of those notified shall be given to the Planning Commission.

e. **Evaluation**

- i. The Frankfort/Franklin County Planning Commission shall, within 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 its action, the basis for its decision, along with suggestions which, in its opinion, better accomplishes the objectives of the Comprehensive Plan and this chapter. If the Frankfort/Franklin County Planning Commission fails to issue a final decision within 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 utility's 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 Commission's "final action".

- ii. 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 Commission's 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 "sufficient explanation of the reasons for the denial to allow a reviewing court to evaluate the evidence in the record that supports those reasons".
- iii. The evaluation of the application shall include, but not be limited to, the following criteria:
 - (A). The Frankfort/Franklin County Planning Commission will deny a uniform application to construct a cellular antenna tower based on an applicants' unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers;
 - (B). Agreement with the various elements of the Frankfort/Franklin County Comprehensive Plan and, where applicable, any other adopted plans;
 - (C). Extent to which the proposal is consistent with the purposes of these regulations;
 - (D). 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 3.13.D.6. Design Standards](#) and [Section 3.13.D.7. Mitigating Design Standards for Cellular Antenna Towers in Residential or Agricultural Zones](#) of this chapter;
 - (E). 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; and
 - (F). Extent to which the proposed facility is integrated with existing structures or the extent to which the proposed cellular antenna tower uses stealth technology.

f. 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 [Section 3.13.D.9.c. Notices and Posting](#) above, subject to the same limitations and requirements as those under which such plans were originally approved.

10. Existing Telecommunication Facilities

Telecommunications facilities in existence on the date of the adoption of this subchapter which comply with this chapter ("existing telecommunications facilities") 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 chapter, 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 therefor, but without otherwise complying with this chapter.
- c. The owner of any existing telecommunications facility may replace, repair or rebuild and/or expand such
- d. 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 therefor and without having to conform to the provisions of this chapter (including, but not limited to, provisions of this chapter 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.
- e. Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in [Section 3.13.D.9.b. Co-Location](#) above beyond that existing at the date of the adoption of this chapter.
- f. Any legally permitted and constructed telecommunications tower shall be exempt from these regulations, except when discontinued for a period of 12 months. In such cases, the applicant or utility shall be required to follow the procedures listed herein.

11. 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 ensure 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 Commission's 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 such facilities. At such time as the approved number of the applicant's multiple facilities exceeds four 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 25% of the cost of demolition and removal of the applicant's 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

ARTICLE 3. USE REGULATIONS
3.13. SPECIAL USE REGULATIONS

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 than 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, the structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the 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 subsection, 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.

12. Severability

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

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS

4.01. GENERAL DEVELOPMENT STANDARDS

- A. 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 with the area regulations of the zone in which it is located.
- B. No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots which conform to all zoning and subdivision regulations.

4.02. DIMENSIONAL STANDARDS

A. Rural and Natural Landscape Districts

The dimensional standards table in this section identifies the specific dimensional standards that apply to each Rural and Natural Landscape District.

Table 4.02-1: Rural and Natural Landscape District Dimensional Standards		
LOT STANDARD	FNL, Farms & Natural Landscape	RR, Residential Rural
LOT SIZE & DIMENSIONS		
Lot Size (min.)	10 acres	2.5 acres
Lot Frontage (min.)	200'	100'
SETBACKS		
FRONT YARD		
From Right-of-Way	50'	35'
SIDE YARD		
Side Yard (min)	25'	10'
Side Yard (Street Facing)	50'	35'
REAR YARD		
Rear Yard Setback	25'	40'
BUILDING MASSING & LOT COVERAGE		
Building Height (max)	35'	
Building Coverage (max)	-	10%

B. Low-Density and Traditional Residential Districts

The dimensional standards table in this section identifies the specific dimensional standards that apply to each RL, Residential Low-Density and RT, Residential Traditional District.

Table 4.02-2: Low-Density and Traditional Residential District Dimensional Standards		
LOT STANDARD	RL, Residential Low-Density	RT, Residential Traditional
LOT SIZE & DIMENSIONS		
Lot Size (min.)	9,000 sq. ft.	4,000 sq. ft. or 80% of context
Lot Frontage (min.)	65'	Lesser of 40' or 80% of context
SETBACKS		
FRONT YARD		
Front Yard (min)	Greater of 20' or 80% of context	Greater of 0' or 80% of context
Front Yard (max)	None or 120% of context	Greater of 10' or 120% of context
Street Facing Garage Door	30'	20'
SIDE YARD		
Side Yard (min)	6'	Greater of 0' or 80% of context
Side Yard (max)	-	Greater of 10' or 120% of context
REAR YARD		
Rear Yard Setback (min)	25'	Lesser of 5' or 80% of context
BUILDING MASSING & LOT COVERAGE		
Building Height (max.)	35'	Greater of 35' or 120% of context
Building Coverage (max.)	25%	40%
Impervious Surface Coverage	45%	65%

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS

4.02. DIMENSIONAL STANDARDS

C. Residential, Flex and Residential, Mixed-Density Districts

Table 4.02-3: Residential, Flex and Residential Mixed-Density District Dimensional Standards					
LOT STANDARD	RF, Residential Flex		RM, Residential Multi-Family		
	RF-U	RF-S; RF-R	RM-U	RM-S	RM-R
LOT SIZE & DIMENSIONS (MIN)					
Lot Size (min.)	-	5,000 sq. ft.	-	6,000 sq. ft.	
Lot Frontage (min.)	-	-	-	50'	
SETBACKS					
FRONT YARD					
Front Yard (min)	5' or 80% of context	Greater of 10' or 80% of context-	5' or 80% of context	15'	15'
Front Yard (max)	Greater of 15' or 80% of context	Greater of 15' or 80% of context	Greater of 15' or 80% of context	Greater of 15' or 80% of context	Greater of 15' or 80% of context
Street Facing Garage Door (min)	10' or 80% of context	20'	Greater of 0' or 80% of context	20'	25'
SIDE YARD					
Side Yard (min)	Greater of 0' or 80% of context	6'	Greater of 0' or 80% of context	6'	
REAR YARD					
Rear Yard Setback	Lesser of 5' or 80% of context	15'	Lesser of 5' or 80% of context	20'	
BUILDING MASSING & LOT COVERAGE					
Building Height (max.)	Greater of 40' of 120% of context	Greater of 40' of 120% of context	Greater of 40' or 120% of context	Greater of 40' of 120% of context	
Building Coverage (max.)	60%	40%	70%	50%	40%
Impervious Surface Coverage	85%	65%	90%	75%	65%

D. Mixed-Commercial Districts

Table 4.02-4: Mixed-Commercial District Dimensional Standards									
LOT STANDARD	MCL, Mixed-Commercial, Local			MCC, Mixed-Commercial, Community			MCR, Mixed-Commercial, Regional		
	-U	-S	-R	-U	-S	-R	-U	-S	-R
LOT SIZE & DIMENSIONS									
Lot Size (min.)	-			-			-		
Lot Frontage (min.)	75'			-			65'		
SETBACKS									
Front Yard (min)	20'			20'			30'		
Side Yard (min)	10'			5'			-		
Rear Yard (min)	20'			5'			-		
BUILDING MASSING & LOT COVERAGE									
Building Height	35'			75'			-		
Building Coverage	80%	50%	40%	90%	50%	40%	80%	40%	40%
Impervious Surface Coverage	100%	85%	80%	100%	85%	80%	95%	85%	80%

E. Enterprise Districts

Table 4.02-5: Enterprise District Dimensional Standards						
LOT STANDARD	EE, Enterprise-Employment			EG, Enterprise-General		
	-U	-S	-R	-U	-S	-R
LOT SIZE & DIMENSIONS (MIN)						
Lot Size	-			20,000 sq. ft.		
Lot Frontage	-			100'		
SETBACKS						
Front Yard (min)	15'			40'		
Side Yard (min)	12'			12'		
Rear Yard (min)	20'			20'		
BUILDING MASSING & LOT COVERAGE						
Building Height	50'			50'		

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS
4.03. MEASUREMENTS, COMPUTATIONS, AND EXCEPTIONS

Building Coverage	80%	50%	40%	80%	60%	50%
Impervious Surface Coverage	95%	85%	80%	95%	90%	80%

4.03. MEASUREMENTS, COMPUTATIONS, AND EXCEPTIONS

A. Percentages and Fractions

When a measurement results in a fractional number or percentage, any fraction or percentage of less than 0.5 shall be rounded down to the next lower whole number, and any fraction equal to or more than 0.5 shall be rounded up to the next higher whole number.

B. Distance Measurements

Unless otherwise expressly stated, distances specified in these regulations are to be measured in a straight line without regard to intervening structures or objects, joining those points at the closest points.

C. Lot Measurement

1. Lot area shall be calculated in accordance with the Frankfort–Franklin County Subdivision Regulations and shall include the horizontal surface area within the recorded lot boundaries
2. For panhandle lots, the area of the access stem or panhandle portion shall not be included in the calculation of minimum required lot area, in accordance with the Subdivision Regulations.
3. No recorded lot shall be subdivided, re-subdivided, or otherwise divided unless the resulting lots comply with all applicable provisions of these Zoning Regulations and the Frankfort–Franklin County Subdivision Regulations.

D. Lot Frontage and Lot Width Measurements

1. Lot frontage shall be measured in accordance with the Frankfort–Franklin County Subdivision Regulations as the horizontal distance between side lot lines along the front lot line.
2. For panhandle lots, lot frontage shall be measured at the required building setback line, consistent with the Subdivision Regulations.
3. Minimum lot width requirements shall be satisfied at the required building setback line unless otherwise expressly provided in the Subdivision Regulations or these Zoning Regulations.

E. Setbacks and Yards

1. Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure, except when in conformance with these zoning regulations. (See [Section 4.03.E.2. Yard Projections](#) below.

2. Yard Projections

The following are permitted obstructions within the required yards provided they are so located that natural light and ventilation are not materially obstructed from the main building or any adjoining property.

Table 4.03-1: Projections Permitted in Required Yards	
PROJECTION	PROJECTION ALLOWED (MAXIMUM)
Architectural Features	3'
Awnings and Canopies (minimum 7 ft clearance above streets or walks)	5'
Bay Windows, Chimneys	2'
Fire Escapes	5'
Steps and Porches (non-enclosed)	6'

F. Height Measurements

The height of a structure is the vertical distance from the average finished grade of the structure to the:

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS

4.04. GENERAL SITE DEVELOPMENT STANDARDS

1. Highest point of the roof surface for flat roofs;
2. The deck line of a mansard roof; or
3. The average height level between the eaves and ridge for a gable, hip, or gambrel roof.

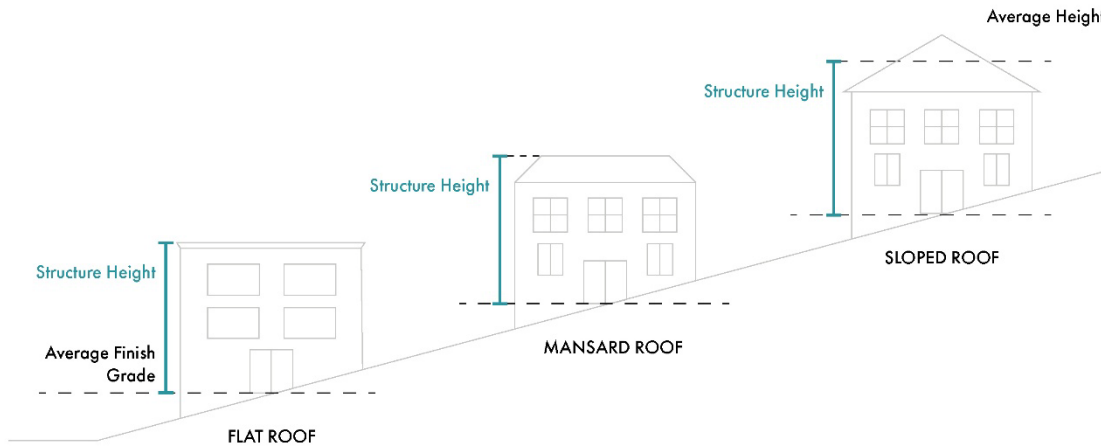


Figure 4-1: Example of Height Measurement

G. Exceptions to Height Limits

The following uses and structures are exempt from the height limitations of these zoning regulations.

1. Barns, silos, windmills, chimneys, spires, flagpoles, ventilators, skylights, derricks, conveyors and cooling towers, radio and television antennae and towers, observation towers, power transmission towers and water tanks.
2. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the front, side, and rear yards required in the district are increased one (1) foot for each two (2) feet by which the height of the structure exceeds the prescribed height limits.

4.04. GENERAL SITE DEVELOPMENT STANDARDS

A. Traffic Visibility Across Corner Lots

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) feet and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular areas 25 feet along each of the intersecting streets to be measured from the property line.

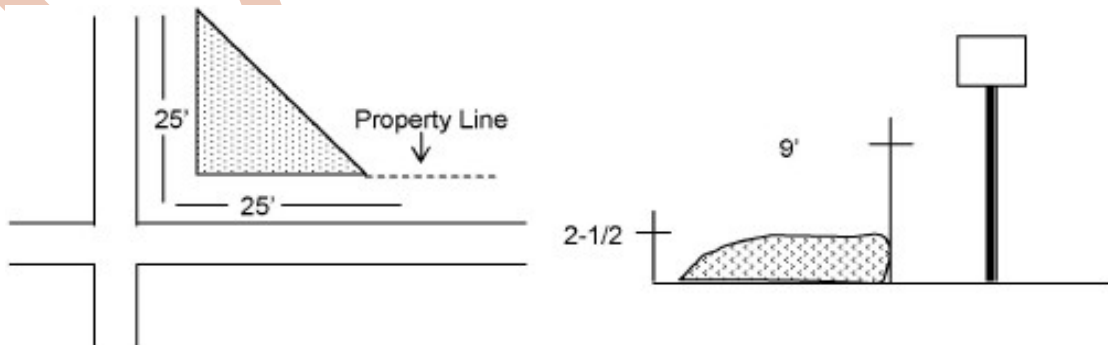


Figure 4-2: Site Distance Triangle

4.05. DESIGN STANDARDS FOR MIXED COMMERCIAL DISTRICT

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS
4.05. DESIGN STANDARDS FOR MIXED COMMERCIAL DISTRICT

A. Purpose

The purpose of this section is to establish standards and regulations to encourage development that contributes to the architectural aesthetic, image, and character of the built environment. The Planning & Zoning Director shall review applications against the standards as applicable herein.

B. Applicability

Unless otherwise expressly stated, the provisions of this section shall apply to all new nonresidential and multi-family developments in all MCL, MCC, and MCR districts as established in [Table 4.05-1: Applicability of Design Standards for Mixed Commercial Districts](#):

Table 4.05-1: Applicability of Design Standards for Mixed Commercial Districts	
Site/Building Improvement	Applicability of Design Standards
NEW CONSTRUCTION	
New Construction	Full Compliance
BUILDING EXPANSION / ADDITION	
Less than 25% of floor area	N/A
Less than 25% of floor area, but >2,000 sq. ft.	Compliance for Addition Only
25 – 50% of floor area	Compliance for Addition Only
>50% of floor area	Full Compliance
EXTERIOR FAÇADE RENOVATION	
<25% of Façade Area	N/A
25 – 50% of Façade area	Compliance required for renovated portion
>50% of Façade Area	Full compliance
CHANGE OF USE / OCCUPANT	
Change in Use Only (No Expansion or Renovation)	N/A
VEHICULAR USE AREA IMPROVEMENTS	
Parking Lot Expansion < 10 Spaces	N/A
Parking Lot Expansion > 10 spaces	N/A
Resurfacing or Restriping	N/A

C. Design Standards

1. Building Orientation

- a. A single building shall be oriented so the primary façade faces the street from which the site obtains its address on.
- b. For corner lots, the building may face either street, or the center of the intersection.
- c. For lots fronting two non-intersecting streets, the primary façade shall face the street with the higher street classification.
- d. Multi-building developments should be arranged in a manner that allows for mobility through the street blocks via streets, pedestrian walkways, or other mobility and connectivity routes.
- e. Buildings facing the street and pedestrian walkways should include windows or transparent materials that equal a minimum of 25% of the length of the front façade of the building, or store frontage.

2. Building Massing

- a. There shall be no uninterrupted lengths of blank walls longer than 40 feet for facades that are at least 60 feet in width. This applies to all elevations visible from rights-of-way and from residential zoning districts. The following techniques may be used to implement this standard:
 - i. Recesses and projections in the wall that are at least two (2) feet in depth;
 - ii. Façade material or color changes following the same dimensional requirements;

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS

4.05. DESIGN STANDARDS FOR MIXED COMMERCIAL DISTRICT

- iii. Pilasters measuring a minimum of one (1) foot by one (1) foot with a minimum height of 80% of the building façade (See [Figure 4-3](#) below); or
- iv. Roofline changes that correspond to the aligned material changes in the façade.

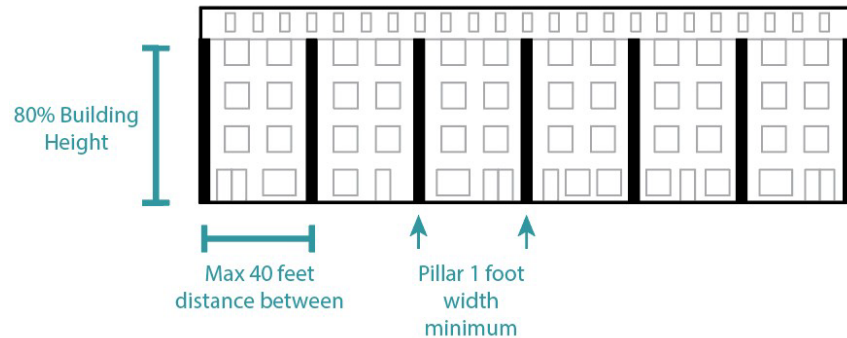


Figure 4-3: Illustration of columns and pilasters on facade

- b. Windows, awnings, entry areas, and arcades shall total at least 60% of the façade length facing a public street.
- c. Individual retail spaces that are part of a larger principal retail building shall be transparent between three (3) feet about the walkway grade and eight (8) feet above the walkway grade, for no less than 60% of the horizontal length of the storefront's occupied building façade. Windows shall be recessed and should include visually prominent sills, shutters, or such forms of framing. Individual retail spaces shall have separate outside entrances.

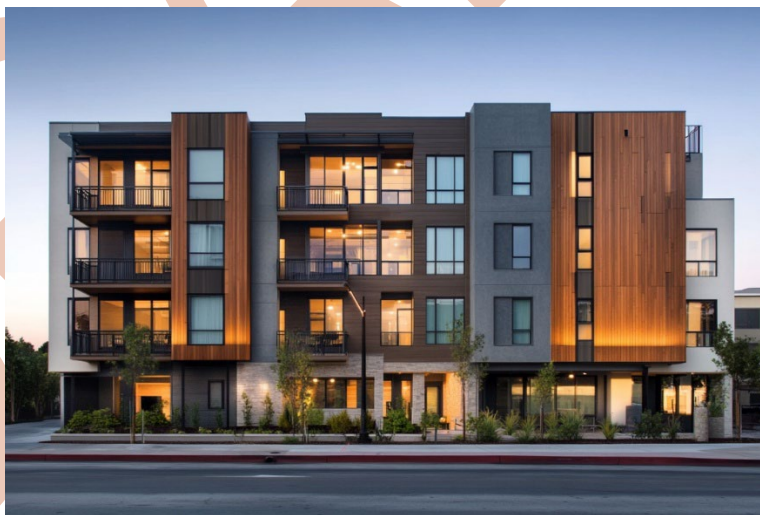


Figure 4-4: Illustration of façade offsets to create visual breaks

3. Customer Entrances

Buildings that face a public street (except limited access rights-of-way) shall include at least one (1) clearly defined, highly visible customer entrance that shall include no less than three (3) of the following design features (See [Figure 4-5](#) for examples of customer entrances):

- a. Porticos or roof overhangs above the entrance;
- b. Entry recesses / projections;
- c. Arcades that are physically integrated with the entrance
- d. Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20

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- feet;
- e. Display windows that are directly adjacent to the entrance;
- f. Architectural details, such as but not limited to tile work and moldings, that are integrated or adjacent to the building entrance.
- g. Raised corniced parapets above the entrance;
- h. Gabled roof forms or arches above the entrance;
- i. Integrated planters or wing walls that incorporate landscaped areas or seating areas.



Figure 4-5: Illustration of customer entrances

4. Exterior Materials

- a. Any combination of primary building materials, as identified in [Table 4.05-2: Exterior Materials for Mixed Commercial Districts](#) shall comprise a minimum of 75 percent of each building façade that faces a public right-of-way, an interior access road, a parking area, or a residential zoning district or use. For the remaining façade, any combination of primary building materials shall comprise a minimum of 25 percent of the façade
- b. Secondary building materials, as identified in [Table 4.05-2: Exterior Materials for Mixed Commercial Districts](#), shall be used for accents, architectural treatments, and the remaining area of the façade.
- c. Each building shall have at least three (3) different building materials. At least two (2) of the three (3) materials shall be from the list of primary building material for the specific use as identified.
- d. Other building materials, which are not listed in [Table 4.05-2: Exterior Materials for Mixed Commercial Districts](#) may be reviewed and approved by Planning Commission.

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Table 4.06-2: Exterior Materials for Mixed Commercial Districts		
Building Façade Material	Public & Institutional and Commercial Uses	Industrial Uses
Primary Material (>75%)	Brick, stone, cultured stone, architectural CMU block, and glass	Brick, stone, cultured stone, architectural CMU block, glass, and precast concrete panels
Secondary Materials (<25%)	Architectural grade metal panels, fiber cement siding, EIFS, stucco, wood, precast concrete panels, and vinyl siding	Architectural grade metal panels, fiber cement siding, EIFS (Exterior Insulation and Finish), stucco, wood, and vinyl siding

5. Multi-Sided Architecture

- a. The sides and rear of a structure shall include consistent detail such as the front façade of the structure in terms of architectural features.
- b. Side and rear façades of a structure that are not visible from adjacent properties or rights-of-way are exempt from this standard.

6. Roofs

- a. Roof line changes shall be aligned vertically with the corresponding business frontage, offset, or material or color change.
- b. Flat roofs shall be screened from view with parapet walls that have 3-dimensional cornice treatment or other screening methods.
- c. Chimneys do not have to be screened with a parapet wall.
- d. Roofs for single story buildings less than 16 feet in height shall:
 - i. Utilize gable, hip, or mansard roofs with a pitch no less than 6/12.
 - ii. Utilize architectural dimensional shingles, especially adjacent to residential or other commercial buildings which utilize dimensional shingles to maintain the character of the area where the proposed building is located. Standing seam metal roofs may be allowed in some locations and situations, based on context.
 - iii. Such roofs shall utilize a soffit overhang of 18 inches minimum where the roof meets the exterior building walls.
- e. Roofs for single store story buildings greater than 16 feet in height, or multi-story buildings shall incorporate:
 - i. Flat roofs with parapets or other architectural features which extend high enough above the roof line to screen rooftop units and mechanical equipment. ([See Figure 4-6](#) below); or
 - ii. Sloping roofs as outlined in [Section 4.05.C.6.d](#) (dimensional shingles are recommended; roof pitch and soffit overhang may be reduced by the Board of Adjustment on a case by case basis).

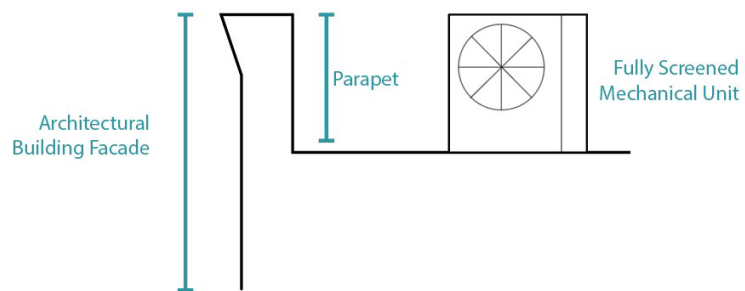


Figure 4-6: Illustration of rooftop mechanical units screened by parapet

7. Mechanical Equipment

a. Wall Mounted

Mechanical, electrical, communications, gutters, downspouts, and other building wall mounted utility fixtures shall be designed to match the paint or materials of the building. Such fixtures shall also be located to blend into the façade as much as possible.

b. Ground Mounted

All ground mounted mechanical equipment shall be screened from view from all rights-of-way and residential districts or residential use.

c. Roof Mounted

- i.** All pipes, mechanical equipment, vents, antennas, and satellite dishes (excluding chimneys) shall be located on top of the rear of the structure and be screened with a parapet wall that has 3-dimensional cornice treatment, mansard roof, gable roof, hip roof, or dormers, when visible from any right-of-way or residential district, including residential uses in non-residential districts.
- ii.** Screening elements shall include walls that match the design of the principal structure, mounds, landscaping, parapets, or enclosures that are made of that of the primary material of the principal structure. Alternative screening methods require review and approval by the Planning Commission.
- iii.** Screening components shall be maintained in a good condition.
- iv.** Any noise generated from mechanical equipment shall be subject to any applicable noise regulations adopted by the City or County.
- v.** Alternative screening methods can be made when topographical constraints affect the screening requirements and shall be reviewed by and approved by the Planning Commission.

8. Dumpster and Trash Receptacle Enclosures

a. Applicability

The provisions of this section shall apply to all dumpsters and trash receptacles that are 32 gallons or larger and are located outside of an enclosed building in all zoning districts.

b. Enclosure Design Standards

- i.** Dumpsters and trash receptacles shall be located in side or rear yards and shall not be visible from any residentially zoned property, recorded residential subdivision, or any parcel containing a dwelling (unless zoned for non-residential purposes) and shall be located to minimize view from any public right-of-way to the extent reasonably practicable.
- ii.** All dumpsters and trash receptacles must be completely screened on three (3) sides by a wall not less than six (6) feet, or more than eight (8) feet in height.
- iii.** The exterior of the enclosure shall be constructed out of masonry materials that are consistent with the principal structure.
- iv.** The fourth side shall be screened with an opaque gate with a lockable latch assembly. Such gates shall remain closed unless the waste receptacle(s) are being accessed.

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- v. The side of the enclosure used for access shall have a minimum opening width of 10 feet.
- vi. The enclosure shall be situated in a permanent location and placed on a concrete pad, or other paved surface.
- vii. The pad shall be of a dimension that will allow the receptacle(s) to sit entirely on the pad and to permit the front wheels of a trash disposal truck to rest on the pad while emptying the trash receptacle.
- viii. In cases where the dumpster or trash receptacle is integrated with the principal structure, alternative screening methods may be used a determined appropriate by the Planning & Zoning Director. (See [Figure 4-Z](#) below)



Figure 4-7: Dumpster enclosure example

9. Loading Docks and Service Doors

- a. All loading or truck docks shall not be visible from all rights-of-way, and from adjacent residentially zoned property, recorded residential subdivisions, or any parcel containing a dwelling (including those within non-residential zoning districts, unless the residential use is established after the commercial use).
- b. Overhead service doors and doors larger than six (6) feet in width used for commercial purposes shall not be visible from residentially zoned property, recorded residential subdivisions, or any parcel containing a dwelling (including those within non-residential zoning districts, unless the residential use is established after the commercial use).

10. Alternative Standards Request

- a. An applicant may submit a waiver request to the design standards contained within this section to the Planning and Zoning Department, which may be approved administratively per [Section 13.07. Waivers and Modification](#) or forwarded to the Planning Commission for other requests. In doing so, the following standards must be met:
 - i. The waiver request or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding properties.

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS

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- ii. A special circumstance warrants a change and whereby the modification or waiver is determined to be in the best interest of the general public.
 - iii. The proposed alternative achieves the intent of the subject design standard(s), to the same or better degree than the subject standard(s), and results in benefits to the community that is equivalent to or better than compliance with the subject design standard(s).
- b. The waiver request shall include the following:
- i. A narrative that describes the nature of the request and the justification for why the request is needed for the success of the project or development.
 - ii. Site plans, building elevations, and perspective drawings or photo overlays of the proposed building / development. These shall illustrate the improvement(s) in relation to the neighboring facilities including, but not limited to:
 - (A). Building shapes and sizes, colors, shade and shadow, signage, entrance treatment, edge treatments, and appurtenances;
 - (B). Construction material type;
 - (C). Exterior lighting including location, lamp type, size, and fixture type; and
 - (D). Treatment of mechanical equipment and service operations;
 - iii. Additional presentation tools such as material samples, models, or electronic visualization are encouraged but not mandatory.

11. Enforcement

The Planning & Zoning Director shall be responsible for reviewing and enforcing the provisions of this section during the review of an application.

4.06. DESIGN STANDARDS FOR ENTERPRISE DISTRICTS

A. Applicability

Unless otherwise expressly stated, the provisions of this section shall apply to the following within the Enterprise Employment, EE district:

- 1. All new buildings; and
- 2. Exterior additions, alterations, or modifications to existing buildings as established in [Table 4.07-1: Applicability of Design Standards for Enterprise Employment Districts](#).

Table 4.07-1: Applicability of Design Standards for Enterprise Employment Districts	
Site/Building Improvement	Applicability of Design Standards
NEW CONSTRUCTION	
New Construction	Full Compliance
BUILDING EXPANSION / ADDITION	
Less than 25% of floor area	-
Less than 25% of floor area, but >2,000 sq. ft.	Compliance for Addition Only
25 – 50% of floor area	Compliance for Addition Only
>50% of floor area	Full Compliance
EXTERIOR FAÇADE RENOVATION	
<25% of Façade Area	-
25 – 50% of Façade area	Compliance required for renovated portion
>50% of Façade Area	Full compliance
CHANGE OF USE / OCCUPANT	
Change in Use Only (No Expansion or Renovation)	-

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VEHICULAR USE AREA IMPROVEMENTS	
Parking Lot Expansion < 10 Spaces	-
Parking Lot Expansion > 10 spaces	-
Resurfacing or Restriping	-

B. Building Entrances

Industrial uses shall have clearly identified building entrances, which meet the requirement of [Section 4.05.C.3. Customer Entrances](#).

C. Roofs

Single-story and multi-story industrial buildings shall utilize the following roof types:

1. Flat Roofs, which meet the following requirements:
 - a. Include parapets or other architectural features which extend above the roof line to screen rooftop units and mechanical equipment from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes (See [Figure 4-6](#)). The parapet or other architectural feature shall use one of the predominant colors used on the primary façade of the building;
 - b. Include projections which extend above the roof line by at least two (2) feet in height a minimum of every 40 feet. Each projection shall have a minimum width of 20 feet.
2. Sloping roofs;
3. Any other roof type that is determined to be appropriate by the Planning & Zoning Director.

D. Façade Design

1. Industrial buildings which are visible from the public right-of-way and have building frontage of 60 linear feet or more shall incorporate two (2) of the following façade design requirements:
 - a. Visual breaks in the façade such as wall offsets of at least two (2) feet in depth (projections or recesses) a minimum of every 40 feet. Each offset shall have a minimum width of 20 feet;
 - b. Change in materials, color, texture or pattern at a minimum of every 40 feet;
 - c. Columns or pilasters with a minimum width of one (1) foot and a minimum height of 80% of the façade height and spaced at a maximum interval of 40 feet (See [Figure 4-3](#));

E. Service and Overhead Doors

Service doors greater than six (6) feet by eight (8) feet in size or overhead retractable doors use in conjunction with an industrial building shall not be visible from any public right-of-way, residential zoned property, or any residential subdivision; however, if all nearby residential properties are zoned for a commercial use or planned for a commercial use by the Frankfort Franklin County Comprehensive Plan, the serviced doors may be visible from such properties.

F. Truck Docks and Off-Street Loading

1. Truck docks and off-street loading areas shall not be visible from any public right-of-way, residential zoned property, or any recorded residential subdivision; however, if all nearby residential properties are zoned for a commercial use or planned for a commercial use by the Frankfort Franklin County Comprehensive Plan, off-street loading areas may be visible from such properties.
2. In cases where an industrial development contains two or more buildings, any proposed truck docks or off-street loading areas shall be located between the buildings and partially enclosed by architectural projects from the building and/or wing walls wherever possible,

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS
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which shall be tall enough to screen the loading area. If the Planning & Zoning Administrator determines that this requirement is not feasible due to site design considerations, staff may require additional screening which meets the intent of this requirement.

3. In addition to the regulations contained herein, all off-street loading areas shall be subject to the regulations set forth in [Section 5.05. Off-Street Loading Requirements](#).



Figure 4-8: Screening of Truck Docks and Off-Street Loading Areas

G. Building Foundation Landscaping

Foundation plantings are required for all buildings over 20,000 square feet with a façade that faces a public road and shall be placed within ten (10) feet of the building foundation.

1. Shrubs or hedges meeting the requirements of [Section 6.05. Landscape Materials](#) shall be required every five (5) feet along facades of a building that are visible from a public right-of-way.
2. One tree meeting the requirements of [Section 6.05. Landscape Materials](#) shall be required every 20 linear feet of building perimeter for buildings visible from a public right-of-way.



Figure 4-9: Illustration of Building Foundation Landscaping

H. Alternative Standards Request

1. An applicant may submit a waiver request to the design standards contained within this section to the Planning and Zoning Department, which may be approved administratively per [Section 13.07. Waivers and Modifications](#) or forwarded to the Planning Commission for other requests. In doing so, the following standards must be met:
 - a. The waiver request or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding properties.

ARTICLE 4. DIMENSIONAL AND DESIGN STANDARDS

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- b. A special circumstance warrants a change and whereby the modification or waiver is determined to be in the best interest of the general public.
- c. The proposed alternative achieves the intent of the subject design standard(s), to the same or better degree than the subject standard(s), and results in benefits to the community that is equivalent to or better than compliance with the subject design standard(s).

2. The waiver request shall include the following:

- a. A narrative that describes the nature of the request and the justification for why the request is needed for the success of the project or development.
- b. Site plans, building elevations, and perspective drawings or photo overlays of the proposed building / development. These shall illustrate the improvement(s) in relation to the neighboring facilities including, but not limited to:
 - i. Building shapes and sizes, colors, shade and shadow, signage, entrance treatment, edge treatments, and appurtenances;
 - ii. Construction material type;
 - iii. Exterior lighting including location, lamp type, size, and fixture type; and
 - iv. Treatment of mechanical equipment and service operations;
- c. Additional presentation tools such as material samples, models, or electronic visualization are encouraged but not mandatory

I. Enforcement

The Planning & Zoning Director shall be responsible for reviewing and enforcing the provisions of this section during the review of an application.

ARTICLE 5. PARKING, LOADING, AND CIRCULATION

5.01. PURPOSE

The purpose of this article is to:

- A. Regulate the location of vehicular parking, access, mobility, and loading areas in order to promote a more efficient use of land;
- B. Enhance the form of new development;
- C. Avoid the effects of over-parking
- D. Encourage the use of alternate modes of transportation and circulation;
- E. Provide for improved pedestrian movement; and
- F. Protect air and water quality

5.02. APPLICABILITY

All parking, loading, and circulation areas shall be provided in conformance with the provisions of this Article prior to occupying or using any building, structure, land, or portion thereof subject to the regulations herein.

A. New and Expanded Uses.

The requirements of this article shall apply to all buildings or uses constructed or established after the effective date of these Zoning Regulations.

B. Maintenance

The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular use areas are required.

C. Exemptions

The following districts and uses shall be exempt from the requirements of this article:

- 1. S-CBD
- 2. S-HIST
- 3. Single- and two-family uses

Table 5.02-1: Applicability of Parking, Loading, and Circulation Standards	
Site/Building Improvement	Applicability of Parking, Loading, and Circulation Standards
NEW CONSTRUCTION	
New Construction	Full Compliance
BUILDING EXPANSION / ADDITION	
Less than 25% of floor area	N/A
Less than 25% of floor area, but >2,000 sq. ft.	Full compliance for additional spaces required
25 – 50% of floor area	Full compliance for additional spaces required
>50% of floor Area	Full Compliance
EXTERIOR FAÇADE RENOVATION	
<25% of Façade Area	N/A
25 – 50% of Façade area	N/A
>50% of Façade Area	N/A
CHANGE OF USE / OCCUPANT	
Change in Use Only (No Expansion or Renovation)	Must provide additional spaces per new use
VEHICULAR USE AREA IMPROVEMENTS	
Parking Lot Expansion < 10 Spaces	N/A
Parking Lot Expansion > 10 spaces	Full Compliance for New Spaces
Resurfacing or Restriping ⁽¹⁾	N/A

5.03. OFF-STREET PARKING REQUIREMENTS

A. Accessible Parking Spaces

Parking spaces required for the physically disabled shall be provided in compliance with the Americans with Disabilities Act (ADA) and by the Kentucky Building Code. All spaces shall include the necessary markings, striping, and signage.

B. General Requirements

1. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
2. Every company car, truck, tractor, and trailer normally stored at a business site shall be provided with off-street parking space in a reserved area reserved for the use as determined by the Planning & Zoning Director. Such space shall not be counted as meeting parking requirements.

C. Setbacks

All parking facilities shall be set back from public-rights-of-way lines a sufficient amount for any required landscaping or buffering.

D. Surfacing and Layout

1. All off-street parking areas, parking spaces, parking lots, loading areas, and all access drives to such areas shall be surfaced with asphalt or concrete of sufficient depth to meet the standard engineering practice for the design of pavements for the anticipated traffic load, in accordance with the standards of the appropriate engineering authority.
2. Gravel is not permitted as a surfacing material for any vehicular use area in the -U or -S character designations as established by [Section 2.03. Community Character Designations](#).
3. All areas devoted to off-street parking within the -R community character designation as established by [Section 2.03. Community Character Designations](#), gravel may be permitted for vehicular use areas of less than 10 parking spaces.
4. Such areas shall be graded and drained as to dispose of all surface water accumulated within the area, utilizing best practices including but not limited to, rain gardens, bioswales, bioretention, and permeable pavement, in accordance with the standards of the appropriate engineering authority.
5. Off-street parking areas shall be screened and landscaped as required in [Section 6.08. Vehicular Use Area \(VUA\) Landscaping Requirements](#);
6. Off-street parking areas shall follow all lighting requirements established by [Article 8. Outdoor Lighting](#).

E. Vehicle Overhang

1. When parking spaces abut a landscaped area, grassy strip, or yard, a reduction of a maximum of two (2) feet of the overall length of any such space or spaces may be allowed as vehicles may extend into the landscaped area, grassy strip, or yard.
2. When parking spaces abut a pedestrian path, a reduction of a maximum of two (2) feet of the overall length of any such space or spaces may be allowed provided that the vehicle overhang does not reduce the pedestrian path to less than four (4) feet in width and does not encroach on the pedestrian circulation.
3. A wheel stop or curb of material acceptable by the appropriate engineering authority shall be utilized to delineate the limitations of the parking area.

F. Pedestrian Safety.

In any parking lot 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 of the building on site to the adjacent right-of-way, to any adjacent pedestrian facility that may exist (i.e. trails, or other sidewalks not immediately adjacent to the right-of-way), or to the nearest public transit shelter or pick-up location.

G. Maneuverability

Except for parcels of land devoted to one (1) and two (2) dwelling uses, all areas devoted to off-street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress. Only exceptions may be given for loading spaces within the historic districts, when supported by the Public Works Department.

H. Parking Space and Aisle Dimensions

Each parking area shall provide painted parking stalls of minimum width and length and drive area of minimum width as indicated on the following table.

Table 5.03-1: Parking Space and Aisle Dimensions				
ANGLE OF PARKING	DRIVE AISLE WIDTH		PARKING SPACE DIMENSIONS	
	A		B	C
	ONE-WAY	TWO-WAY	WIDTH	DEPTH
Parallel	12'	22'	8'	22'
0 - 45°	12'	22'	8 ½'	18'
46 - 60°	15'	22'	9'	18'
61 - 90°	18'	24'	9'	18'

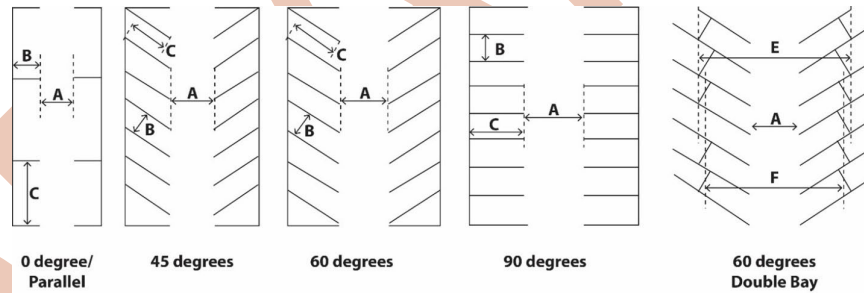


Figure 5-1: Illustration of parking angles and related dimensional references

- I. The Planning & Zoning Director has the authority to reject a parking plan and/or analysis if it determined that an adequate amount of parking has not been provided. The applicant may appeal the decision to the Board of Adjustment per the appeals procedures established by Section

5.04. OFF-STREET STACKING REQUIREMENTS

A. Number of Spaces Required

The minimum number of required stacking spaces shall be as provided in the following table:

ARTICLE 5. PARKING, LOADING, AND CIRCULATION
5.05. OFF-STREET LOADING REQUIREMENTS

Table 5.04-1: Stacking Spaces Required		
USE	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Automotive Fueling & Charging Facility	2	Pump Island
Automotive Washing / Detail, Full-Service	6	Outside of washing bay
Automotive Washing / Detail, Self-Service	2	Outside of washing bay
Banks and Financial Institutions (or ATM)	4	Teller or Window
Eating and Drinking Establishment, Drive-Through or Pick-Up Window	8	Pick-Up Window
Other	As determined by the Planning & Zoning Director	

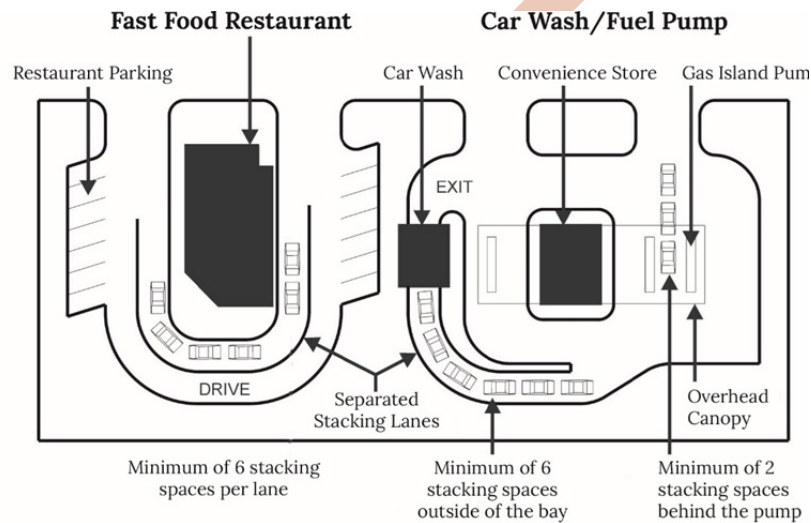


Figure 5-2: Illustration of stacking spaces for different uses

B. Dimensions

Each off-street stacking space shall have a minimum dimension of 10 feet in width and 20 feet in length and shall be set back a minimum of 25 feet from rights-of-way.

C. Separation

Drive-through lanes must be separated by striping or curbing from other parking and circulation areas. Individual lanes must be striped, marked, or otherwise distinctly delineated.

D. Location

1. Vehicle stacking lanes shall be located on the side and rear of the building.
2. Vehicle stacking shall not interfere with access to the site and shall not impede on traffic on adjacent streets.
3. Vehicle stacking lanes shall not be positioned in such a manner to prevent access from off-street parking spaces.

5.05. OFF-STREET LOADING REQUIREMENTS

A. Dimensions

Each off-street loading space shall be at least 10 feet in width, 50 feet in length, and have a vertical clearance of 15 feet or more. Access aisles shall be provided in order to provide the necessary maneuvering space for delivery trucks.

B. Paving and Drainage

All loading spaces shall be graded and improved with bituminous concrete or Portland concrete and provide drainage in accordance with the appropriate engineering authority.

C. Location

All required loading spaces shall be off-street and located on the same lot as the specific use to be served. No loading space shall be located within the front yard of any property.

D. Exceptions and Modifications

The Board of Adjustment may authorize a modification, reduction, or waiver of the foregoing requirements if it is determined that there is an exceptional situation or conjunction that justifies such action.

5.06. INGRESS AND EGRESS STANDARDS

- A.** 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 City/County Engineer.

Table 5.06-1: Ingress and Egress Standards for Access Drives			
DRIVEWAY STANDARD	SINGLE & DUPLEX RESIDENTIAL	OTHER RESIDENTIAL	NON-RESIDENTIAL
Max. width at street row	24'	25'	40'
Min. width per drive lane	10'	10'	12'
Min. distance from interior lot line	2' *	2'	**
Min. distance from street intersection	30'	30'	30'
Min. space between two drives/same property	25'	25'	25'
Radius of curb return Minimum/Maximum	5' / 15'	5' / 20'	5' / 20'
Note: When drives are located closer than 2' to any structure, the drive lane shall be constructed to drain away from the structure and safety bollards may also be required. * A common drive between two lots may be permitted, but 4 feet space required between any two drives on separate properties. ** ½ the required setback for applicable zone, or as required by the minimum buffer requirements established in Section 6.07. Landscape Buffer Requirements			

- B.** Where parking areas have more than two (2) parking bays, drives contiguous to the front of commercial structures shall provide an eight (8) ft. painted fire lane, 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.

C. 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 intersection. At the discretion of the Public Works Director/County Engineer, entrance or exit drive aisles may be placed discharging into an intersection only if the intersection is marked/signaled/designed in such a way that the drive aisle is treated as an additional right-of-way turning movement in the intersection.

D. Connections between lots (Cross-Access).

- Where practical, neighboring parking lots on different parcels shall be connected to eliminate the necessity of utilizing the public right-of-way for cross-movements between the uses. This practice also helps to reduce the number of necessary driveways which reduces the number of pedestrian/vehicle movement conflict points.
- Such connections shall be through the form of a reciprocal cross access easement and shall be recorded in the office of the Franklin County Clerk prior to the issuance of a building permit. The easement shall be established in a form acceptable to the City/County Attorney and shall run with the land to ensure perpetual access for the public, service vehicles, and patrons of both properties.

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3. The Planning Commission or its designee may waive or modify this requirement upon a finding that such connection is technically infeasible due to significant topographical constraints, existing permanent structures, or where such connection would create a documented safety hazard for pedestrian or vehicular traffic.

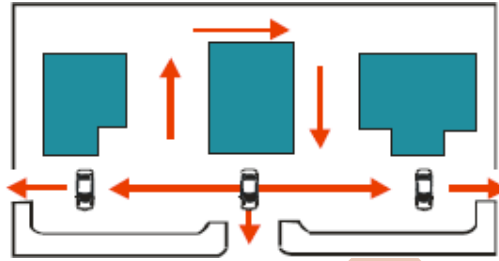


Figure 5.3 - Example of Cross-Access Connections between lots

5.07. PARKING IN RESIDENTIAL DISTRICTS

These provisions shall apply to all residentially used properties in the unincorporated area of the County unless expressly exempted. Within the City limits see the applicable Nuisance Code requirements. Where lot size thresholds are referenced, such provisions apply in addition to, and not in lieu of, the general standards of this section.

A. Motor Vehicles, Passenger

1. Every motor vehicle located on private property shall either:
 - a. Be stored within a garage or fully enclosed trailer; or
 - b. Display an evident current registration license if parked or stored outside an enclosed structure with the following exception:
 - i. For properties within the -R community character designation, any such vehicle not stored within a completely enclosed structure shall be located in the side or rear yard and shall be screened from view from the public right-of-way and adjacent properties.
2. Parking or storage of motor vehicles on unpaved yard areas is prohibited, except that lawfully established gravel parking areas existing prior to adoption of this section may continue to be used if maintained with a minimum one-inch (1") thick layer of gravel.
3. No motor vehicle shall:
 - a. Be used as a storage unit;
 - b. Be used for living purposes;
 - c. Be painted, except within an approved spray booth;
 - d. Be parked or stored if it lacks a current registration license, unless fully enclosed within a structure or enclosed trailer;
 - e. Be in a state of major disassembly, disrepair, or inoperability;
 - f. Be stripped, dismantled, or undergo major overhaul, including body work, on private property.
 - g. The following are exempt from [5.07.A.3.a](#) through [5.07.A.3.f](#):
 - i. Motor vehicles located on the premises of a business enterprise lawfully engaged solely in the repair, renovation, or servicing of motor vehicles;
 - ii. Vehicles stored in an approved municipal storage facility;
 - iii. Vehicles fully enclosed within a structure or enclosed trailer.

B. Motor Vehicles, Commercial

1. In RR and FNL zones, one business vehicle per dwelling is permitted provided it is used for daily transportation to and from work. Such a vehicle must be parked on a permitted paved surface if located in a front yard.
2. In residential zones, except RR, one business vehicle per dwelling is permitted, provided it has no more than two (2) axles and a GVWR (gross vehicle weight rating) of no greater than fourteen thousand pounds (14,000 lbs.) and is used for daily transportation to and from work. Such a vehicle must be parked on a permitted paved surface. Dump trucks, box trucks, cube vans, high-roof cargo vans (greater than eight-foot height, as measured from ground to top of roof), earth-moving machinery, tow trucks, transport wreckers, semi-trucks and tractor-trailers, concession trucks and vans, and flat-bed trucks are specifically prohibited, even if they technically comply with the above limits.

C. Trailers and Recreational Vehicles / Equipment

1. On any lot used for residential purposes, trailers or recreational vehicles and equipment of any kind or type shall not be parked or stored on grass in any front yard area, including both front yard areas of a corner lot. Such vehicle shall be located on a paved or otherwise improved parking surface within the front yard setback, or within a fully enclosed building.
2. On residential lots smaller than one-half (1/2) acre in size, trailers shall be located on a driveway or within an enclosed building.
3. On residential lots larger than one-half (1/2) acre, trailers may be parked or stored on grass in side or rear yard areas, provided all other applicable requirements of this section are met.
4. The following exceptions may apply:
 - a. Trailers may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours for loading or unloading purposes.
 - b. A trailer may be parked on grass for no more than thirty (30) days within any twelve (12) month period if the trailer is actively posted for sale by owner.

D. Motor Boats and Vessels

1. All registered boats or vessels shall be stored upon a suitable trailer or within a fully enclosed structure.
2. When not enclosed within a structure, no boat or vessel shall be:
 - a. Abandoned;
 - b. Stored off a trailer;
 - c. In a state of major disassembly or inoperability;
 - d. Stripped or dismantled.
3. No boat or vessel shall undergo major overhaul, including hull work, on private property, except on premises of a permitted business enterprise lawfully engaged in the repair, renovation, or servicing of boats or vessels.

E. Inoperable Vehicle.

No junk, salvage or inoperable vehicle or vehicle without current license shall be parked or stored in a residential district under five acres. Such vehicles may be stored within a completely enclosed garage in any zoning district with the following exception:

1. For properties within the -R community character designation, any such vehicle not stored within a completely enclosed structure shall be located in the side or rear yard and shall be screened from view from the public right-of-way and adjacent properties.

ARTICLE 5. PARKING, LOADING, AND CIRCULATION

5.08. PRE-EXISTING PARKING OR LOADING SPACES

5.08. PRE-EXISTING PARKING OR LOADING SPACES

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.

5.09. WAIVERS

The Planning Commission and/or Board of Adjustment may authorize a modification, reduction, or waiver of the foregoing requirements should it be determined that there is an exceptional situation or condition that justifies such action. Such board may require additional stacking spaces than specified in this section for uses that have extremely high-demand use period that cause long queuing lines, such fast food restaurants or drive-through coffee shops. In such cases, the Planning & Zoning Director shall work with the applicant to ensure that the site plan can accommodate the anticipated intensity of demand and forward a recommendation to the Planning Commission and/or Board of Adjustment.

ARTICLE 6. LANDSCAPING AND BUFFERING

6.01. PURPOSE.

- A. The purpose of this Article is to protect and improve the health, safety and general welfare of Frankfort and Franklin County residents and visitors by:
1. Reducing noise, water, air and visual pollution;
 2. Lowering air temperatures and glare associated with heat islands, large impervious surfaces and reflected sunlight;
 3. Mitigating the impact of the glare from automobile lights to adjoining and adjacent properties;
 4. Reducing stormwater runoff volumes and velocities associated with impervious surfaces;
 5. Reducing the total volume of stormwater pollutants entering streams and stormwater and stormwater runoff entering the sewer system, lessening the impact to streams and waterways
 6. Improving the appearance and functionality of vehicular use areas (VUAs) and property adjoining public rights-of-way;
 7. Increasing land values by providing landscaping as a capital asset;
 8. Providing biodiversity and protecting habitat for wildlife and natural vegetation;
 9. Buffering land uses to reduce or eliminate impacts between different types and intensities;
 10. Providing visual interest that is related to and consistent with the community character of Frankfort and Franklin County.
 11. Maintaining a quality of life that is important to the livability and economic vitality of Frankfort and Franklin County.
- B. These regulations provide minimum requirements related to site and vehicular use area landscape design, land use buffers, tree protection and preservation, preferred and prohibited landscape materials, and installation and maintenance of required landscape and buffer materials.
- C. These regulations are in accordance with the Goals, Objectives, and Policies of the Comprehensive Plan and are in addition to and supplement the regulations contained in all other Articles of these Zoning Regulations.

6.02. SITES AFFECTED

Landscaping as required in the [Table 6.02-1: Applicability of Landscaping and Buffering Standards](#) shall be required as follows:

A. New Sites

All new site development, buildings, structures, or VUAs shall be constructed with landscaping as required by the provisions of this Article.

B. Existing Sites

1. All new parking lot construction, including the expansion, moving or relocation of existing parking. These requirements shall only affect those newly paved areas of five (5) spaces or larger, or any paved area larger than 1,500 square feet. The number of parking spaces added shall also include any spaces added within one (1) calendar year prior to the building permit application for the new spaces. These requirements shall, in no instance, be deemed as retroactively affecting sites prior to the adoption of this amendment.

ARTICLE 6. LANDSCAPING AND BUFFERING

6.03. WHO PROVIDES LANDSCAPING

2. Repair/replacement of existing parking lots with new parking material, either smaller, same size, or larger. This does not apply when repairing, installing an overlay and/or restriping or when only a new seal coating is applied to the site.
3. Substantial additions and renovations to an existing building related to a change in use. Substantial building will be defined per the criteria established in [Table 6.02-1: Applicability of Landscaping and Buffering Standards](#).
4. When a land use changes to a different land use requiring the construction of additional parking.

Table 6.02-1: Applicability of Landscaping and Buffering Standards	
SITE / BUILDING IMPROVEMENT	COMPLIANCE REQUIRED WITH APPLICABLE STANDARDS
NEW CONSTRUCTION	
New Construction	Full Compliance
BUILDING EXPANSION / ADDITION	
Less than 25% of floor area	N/A
25 – 50% of floor area	Partial Compliance ^[1] (Parking Lot Landscaping, Perimeter Landscaping)
>50% of floor Area	Full Compliance
INTERIOR REVNOATIONS / TENANT FINISH	
Less than 50% of floor area	N/A
>50% of floor area	Partial Compliance ^[1] (Parking Lot Landscaping, Perimeter Landscaping)
EXTERIOR FAÇADE RENOVATION	
<25% of Façade Area	N/A
25 – 50% of Façade area	N/A
>50% of Façade Area	N/A
CHANGE OF USE / OCCUPANT	
Change in Use Only (No Expansion or Renovation)	Compliance required if new use triggers higher landscaping requirements (adjacent use compatibility, additional parking required, etc.)
VEHICULAR USE AREA IMPROVEMENTS	
Parking Lot Expansion < 10 Spaces	N/A
Parking Lot Expansion > 10 spaces	Compliance required for expanded portion
Resurfacing or Restriping	N/A
[1] Partial Compliance shall require the installation of 25% of the otherwise required vehicle use area landscaping area, and 25% of the otherwise required plantings (including trees and shrubs).	

6.03. WHO PROVIDES LANDSCAPING

- A. Landscaping required to fulfill this ordinance shall be provided by the property owner. If an adjacent property or right-of-way has landscaping fulfilling vehicular use area perimeter screening, and/or zone to zone, or land use to land use screening requirements, the requirement for perimeter landscaping along the common boundary may be waived if deemed appropriate by the Planning and Community Development Department.
- B. Maintenance of the required landscaping is the responsibility of the property owner and access to landscaping should be provided (i.e., gate).

6.04. EASEMENTS, RIGHT-OF-WAY AND SETBACKS

- A. Required landscaping may be placed wholly or partially in utility of other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees placed under overhead utility wires must be from List B – Flowering Trees. The rights-of-way of any public street may also be utilized for the required landscaping provided that the approval is granted by the

appropriate government. It must be noted that an Encroachment Permit shall be required from the Kentucky Department of Transportation to plant on State right-of-way.

- B. No landscaping shall be permitted in the sight triangles of driveways or intersections other than groundcover. See [Section 4.04.B. Traffic Visibility Across Corner Lots](#).
- C. Landscaping must also be placed in the required area between the property line and the front, rear and side yard setbacks.
- D. Perimeter landscaping surrounding a use or vehicular use area will be required only where the addition of building or parking is adjoining properties of a more restrictive zone, land use, or public or private right-of-way. See [Figure 6-1](#) below.

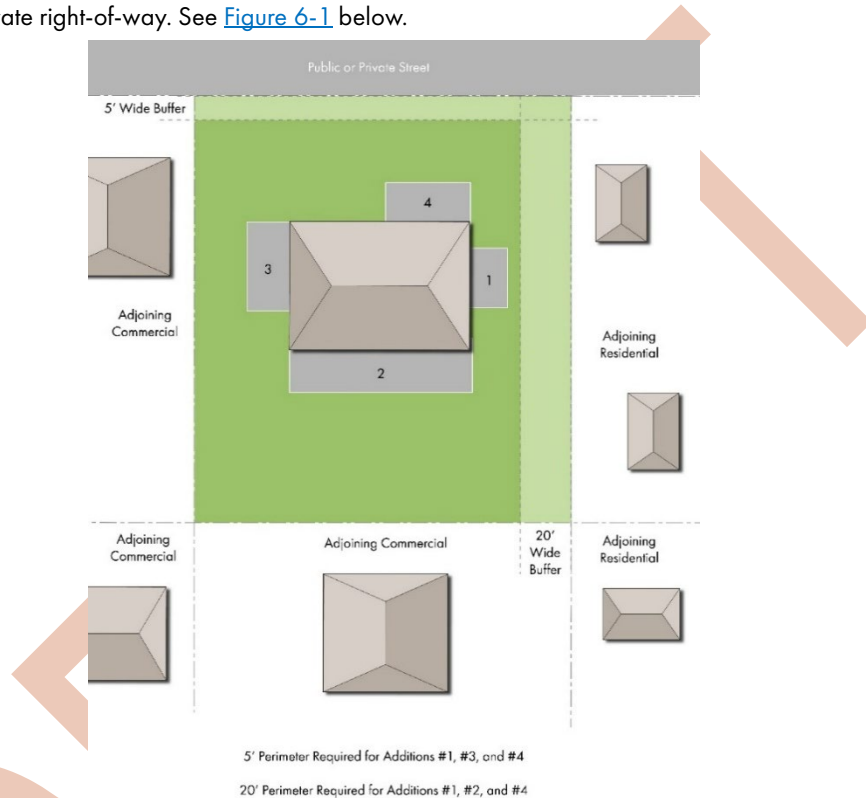


Figure 6-1: Clarification of Perimeter Landscaping

6.05. LANDSCAPE MATERIALS

A. Walls and Fences

1. When walls or fences are used to fulfill screening requirements, they shall be graphically depicted and detailed on the submitted landscape buffer drawings.
2. Walls shall be constructed of natural stone, brick, or other weatherproof materials approved by the City Director of Planning and Community Development and the County Director of Planning and Zoning or designated staff.
3. Fences shall be constructed of wood or other weatherproof, durable materials intended for exterior use and approved by the Director of Planning and Community Development or designated staff. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware.
4. Walls or fences used to satisfy screening requirements shall be at least 80% opaque.
5. Fences shall provide a finished side facing the lower intensity use.
6. Chain link fences with wood or synthetic slat material are not allowed.

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6.05. LANDSCAPE MATERIALS

7. In general, the goal of fences and walls is to relate to the design aesthetic of the proposed development and to be consistent with the character of the community. Examples of preferred walls and fences include native stone walls, native stone wall bases with fencing on top, or horizontal slat wood fencing (See [Figure 6-2](#) below).



Figure 6-2: Examples of walls and fences

B. Plants

It is strongly recommended that plants native to the area be used to encourage biodiversity throughout Frankfort and Franklin County and discourage the use of invasive species. However, non-native plants are permissible if they have been proven to be non-invasive. Plants are to be living and part of the acceptable plants listed later in this article. This is not a comprehensive or all-inclusive list. Plant recommendations may gradually shift over time to adapt to local climate and environmental conditions.

Tree species shall factor in planting site conditions as well as efforts to improve tree species diversity based on other species in place in the surrounding area, following the 10-20-30 Rule. The 10-20-30 Rule is a guideline to reduce the risk of catastrophic tree loss due to pests or disease by including no more than 10% of any one tree species, 20% of any one tree genus, or 30% of any tree family.

1. Quality

Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen (AAN) which is on file at the Planning and Community Development Department and shall have passed any inspection required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited. This includes all plants not balled and burlapped or containerized.

2. Deciduous Trees

Shall be species having an average mature crown spread or greater than 15 feet in Franklin County and having trunk(s) which can be maintained with over six (6) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping of the same so as to create the equivalent of a 15 foot crown spread. A minimum of six to eight (6-8) feet overall height or a minimum caliper (trunk diameter, measure by 6 inches above ground for trees up to four (4) inches

caliper) of a least two (2) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 15 feet to such public works, unless the tree root system is completely contained within a barrier for which to minimum interior container dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete. Trees planted under, or within 20 lateral feet of overhead utility lines shall be limited to those that have been identified as acceptable by the Frankfort Plant Board. Please refer to the Frankfort Plant Board website (<http://fpb.cc/tree-id>).

3. Evergreen Trees

Shall be a minimum of eight (8) feet high with a minimum caliper of two (2) inches immediately after planting. Evergreen trees provide natural screening and shall be used to buffer more intense land uses. Non-sheared evergreen trees are preferred.

4. Shrubs and Hedges

Shall be at least 18" - 24" in average height when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of the final approval of each planting or replanting. Privet, Ligustrum species cannot meet the opacity requirements and may not be issued to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

5. Grass or Ground Cover

Grass of the fescues (Gramineae) and/or Bluegrass (Poaceae) family shall be planted in spaces normally grown as permanent lawns in Franklin County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion where soiled sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted not more than 15 inches on center (O.C.) and in such a manner as to present and have 75% of complete coverage after two (2) complete growing seasons. Annual Rye species can be used for temporary erosion control.

6. Meadow / Pollinator Gardens

Meadows and pollinator gardens are designed to mimic a natural grassland, featuring a dense mix of native grasses and wildflowers to provide habitat throughout the four seasons for a wide variety of plant and animal life not found in other habitats. They can be planted in places normally grown as permanent lawns, as replacements for fescues and Bluegrass. While these landscape areas will not need to be maintained/mowed as frequently as grass lawns, they will need to be maintained to prevent invasive species (i.e., Johnson grass, Thistle, Honeysuckle, etc.) from establishing, especially for the first three (3) years.

C. Earth Mounds

Earth mounds shall be barriers which block a view consisting of earth and covered with grass or other ground cover. Differences in elevation between areas requiring screening do not constitute an earth mound. Mounds shall be designed to provide proper drainage, integrate smoothly with the surrounding landscape, and use a maximum slope of 3:1 for proper maintenance.

D. Maintenance and Installation

All landscaping materials shall be installed according to nationally accepted planting procedures as defined by the AAN. The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly

ARTICLE 6. LANDSCAPING AND BUFFERING

6.06. TREE CANOPY

appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper for the maintenance of trees as required by this Article. Tree pruning cuts shall be made sufficiently close to the trunk or parent limb without cutting into branch collar or leaving a protruding stub so that closure can readily start under normal conditions. All branches that are so heavy as to cause bark splitting or peeling are to be precut. Violations of these installation and maintenance provisions shall be ground for the Division of Planning and Community Development to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

6.06. TREE CANOPY

A. Purpose and Intent

The intent of this section is to protect, preserve, and grow Frankfort and Franklin County's tree canopy and support its management by:

1. Recognizing trees and the urban forest as a valuable and necessary asset which is treated as an equal utility and service to the public.
2. Establishing and enforcing standards to properly plant, maintain, and protect public and private trees and maximize the benefits the urban forest provides to Frankfort and Franklin County, including:
 - a. Filtering pollution from the air.
 - b. Sequestering carbon dioxide.
 - c. Absorbing and filtering pollution from stormwater run-off.
 - d. Producing oxygen.
 - e. Reducing flooding.
 - f. Stabilizing soils and reducing erosion.
 - g. Cooling the environment and helping reduce urban heat island impacts.
 - h. Reducing energy consumption by shielding structures from harsh winds and sun.
 - i. Providing a buffer and screen against noise, light, and pollution.
 - j. Improving property values.
 - k. Improving commercial district buyer traffic.
 - l. Lowering crime rates.
 - m. Improving community interaction.
 - n. Providing habitat for birds and other wildlife.
 - o. Protecting and enhancing quality of life.
3. Recognizing that some trees may have a condition or risk rating that may endanger or be a nuisance to the public or property within the city/county or may put at risk the health of other trees and vegetation.

B. Tree Protection and Preservation

1. Methods of Compliance

Tree canopy requirements of this section may be satisfied in the following order of preference:

- a. Preservation of existing trees or tree stands on the development site.

ARTICLE 6. LANDSCAPING AND BUFFERING
6.07. LANDSCAPE BUFFER REQUIREMENTS

account per 1 ¾" caliper tree required to meet a sites tree canopy requirement. All fees paid shall be used for trees to be planted on an alternative site as determined by the Urban Forester.

C. Tree Placement Requirements (Not Diseased, Dangerous, or Dead)

1. Removal of an existing and previously required tree(s) or required landscape material within a commercial or industrial development:
 - a. Any removal and replacement of healthy, required landscape trees within a commercial or industrial development requires an updated landscape plan approved administratively by staff. Planning Commission approval is only required if the modification alters more than 25% of the originally approved site landscaping.
 - b. The applicant shall provide a financial guarantee (cash escrow or letter of credit) equal to 125% of the total cost of the replacement materials and installation. The security shall be held until staff verifies successful installation, not to exceed one year.

6.07. LANDSCAPE BUFFER REQUIREMENTS

A. General Perimeter Landscaping Requirements (Landscape Buffers)

1. Landscape Buffers minimize the potential for nuisances created when zoning districts or land uses of varying intensities abut and shall be required for all new construction subject to these regulations. Landscape Buffer requirements shall be applied along property or right-of-way lines and at the perimeter of Vehicular Use Areas
2. Landscape Buffers shall be provided on the site of the more intense use or zoning district except when the more intense use was present prior to the effective date of this regulation. When more than one Landscape Buffer requirement applies, the more restrictive standards shall be used.
3. If mature trees and quality natural vegetation exist on site prior to development, they may be considered acceptable as part of landscape buffers by the Planning and Community Development Department.
4. Landscape Buffers requirements are established as follows:

Table 6.07-1: Landscape Buffer Yards Established	
PROPOSED USE TYPE	BUFFER YARD REQUIRED
Multi-Family Residential and Public & Institutional Use	Section 6.07.B
Commercial Use	Section 6.07.C
Enterprise Use	Section 6.07.D

B. Multi-Family Residential and Public & Institutional Landscape Buffer Requirements

Multi-Family Residential Uses and Public & Institutional Uses, as established in [Table 3.03-1: Use Table](#), shall meet the following buffer yard requirements. Single-, two-, and multi-family (3-5 units) dwelling uses shall be exempt these buffer requirements.

ARTICLE 6. LANDSCAPING AND BUFFERING
6.07. LANDSCAPE BUFFER REQUIREMENTS

Table 6.07-2: Multi-Family Residential and Public & Institutional Use Buffer Yard Requirements				
SCENARIO		BUFFER YARD REQUIREMENTS		
When the...	Adjoins a...	Type Required	Width (min.)	Installation Requirements
Multi-Family Residential Use -or- Public & Institutional Use	Any single-family residential district or use	Residential Buffer 'A' (Figure 6-3) -or-	20'	A double row of an evergreen shrub hedge (E) planted on the higher density residential side PLUS either a deciduous shade tree (A) planted every 30'-40' O.C., a deciduous flowering tree (B) planted every 20'-30' O.C., or an evergreen tree (C) planted every 20'-30' O.C. OR a mix of tree types (A, B, or C) -or-
		Residential Buffer 'B' (Figure 6-4) -or-		Minimum 6-foot tall wall or fence or 3' tall earth mound PLUS either a deciduous shade tree (A) planted every 30'-40' O.C., a deciduous flowering tree (B) planted every 20'-30' O.C., an evergreen tree (C) planted every 20'-30' O.C., and shrubs (D or E) planted every 6' O.C. OR a mix of tree types (A, B, or C) -or-
		Residential Buffer 'C' (Figure 6-5)		A continuous, staggered double row planting of evergreen trees (C) planted every 15' O.C.

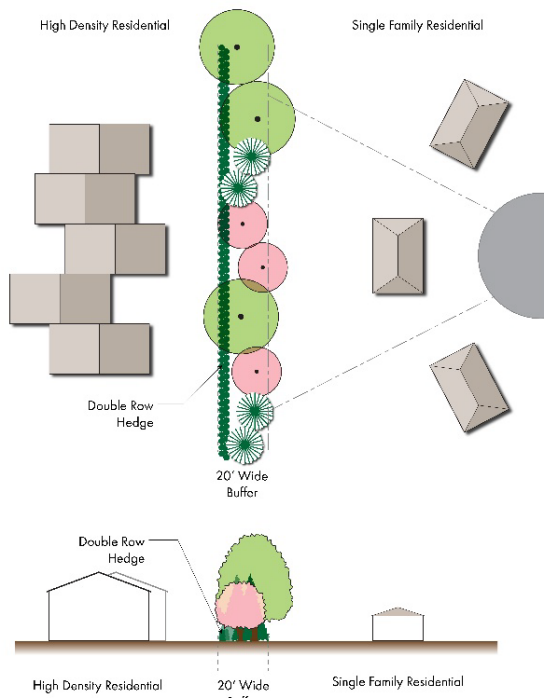


Figure 6-3: Residential Buffer 'A'

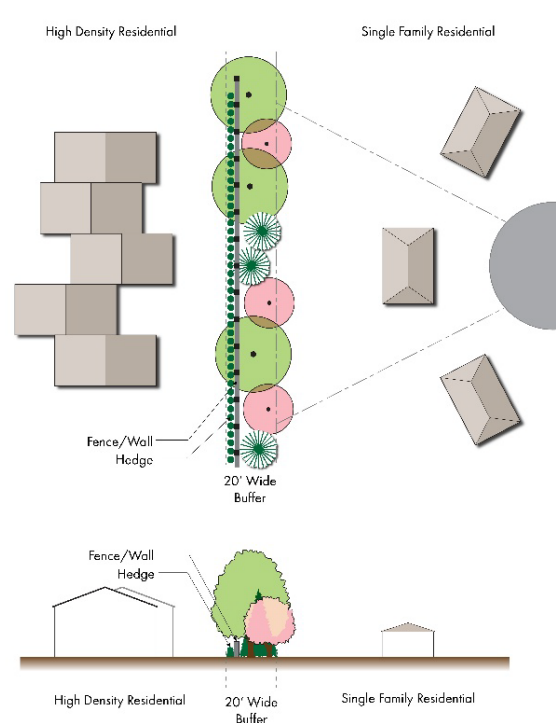


Figure 6-4: Residential Buffer 'B'

ARTICLE 6. LANDSCAPING AND BUFFERING
6.07. LANDSCAPE BUFFER REQUIREMENTS

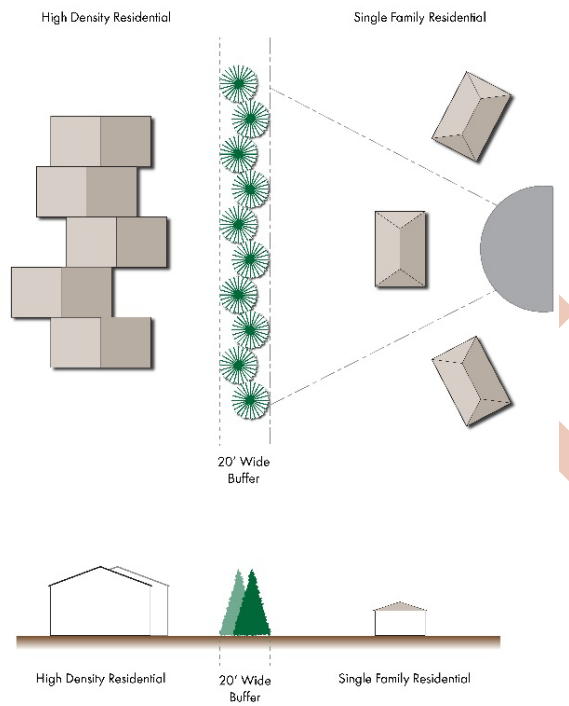


Figure 6-5: Residential Buffer 'C'

C. Commercial Use Landscape Buffer Requirements

Commercial Uses, as established in [Table 3.03-1: Use Table](#), shall meet the following buffer yard requirements:

Table 6.07-3: Commercial Use Buffer Yard Requirements				
SCENARIO		BUFFER YARD REQUIREMENTS		
When the...	Adjoins a...	Type Required	Width (min.)	Installation Requirements
Service Drive / Storage	Residential Use	Commercial Buffer A (Figure 6-7)	25'	Minimum 6' tall wall or fence or a 3' tall earthmound PLUS a shrub hedge (D or E) facing commercial side PLUS Either a deciduous shade tree (A) planted every 30'-40' O.C., a deciduous flowering tree (B) planted every 20'- 30' O.C., or an evergreen tree (C) planted every 20'- 30' O.C. OR a mix of tree types (A, B, or C)
Service Yard (Tractor Trailers / Loading Docs)		Commercial Buffer B (Figure 6-8) -or-	36'	Either: A staggered double row of an evergreen shrub hedge (C) PLUS a mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., or evergreen trees (C) planted every 20'- 30' O.C. OR
		Commercial Buffer C (Figure 6-9) -or-		Minimum 6' tall wall or fence or 3' tall earthmound plus a shrub hedge (D or E) facing commercial side PLUS a mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., or evergreen trees (C) planted every 20'- 30' O.C. OR
		Commercial Type D (Figure 6-10) -or-		A continuous, staggered double row planting of evergreen trees (C) planted every 15' O.C. PLUS a mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., or evergreen trees (C) planted every 20'- 30' O.C.

ARTICLE 6. LANDSCAPING AND BUFFERING
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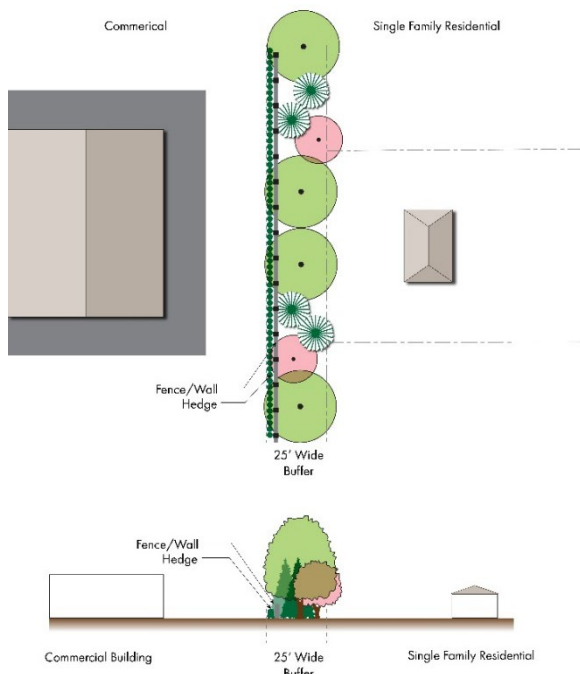


Figure 6-7: Commercial Buffer 'A'

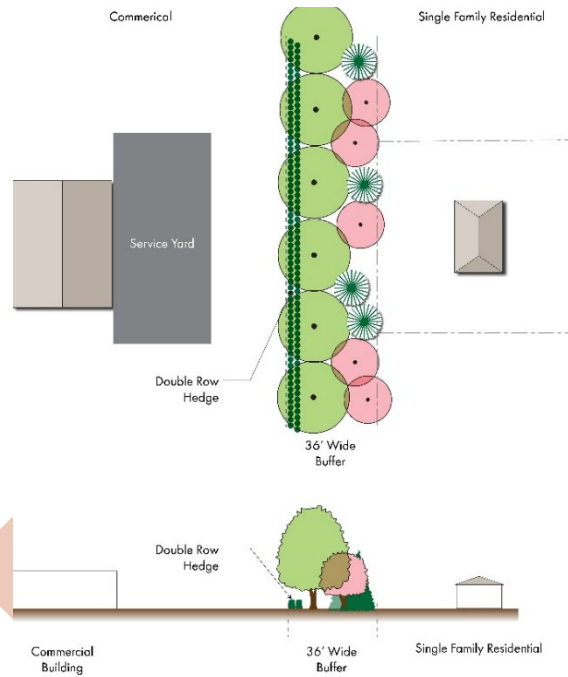


Figure 6-8: Commercial Buffer 'B'

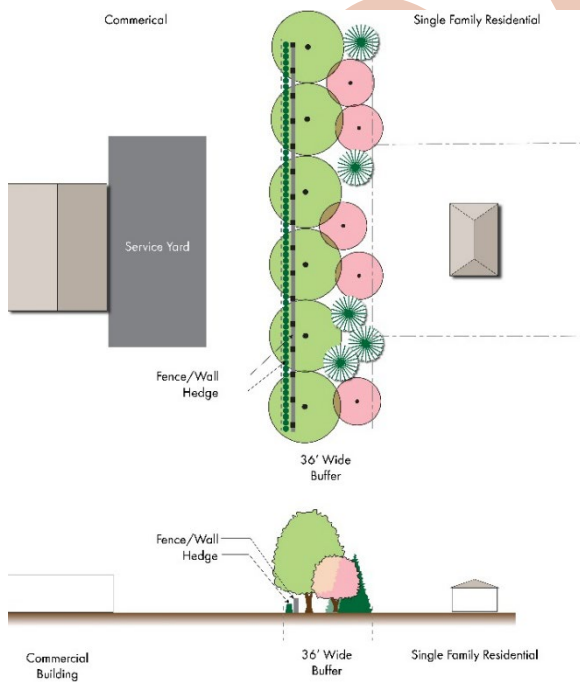


Figure 6-9: Commercial Buffer 'C'

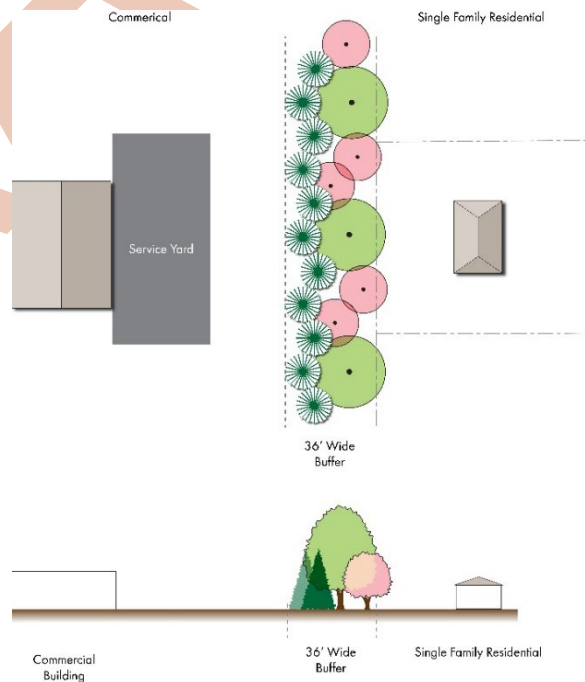


Figure 6-10: Commercial Buffer 'D'

D. Enterprise Use Landscape Buffer Requirements

For the purposes of buffer requirements, Enterprise uses, as established by [Table 3.03-1: Use Table](#) are identified in the following categories:

Table 6.07-4: Enterprise Use Type Tiers		
TIER I (Section 6.07.D.1)	TIER II (Section 6.07.D.2)	TIER II (Section 6.07.D.3)
- Laboratory and Research Facility - Manufacturing, Artisanal - Manufacturing, Fabrication - Self-Storage / Mini-Storage	- Building Materials Sales and Storage - Data Center - Distribution / Fulfillment Center and Warehousing - Manufacturing, General - Manufacturing, Light - Transportation Terminals and Freight Services - Warehousing and Storage	- Junk / Salvage / Tow Yard - Mining - Processing and Refining, Materials and Chemicals

1. Tier 1 Enterprise Use Buffer Requirements

Enterprise uses with relatively low external impacts, minimal emissions, and operations typically at a smaller scale are subject to the following buffer yard requirements.

Table 6.07-5: Tier I Enterprise Use Buffer Yard Requirements				
SCENARIO		BUFFER YARD REQUIREMENTS		
When the...	Adjoins a...	Type Required	Width (min.)	Installation Requirements
Access Drive / Storage	Residential Use or District	Tier I Type A (Figure 6-11)	25'	Minimum 6' tall wall or fence or a 3' tall earthmound PLUS a shrub hedge (D or E) facing commercial side PLUS Either a deciduous shade tree (A) planted every 30'- 40' O.C., a deciduous flowering tree (B) planted every 20'- 30' O.C., or an evergreen tree (C) planted every 20'- 30' O.C. OR a mix of tree types (A, B, or C)

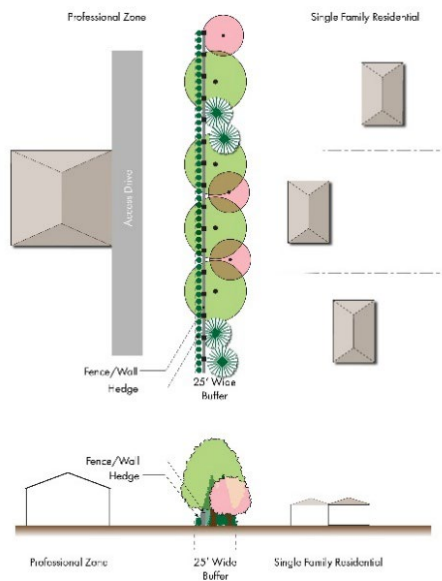


Figure 6-11: Tier I Enterprise Use

ARTICLE 6. LANDSCAPING AND BUFFERING
6.07. LANDSCAPE BUFFER REQUIREMENTS

2. Tier II Enterprise Use Buffer Requirements

Enterprise uses with noticeable but manageable impacts, including vehicular and truck traffic, moderate noise, and larger building footprints, are subject to the following buffer yard requirements.

Table 6.07-6: Tier II Enterprise Use Buffer Yard Requirements				
SCENARIO		BUFFER YARD REQUIREMENTS		
When the...	Adjoins a...	Type Required	Width (min.)	Installation Requirements
Non Service, Non Storage Yards	Any Non-Enterprise Use or District	Tier II Buffer 'A' (Figure 6-12)	36'	6' tall earthen berm PLUS a double row of staggered planting of evergreen trees (C) planted every 15' O.C.
Service Yard (Tractor Trailer; Loading Docks)	Any Non-Residential District	Tier II Buffer 'A' (Figure 6-13)	36'	6' tall earthen berm PLUS a double row of staggered planting of evergreen trees (C) planted every 15' O.C.
	Any Residential District	Tier II Buffer 'B' (Figure 6-14)	75'	6' tall earthen berm PLUS a double row of staggered planting of evergreen trees (C) planted every 15' O.C. PLUS a mix of deciduous shade trees (A) planted every 30'- 40' O.C. and deciduous flowering trees (B) planted every 20'- 30' O.C.
Storage Yard	Any Non-Residential District	Tier II Buffer 'C' (Figure 6-15)	36'	A 6-foot solid wall or fence around storage yard PLUS evergreen shrub hedge (E) facing front yard only and/or street drive PLUS 36' wide, 6' tall earthen berm PLUS a double row of staggered planting of evergreen trees (C) planted every 15' O.C.
	Any Residential District	Tier II Buffer 'D' (Figure 6-16)	75'	A 6-foot solid wall or fence around storage yard PLUS evergreen shrub hedge (E) facing front yard only and/or street drive PLUS 36' wide, 6' tall earthen berm PLUS a double row of staggered planting of evergreen trees (C) planted every 15' O.C. PLUS A mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., evergreen trees (C) planted every 20'- 30' O.C.

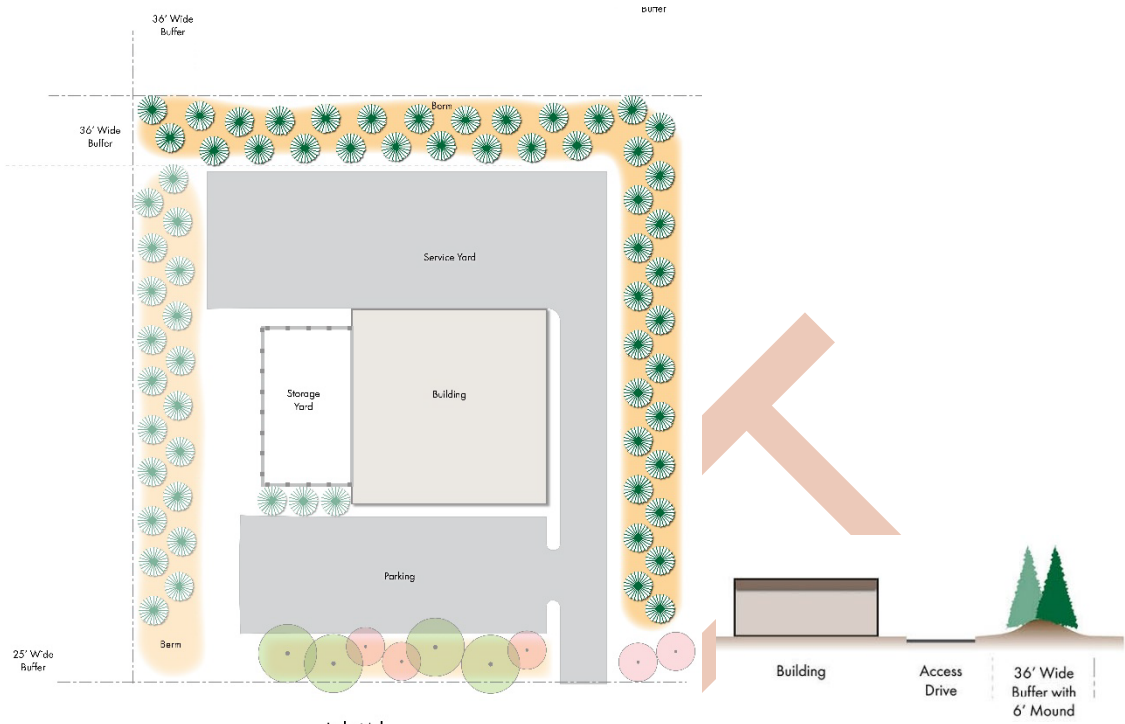


Figure 6-12: Tier II Enterprise Buffer 'A'



Figure 6-13 Tier II Enterprise Buffer 'B'

ARTICLE 6. LANDSCAPING AND BUFFERING
6.07. LANDSCAPE BUFFER REQUIREMENTS

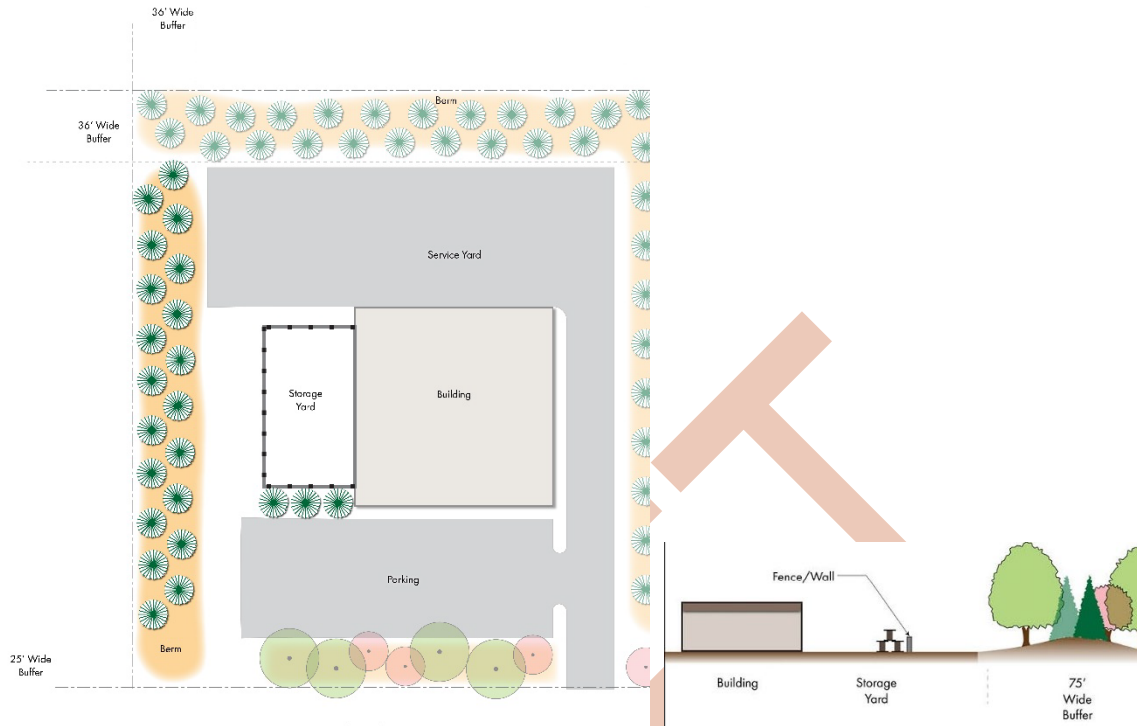


Figure 6-14: Tier II Enterprise Buffer 'C'

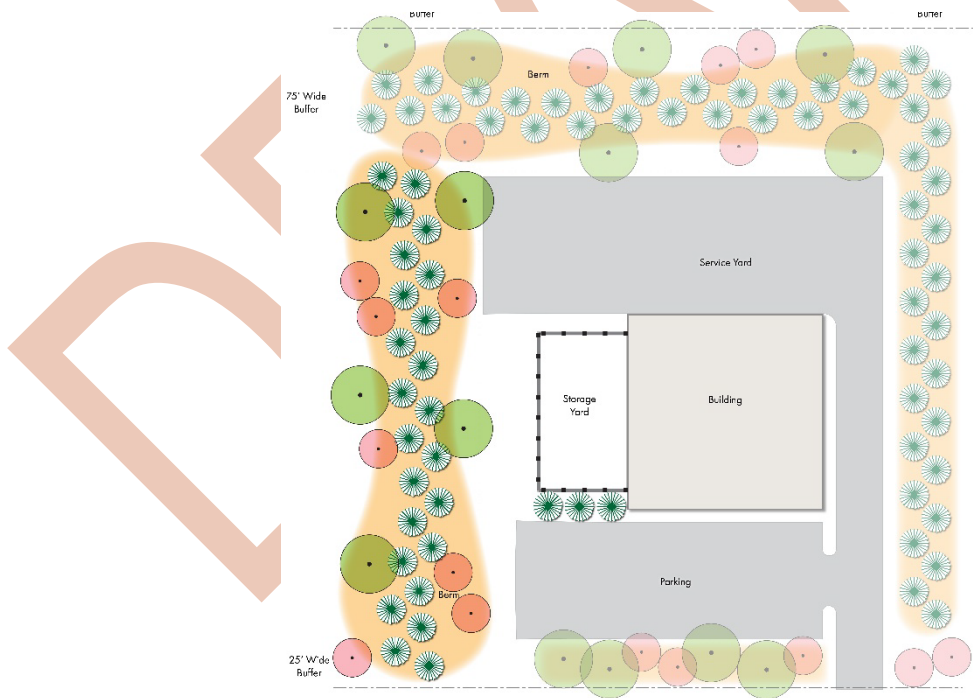


Figure 6-15: Tier II Enterprise Buffer 'D'

ARTICLE 6. LANDSCAPING AND BUFFERING
6.08. VEHICULAR USE AREA (VUA) LANDSCAPING REQUIREMENTS

3. Tier III Enterprise Use Buffer Requirements

Enterprise uses with the strongest off-site impacts, including heavy vehicular traffic, outdoor storage, emissions, extraction, or large-scale processing are subject to the following buffer yard requirements.

Table 6.07-7: Tier III Enterprise Use Buffer Yard Requirements				
SCENARIO		BUFFER YARD REQUIREMENTS		
When the...	Adjoins a...	Type Required	Width (min.)	Installation Requirements
Tier III Enterprise Use	Any District or Use or Right-of-Way (Public or Private)	Tier III Buffer 'A' (Figure 6-16)	75'	A 6-foot solid wall or fence PLUS a planting of continuous, staggered double row of evergreen trees (C) planted every 15' O.C. PLUS a mix of deciduous shade trees (A) planted every 30' - 40' O.C. and deciduous flowering trees (B) planted every 20' - 30' O.C.

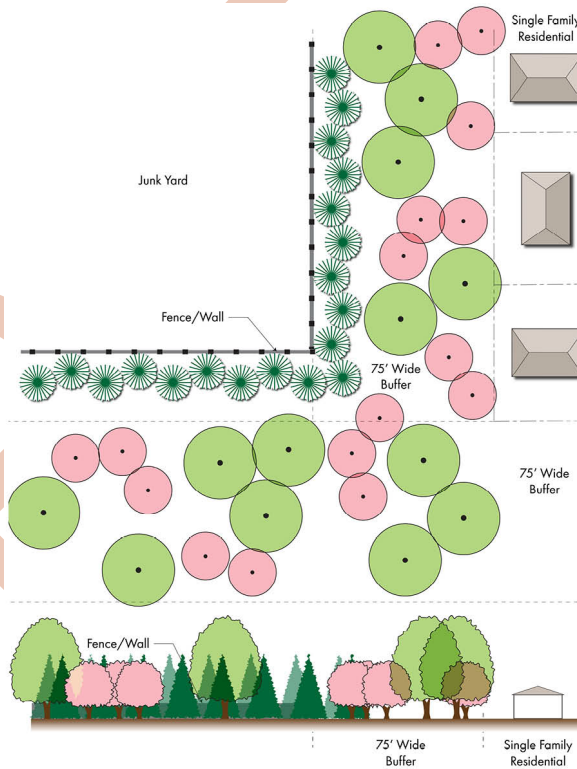


Figure 6-16: Tier III Enterprise Buffer 'A'

6.08. VEHICULAR USE AREA (VUA) LANDSCAPING REQUIREMENTS

A VUA is any paved area containing more than 1,500 square feet and/or used by two (2) or more vehicles for parking, loading/unloading, sales and/or service areas, or driving.

A. Perimeter Landscaping Requirements

A perimeter buffer shall be located between VUAs and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress locations. A VUA perimeter buffer shall not be required when a VUA is continuous to a required property perimeter buffer and the screening intent of this Article is met.

ARTICLE 6. LANDSCAPING AND BUFFERING

6.08. VEHICULAR USE AREA (VUA) LANDSCAPING REQUIREMENTS

Table 6.08-1: Vehicular Use Area (VUA) Buffer Yard Requirements	
Width (min.)	Installation Requirements
Commercial & Tier I Enterprise Uses (Figure 6-17)	
6'	A mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., evergreen trees (C) planted every 20'- 30' O.C., AND a continuous shrub hedge (D or E) planted every 3' O.C. (1 tree minimum)
Enterprise Tier II Uses (Figure 6-18)	
25'	A mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., evergreen trees (C) planted every 20'- 30' O.C., AND a continuous shrub hedge (D or E) planted every 3' O.C. (1 tree minimum) PLUS 3' tall earthen berm
Enterprise Tier III Uses (Figure 6-19)	
75'	A mix of deciduous shade trees (A) planted every 30'- 40' O.C., deciduous flowering trees (B) planted every 20'- 30' O.C., evergreen trees (C) planted every 20'- 30' O.C., AND a continuous shrub hedge (D or E) planted every 3' O.C. (1 tree minimum)
Note: The landscape buffer requirement plantings required by Section 6.07. Landscape Buffer Requirements may also count towards the VUA perimeter screening.	

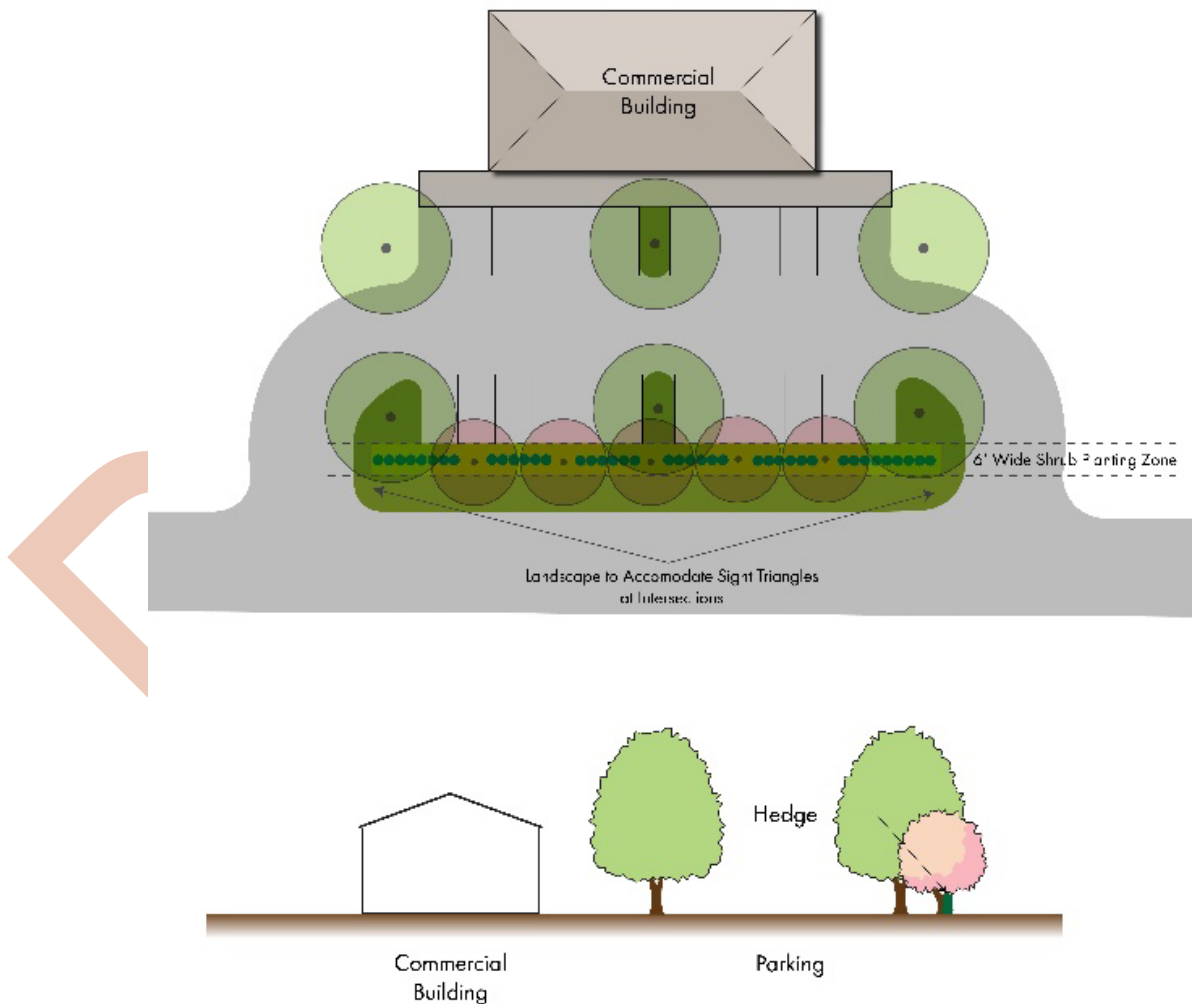


Figure 6-17: Commercial & Tier I Enterprise Use VUA Buffer Area

ARTICLE 6. LANDSCAPING AND BUFFERING
6.08. VEHICULAR USE AREA (VUA) LANDSCAPING REQUIREMENTS

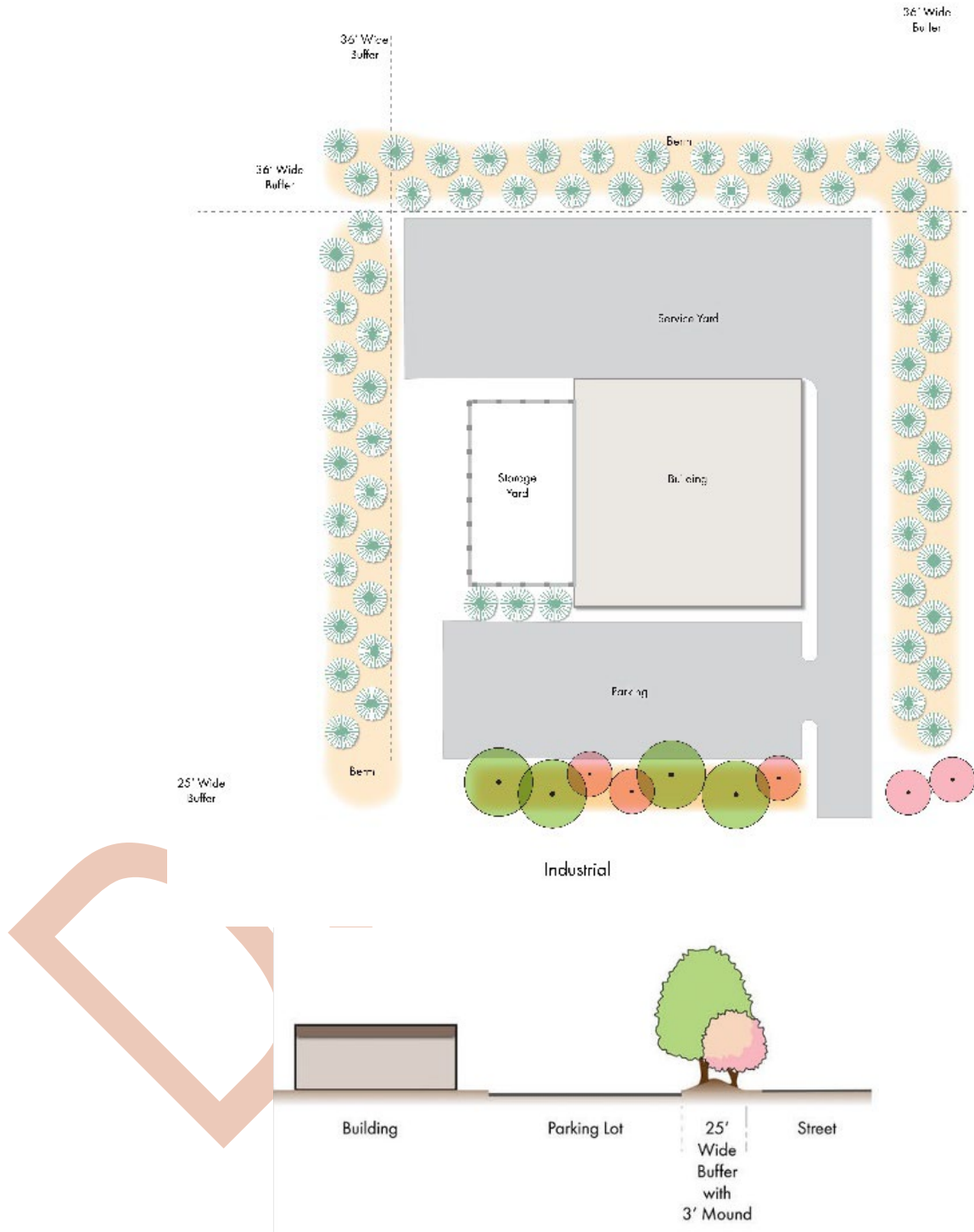


Figure 6-18: Tier II Enterprise Use VUA Buffer Area

ARTICLE 6. LANDSCAPING AND BUFFERING

6.08. VEHICULAR USE AREA (VUA) LANDSCAPING REQUIREMENTS

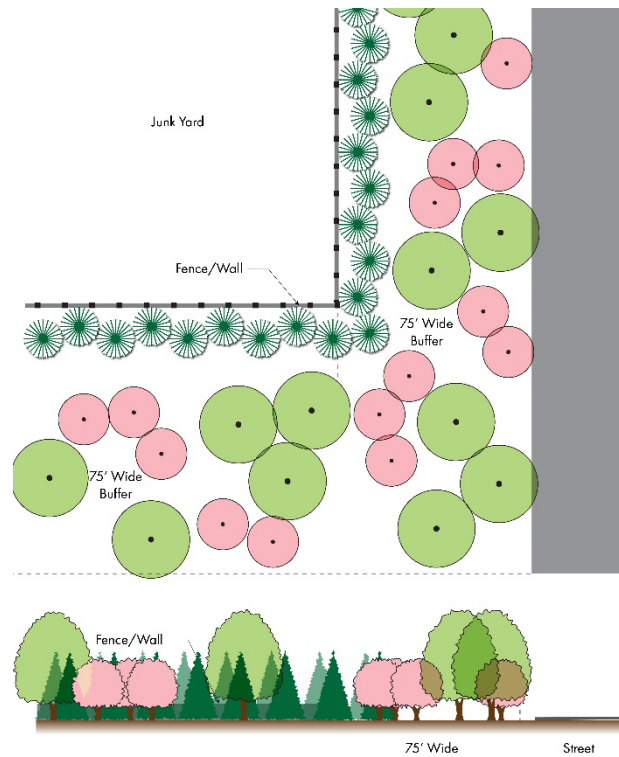


Figure 6-19: Tier III Enterprise Use VUA Buffer Area

B. Interior Landscaping Requirements

Interior landscape areas shall be provided within all VUAs to break up large impervious areas, decrease excessive temperature, allow for a greater distribution of tree canopy coverage and to provide the opportunity to capture parking lot stormwater runoff and retain greater amounts of stormwater on site through infiltration. Dimensional requirements have been established to ensure that interior landscape areas serve the intended goals and provide enough ground area to support required plant material. Interior landscape shall meet the following requirements:

Table 6.08-2: VUA Interior Landscaping Requirements		
# of Spaces	% of VUA	Installation Requirements
Less than 5 Parking Spaces	0%	n/a
6 – 20 Parking Spaces	5%	1 deciduous shade tree (A) or a deciduous flowering tree (B) * planted for every 250 sq. ft (1 tree for every 10 parking spaces) of interior landscaped area (1 tree minimum)
21+ Parking Spaces	15%	

1. Such landscaping shall be in addition to areas planned for setbacks or buffers.
2. A landscape area must have a planting area that is at least four (4) - six (6) feet wide and at least 100 square feet in size. It 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.
3. A minimum of one (1) tree for every 10 parking spaces shall be provided (see Figure 6-20 below).
4. Plants may be no closer than 30 inches (30") to pavement in the VUA unless concrete wheel stops are used to prevent plant damage by cars.

ARTICLE 6. LANDSCAPING AND BUFFERING

6.08. VEHICULAR USE AREA (VUA) LANDSCAPING REQUIREMENTS

5. Landscape areas 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.
6. Such area 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.
7. Placement of landscape features shall not obstruct the vision of driveways or pedestrians at critical locations, i.e., access points and crosswalks as established by [Section 4.04.B \(Traffic Visibility Across Corner Lots\)](#).
8. In parking facilities for less than 10 spaces the interior landscape island requirement may be met entirely through the perimeter screening requirement.
9. The relocation of interior landscape areas shall be permitted to other areas on site for VUAs used for storage, loading docks or their associated maneuvering areas in industrial zones, etc.

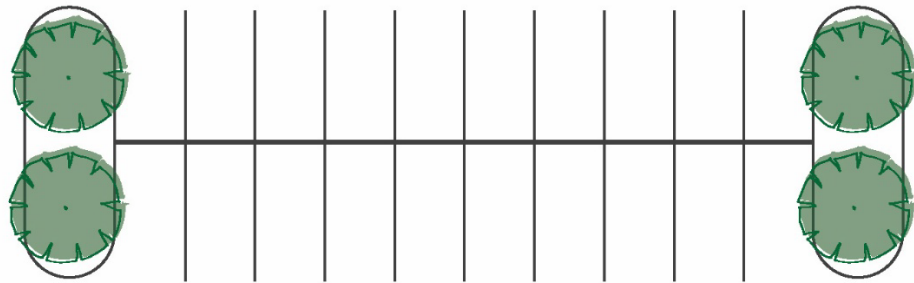


Figure 6-20: Illustration of one (1) tree for every 10 parking spaces provided

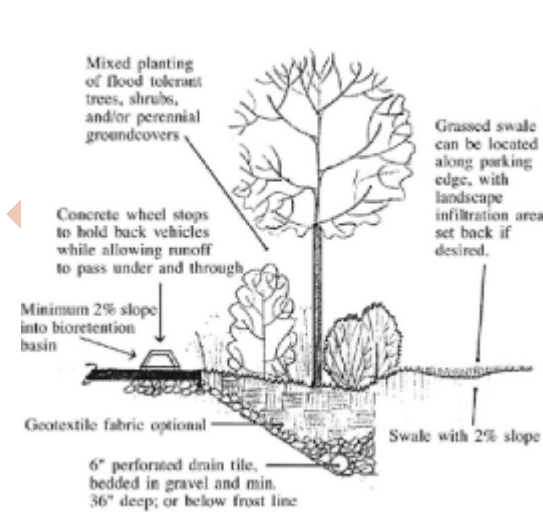


Figure 6-21

Cross section view of a parking lot edge with a biofiltration strip and optional subsurface runoff collection

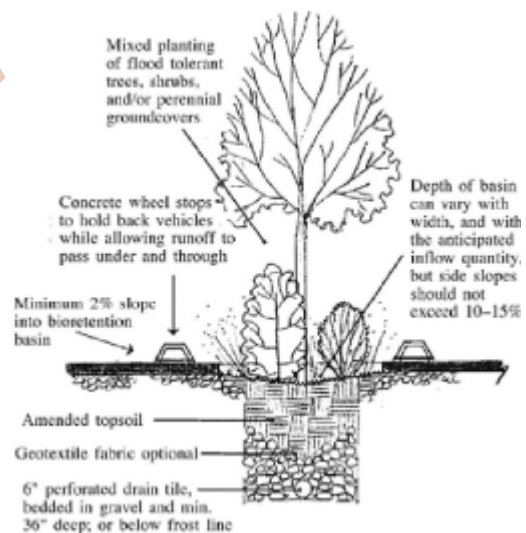


Figure 6-22

Cross section view of parking lot "Wetland Island" for bio-retention with an eight (8) foot width.

6.09. LANDSCAPE PLAN SUBMISSION REQUIREMENTS

A. Plan Content

The landscape plan shall be drawn to a readable scale no smaller than 1" = 30' and shall be submitted with the following information:

1. Property lines for project area
2. North arrow
3. Scale bar
4. Easements
5. All adjacent property owners (names and addresses), land zone/uses and rights-of-way
6. Location of all existing and proposed structures
7. Location of all vehicular use areas - driveways, parking areas, loading areas and adjacent offsite roads and streets
8. Location of dumpster and trash facilities
9. Location of existing trees and vegetation to remain
10. Location of underground and overhead utility lines and utility easements
11. Proposed topographic contour lines or spot elevations where elevation changes occur
12. Dumpster screening details
13. Location of all proposed plant material keyed to a plant schedule
14. Plant schedule that shall contain information as follows:
 - a. Existing and proposed plants - common and botanical name
 - b. Plant Size (height, caliper, or container size)
 - c. Plant Quantity
 - d. Specific planting notes

Key	Botanical Name	Common Name	Quantity	Size	Height	Comments

Figure 6-23: Example Plant Schedule to be included in Landscape Plan

15. Labeled areas for sodding and seeding
16. Statistics that contain total square footages of parking/drive areas and interior parking lot landscaping

Landscape Statistics (Minimum Statistics Required)		
Zoning of Subject Site:		
Standard	Metric Provided	Unit of Measurement
Vehicular Use Area		Square feet
Interior Landscape Area Required		Square feet
Interior Landscape Area Provided		Square feet
# of Interior Trees Required		# of Trees
# of Interior Trees Provided		# of Trees

Figure 6-24: Example schedule of parking/drive area and interior parking lot landscaping statistics

17. An attached statement certifying that the property owner shall conform to the requirements on the plan. Attached document shall be signed/dated by the owner(s) witness and read as follows:
 - a. I do hereby certify that this landscape plan has been reviewed by me/us and do

adopt this plan and all information contained herein as the plan for minimum landscape development for this project. I do further certify that all plant material will be perpetually maintained to meet the requirements of the Landscape Ordinance unless an approval to amend the landscape is granted by the Planning and Community Development Department.

B. Building Permit

1. A building permit shall not be issued until the required landscape plans have been approved. A Certificate of occupancy shall not be issued unless either:
 - a. All landscaping has been installed and accepted by the Building Inspector, or
 - b. A full cash bond or irrevocable letter of credit (on an approved bank) has been posted in an amount equal to the cost of contracting the purchase and installation of the landscaping, plus 25%.
2. The owner shall have up to 90 days, as determined by the Department of Planning and Community Development to install the required landscaping. If, after the established time frame, the landscaping is not installed, the City of Frankfort will contract the landscaping using the posted bond. Two one-month extensions of the bond may be allowed beyond the established deadline if it is determined that planting will be detrimental to the plant material.
3. When street trees are required, in accordance with the subdivision of property, a full cash bond or irrevocable letter of credit in the amount of 125% of the cost of contracting the purchase and installation of the landscaping shall be required to be posted by the developer. If the developer chooses, this bond or letter of credit may be separate from that surety posted for all other public improvements. This bond, or letter of credit, shall be posted at the same time as the surety is posted for other public improvements and shall be posted for a time frame of one (1) year.
4. If at the end of the one (1) year time frame, all of the required landscaping is not in place, a second bond or letter of credit may be posted for the remaining cost of landscaping and installation plus 25% if it is determined by the Planning and Community Development that the developer is make substantial progress in installing the trees as required.

C. Variances

If the property owner wishes to request a variance of the Landscape Requirements of this article, a variance application shall be filed with the Board of Zoning Adjustments per [Section 13.06.C. Variances](#).

1. Review Criteria

Variances may be granted only if one of the following are applicable. Findings of Fact must be made by the Board of Zoning Adjustments prior to granting any variance. In the absence of a finding, no variance can be granted.

- a. The need for the variance is due to circumstances typical of the land in the general vicinity of the site or in the same zone.
- b. The strict application of the Landscape Ordinance would deprive the applicant of a reasonable use of the land or create an unnecessary hardship.
- c. Circumstances necessitating a variance are not the result of an action by the applicant subsequent to the passage of the Landscape Ordinance.
- d. Adherence to the Landscape Ordinance will adversely affect the health, safety and welfare of the public or will adversely alter the general character of the general vicinity.

ARTICLE 6. LANDSCAPING AND BUFFERING

6.10. PLANT LISTS

D. Alternative Compliance

The Administrator may approve a landscape plan with alternative compliance. In doing so, the Administrator shall consider the following criteria in determining the appropriateness of alternative compliance:

1. Infill Sites

All new development on vacant or underutilized properties within developed areas of Frankfort and Franklin County where landscape requirements are not possible due to site limitations is eligible for alternative compliance approval.

- a. For topographic reasons, a fence or wall or other required screening approach will not screen activities from an abutting property as required by this section.

2. Historic Sites

All new development within a historic district or impacting a "historic structure" (see definition) where landscape requirements are not possible due to site limitations is eligible for alternative compliance approval as long as the proposed development will not preclude the structure/site's continued designation as an historic site/structure.

3. Natural Buffers

The existing topography or vegetation achieves the purpose of this section.

E. Conflicting Requirements

In stances of conflicting or overlapping requirements for landscaping in a given development, the standards which require the greatest volume of landscaping shall govern.

F. Modifications

Upon recommendation by a Landscape Architect, the Administrator may administratively approve requests for minor modifications to any approved landscape plan, such as changes in plant materials, plant locations, or species, provided those changes comply with the requirements of this Article and do not material alter the appearance of the site.

6.10. PLANT LISTS

A. Shade Trees

Tree that are hardy in zones 6 – 7 are deciduous and reach a height greater than 30 feet. Please note that this is not a comprehensive or all-inclusive list. Other trees may be approved by the Arborist. Specific site conditions shall be assessed for the best species selections.

Table 6.10-1: Plant List A – Shade Trees		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
America Beech	Fagus Grandifolia	
Basswood	Tilia americana	
Black Gum	Nyssa sylvatica	
Black Locust **	Robinia pseudoacacia	
Bur Oak	Quercus macrocarpa	
Chinkapin Oak	Quercus muchlenbergii	
English Oak*	Quercus robur	
European Beech*	Fagus Sylvatica	
Ginkgo*	Ginkgo biloba (male only)	Autumn Gold Fastigiata Sentry
Hickory**	Carya species	
Honeylocust (common)**	Gleditsia triacanthos	
Horse Chestnut **	Aesculus species	
Japanese Pagoda Tree*	Sophora Japonica	Regent
Japanese Zelkova*	Zelkova serrata	

Table 6.10-1: Plant List A – Shade Trees		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
Kentucky Coffeetree (female) **	Gymnocledus dioicus	
Kentucky Coffeetree	Gymnocladus dioicus	
Linden or Basswood **	Tilia americana	
London Plane Tree*	Platanus acerifolia	
Red Maple	Acer rubrum	Autumn Flame October Glory Red Sunset
Red Oak	Quercus rubra	
London Plane Tree*	Platanus acerifolia	
Shingle Oak	Quercus imbricaria	
Shudmard Oak	Quercus shumardii	
Silver Linden*	Tilia tomentosa	
Sourwood	Oxydendron arboreum	
Sugar Maple	Acer saccharum	
Sweetgum	Liquidambar styraciflua	
Thornless Honey Locust	Gleditsia triacanthos	Shademaster Skyline Sundial
Tulip Poplar	Liriodendron tulipifera	
Walnut**	Juglans species	
Willow Oak	Quercus phellos	
White Oak	Quercus alba	
Yellowwood	Cladrastis kentukea	
* Allowed non-native trees ** Appropriate when planted within side and rear buffers only and shall not be located along parking and sidewalks. Note: Trees near powerlines – the Frankfort Plant Board has provided a list of trees that are generally acceptable under or near powerlines – please refer to their website. (http://fpb.cc/tree-id/)		

B. Flowering Trees

Tree that are hardy in zones 6 – 7 are deciduous and reach a height less than 30 feet. These trees survive better in shady, sheltered conditions and would not be acceptable unless planted on the north or east of a building. Please note that this is not a comprehensive or all-inclusive list. Other trees may be approved by the Arborist. Specific site conditions shall be assessed for the best specie selections. For a list of trees that are generally acceptable under or near powerlines refer to: <http://fpb.cc/tree-id/>

Table 6.10-2: Plant List B – Flowering Trees		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
Crabapple*	Malus varieties	Bob White Sargeant Snowdrift White Angel
Eastern Redbud	Cercis canadensis	Flame Forest Pansy Royal
Dogwood	Cornus florida Cornus kousa* Cornus mas	
Downy Serviceberry	Amelanchier arborea	
Fringe Tree	Chionanthus virginicus	
Hawthorne	Winter King Crataegus viridis Washington Crataegus phaenopyrum	
Sargent Cherry*	Prunus sargentii	Columnaris Kwanzan
Saucer Magnolia*	Magnolia soulangiana	
Serviceberry	Amelanchier x grandiflora	Autumn Brilliance Arborea Laevis

ARTICLE 6. LANDSCAPING AND BUFFERING

6.10. PLANT LISTS

Star Magnolia*	Magnolis stellata	
*Allowed non-native trees		

C. Evergreen Trees

Tree that are hardy in zones 6 – 7 are evergreen, can reach a height greater than 30 feet and if not limbed up can create a screen from the ground level up. Please note that this is not a comprehensive or all-inclusive list. Other trees may be approved by the Arborist. Specific site conditions shall be assessed for the best specie selections.

Table 6.10-3: Plant List C – Evergreen Trees		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
American Holly	Ilex opaca	Xanthocarpa
Arborvitae	Thuja	Green Giant Spring Grove
Eastern Hemlock	Tsuga canadensis	
Eastern Red Cedar	Juniperus virginiana	
Green Spruce	Picea pungens	
Norway Spruce*	Picea abies	
Southern Magnolia	Magnolia grandiflora	Brackens Brown
Sweetbay Magnolia	Magnolia virginiana	
White Fir	Abies concolor	
White Pine	Pinus strobus	
Eastern White Cedar	Thuja occidentalis	
*Allowed non-native trees		

D. Deciduous Shrubs

Perennial woody plants that grow at least 3 feet in height, are tolerant in zones 6 –7 and are deciduous. Please note that this is not a comprehensive or all-inclusive list. Other shrubs may be approved by the Arborist. Specific site conditions shall be assessed for the best specie selections.

Table 6.10-4: Plant List D – Deciduous Shrubs		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
Beautyberry	Callicarpa american	
Black Chokeberry	Aronia melanocarpa	
Bottlebrush Buckeye	Aesculus parviflora	
Bush Honeysuckle	Diervilla lonicera	
Elderberry	Sambucus canadensis	
Forsythia Species		
Fragrant Sumac	Rhus aromatica	
Glossy Abelia*	Abelia grandiflora	
Gray Dogwood	Cornus racemosa	
Hydrangea Species		
Large Fothergilla	Fothergilla major	
Miss Kim Lilac	Syringa pubescens subsp. patula 'Miss Kim'	
New Jersey Tea	Ceanothus americanus	
Ninebark (green foliage)	Physocarpus opulifolius	
Northern Bayberry	Myrica pensylvanica	
Northern Honeysuckle	Diervilla lonicera	Kodiak Cultivars
Quince*	Chaenomeles specina	
Red Chokeberry	Aronia arbutifolia	
Red Osier Dogwood	Cornus sericea	
Redosier Dogwood	Cornus sericea	
Shrub Cinquefoil	Potentilla Fruticosa	
Spirea Species*		
St. Johns Wort	Hypericum frondosum	
Sweet Shrub	Calycanthus floridus	
Sweetspire	Itea virginic	
Vernal Witchhazel	Hamamelis vernalis	
Viburnum Species (Native and Non-Native)		
Witch Hazel	Hamamelis virginiana	

*Allowed non-native trees

E. Evergreen Shrubs

Perennial, woody plants that grow at least 3 feet in height are tolerant in zones 6 –7 and are Evergreen. Please note that this is not a comprehensive or all-inclusive list. Other shrubs may be approved by the Arborist. Specific site conditions shall be assessed for the best specie selections.

Table 6.10-5: Plant List E – Evergreen Shrubs		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
Anglojap Yew*	Taxus x media	Brownii Densiformis Hicksii Wardii
Blue Holly*	Ilex x meserveae	Blue Angel Blue Prince Blue Princess
Chinese Juniper*	Juniperis chinensis	Hetzii Keteleeri Mint Julep Robusta Green
Japanese Holly*	Ilex crenata	Microphylla Rotundifolia
Japanese Yew*	Taxus cuspidata	Capitata Intermedia Nana
Korean Boxwood*	Buxus microphylla koreana	
Leatherleaf Viburnum	Viburnum rhytidophyllum	
Mugho Pine*	Pinus Mugho	
Spreading Yew*	Taxus baccata	

*Allowed non-native trees

F. Meadow / Pollinator Garden Grasses and Wildflowers

Native grasses and wildflowers that absorb stormwater, attract wildlife, and require less maintenance once established. The following list is not extensive and other native, non-invasive plants can be used.

Table 6.10-6: Plant List F – Meadow / Pollinator Garden Grasses and Wildflowers		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
Allium Species		
Aster Species		
Beardtongue	Penstemon digitalis	
Bee Balm Species		
Black- & Brown-eyed Susan	Rudbeckia fulgida Rudbeckia hirta Rudbeckia triloba	
Blanket Flower Species		
Blazing Star Species		
Broomsedge	Andropogon virginicus	
Butterfly weed	Asclepias tuberosa	
Clover Species		
Common yarrow	Achillea millefolium	
Common milkweed	Asclepias syriaca	
Coneflower Species		
Coreopsis Species		
Culver's root	Veronicastrum virginicum	
Eastern beebalm	Monarda bradburiana	
Garden phlox	Phlox paniculata 'Jeana'	
Goldenrod Species		
Grass-leaved goldenrod	Solidago graminifolia	
Hyssop-leaf thoroughwort	Eupatorium hyssopifolium	
Indiangrass	Sorghastrum nutans	
Ironweed Species		
Joe Pye Weed Species		

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Little bluestem	Schizachyrium scoparium	
Meadow Rue Species		
Milkweed Species		
Mountain Mint Species		
New England aster	Aster novae-angliae	
Prairie coneflower	Ratibita pinnata	
Purple coneflower	Echinacea purpurea	
Short-toothed mountain mint	Pycnanthemum muticum	
Sunflower Species		
Vervain Species		
Note: If mature trees and quality natural vegetation exist on site prior to development, they may be accepted by the Planning and Community Development Department.		

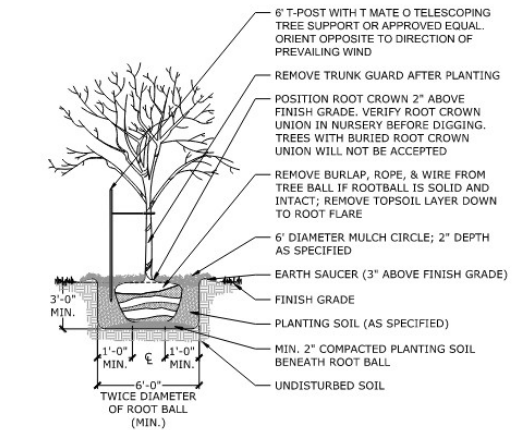
G. Plant List G – Unacceptable Plants

Trees and shrubs that are not hardy in zones 6 – 7 may have excessive fruits, leaf or limb drop, may interfere with underground utilities, attract excessive insects or are weak wooded, disease prone, pollution intolerant, noxious or require excessive maintenance. Please note that this is not a comprehensive or all-inclusive list. Unacceptable plant species may be added to the list by the Arborist or Landscape Architect.

Table 6.10-7: Plant List G – Unacceptable Plants		
COMMON NAME	SCIENTIFIC NAME	CULTIVARS
Apple	Malus pumila	
Ash genus	Fraxinus	
Box Elder	Acer negundo	
Burning Bush	Euonymus alata Euonymus compacta	
Callery Pear	Pyrus calleryana	
Chinese Holly	Ilex cornuta	
Devil's Walking Stick	Aralia spinosa	
Elms (except Chinese & American)	Ulmus species	
English Ivy		
Ginkgo (female)	Ginkgo biloba	
Golden Raintree	Koelreutaria paniculata	
Mimosa	Albizia julibrissin	
Norway Maple	Acer platanoides Crimson King Summershade	
Osage Orange	Maclura pomifera	
Mulberry	Morus species	
Pin Oak	Quercus palustris Crown Rite Sovereign	
Poplars	Populus species	
Privet	Ligustrum species	
Silver Maple	Acer saccharinum	
Sycamore	Plantanus occidentalis	
Tartarian Honeysuckle	Lonicera tartarica	
Tree of Heaven	Ailanthus altissima	
Weeping Willow	Salix babylonica	
Weigela	Weigela florida	
Winter Creeper	Euonymus fortune	
Wintergreen Barberry	Berberis julianae	
Note: If mature trees and quality natural vegetation exist on site prior to development, they may be accepted by the Planning and Community Development Department.		

6.11. PLANTING INSTALLATION DETAILS

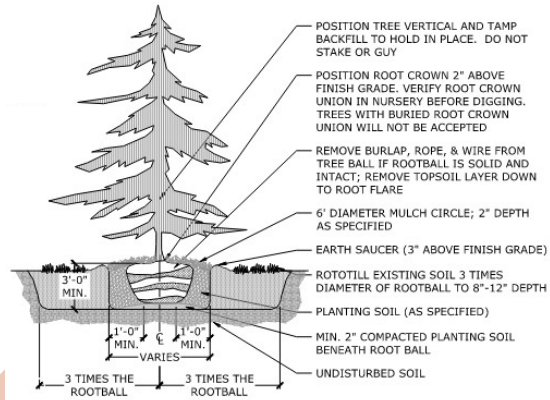
DECIDUOUS TREE PLANTING DETAIL



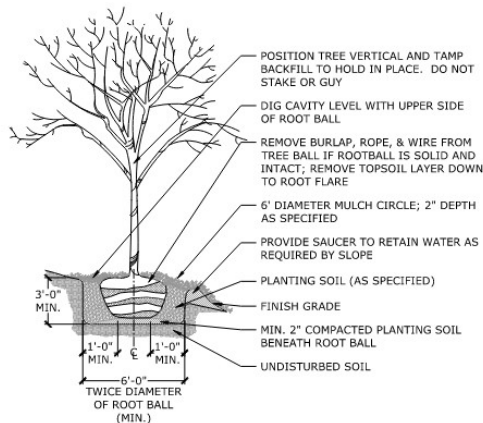
NOTES:

1. EXCAVATE A PIT FOR TREE WHICH IS THREE TIMES THE DIAMETER OF THE ROOTBALL AND THE SAME DEPTH-NO DEEPER. HANDLE THE TREE BY THE ROOTBALL, NOT THE TRUNK. BE SURE THE ROOTBALL RESTS ON SOLID GROUND.
2. BACKFILL WITH PLANTING SOIL.
3. SATURATE THE ENTIRE BACKFILL SOIL WITH WATER. ADD MORE SOIL IF NEEDED TO COMPENSATE FOR SETTLING.
4. MULCH: COVER PLANTING SOIL WITH 2 INCHES OF MULCH. LEAVE GAP NEAR THE TRUNK. REPLACE AS NEEDED.
5. PRUNE ONLY BROKEN OR BADLY DEFORMED BRANCHES TO RETAIN SHAPE OF THE SPECIES. PRUNE OUT SECONDARY AND COMPETING GROWTH. DO NOT SHEAR. DO NOT CUT LEADER. BEGIN A REGULAR PRUNING PROGRAM THE SECOND YEAR AFTER PLANTING
6. CHAFING GUARDS: REMOVE GUARDS AS SOON AS THE TREE CAN STAND ALONE ABOUT 3 MONTHS OR LONGER IF NEEDED.

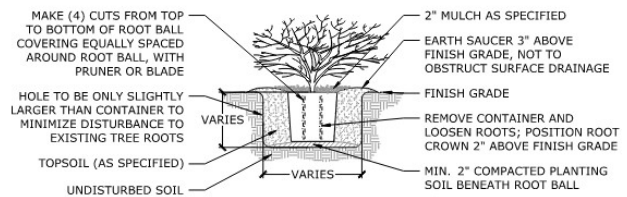
EVERGREEN TREE PLANTING DETAIL



DECIDUOUS TREE ON SLOPE PLANTING DETAIL



CONTAINER SHRUB PLANTING DETAIL



6.12. FIELD INSPECTION GUIDELINES AND VERIFICATION OF CONFORMANCE.

Prior to final approval of a new development project, the requirements of the Landscape Ordinance must have been met. The following guidelines are for the benefit of the Inspector from the Planning and Community Development Department to aid in checking the requirements of the approved landscape plan. In addition to these guidelines, the Inspector shall use the "Inspection Guides for Landscape Planting", published by the American Association of State Highway Officials. A copy of this publication shall be on file at the Planning and Community Development Department. "The American Standard for Nursery Stock", published by the American Association for Nurserymen shall be used in checking plant material and quality. This publication will also be on file at the Planning and Community Development Department.

- A.** Verify the location and area requirements for all interior landscaping so that conformance to Vehicular Use area requirements will be met.

ARTICLE 6. LANDSCAPING AND BUFFERING

6.13. MAINTENANCE

- B.** Check dumpster screening requirements and determine if screening materials meet the minimum construction requirements as specified on the approved landscape plan.
- C.** Check plant material quantities, species, sizes and locations to determine conformance to approved landscape plan.
- D.** Check plant materials character and health to verify that they meet AAN standards for nursery stock.
- E.** Verify that perimeter landscape requirements have been met and determine if there are any encroachments into landscape easements.
- F.** Use the various check lists that are provided in the “Inspection Guide for Landscape Planting”.
- G.** Upon completion of inspection, file a report with the project owner. If a re-inspection is necessary, schedule after adequate time has been given for corrections to be made.
- H.** Place a one-year inspection into inspection schedule.

6.13. MAINTENANCE

- A.** It will be the responsibility of the property owner to maintain all landscape areas and associated plant material required under these regulations. It is the responsibility of the property owner to:
 - 1.** Keep plants alive by regularly watering. Watering and rainfall shall supply a minimum of one inch of water per week. During periods of warmer temperatures (i.e., late spring and summer), plants will require more water. Young or new plants require more moisture at the soil surface to help promote root establishment; therefore, watering more frequently is important.
 - 2.** Keep plants healthy by regularly pruning and mulching. Well-composted, double shredded hardwood mulch shall be applied to plant beds annually, in the spring.
 - 3.** Prevent invasive infestation by regularly weeding (removing invasive plants) the plant beds.
 - 4.** Prevent insect or disease infestation.
- B.** Two (2) to three (3) years following construction, field verification of plant establishment is needed by an authorized inspector to ensure the landscape located within the right-of-way or that is part of an approved development/landscape plan is performing as intended.
- C.** All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective plant material shall be replaced or repaired within three months.
- D.** For information on how to maintain meadows and pollinator gardens, refer to the Mid-Atlantic meadow guidebook: https://xerces.org/sites/default/files/publications/19-052_MidAtlantic_Meadow_guidelines_web.pdf.

ARTICLE 7. SIGNAGE

7.01. PURPOSE

The purpose of this article is to provide content-neutral sign standards and restrictions which allow for appropriate signage for agricultural, residential, public and institutional, commercial, and industrial activities while promoting signage that:

- A. Reduces intrusions and protects property values;
- B. Eliminates conflict between advertising signs and traffic control signs which would be hazardous to the safety of the motoring public or pedestrians.
- C. Provides reasonable, yet appropriate, conditions for signage by relating the size, type, and design of signs to the size and type of establishment.
- D. Promote desirable development and economic activity consistent with the objectives of the Comprehensive Plan.

7.02. APPLICABILITY

The provisions of this article shall apply to the display, construction, erection, alteration, use, location, and maintenance of all new and existing signs within the City of Frankfort and Franklin County.

7.03. GENERAL REGULATIONS

The following regulations shall apply to all permitted signs in the city and county:

- A. Signs must be constructed in compliance with any and all applicable regulations of the [City and County Building Code](#).
- B. No sign shall obstruct or interfere with traffic or traffic visibility or resemble or imitate signals erected by the City, County, or other governmental agency for the regulation of traffic or parking.
- C. No sign shall be permitted as the principal use on a premises. Signs shall only be permitted as an accessory use.
- D. Signs shall only be placed on the same lot as the use or building to which they are accessory, unless such sign is part of an approved development plan as established in this article.
- E. No sign, with the exception of signs for a political jurisdiction, shall be placed in the public right-of-way unless otherwise stated herein.
- F. No sign may project over any public street, sidewalk, or other public right-of-way, except as expressly permitted in this article.
- G. No sign shall be permitted which is attached to, supported by, or part of a structure which is designed to move on wheels, skids, or other similar devices; or transported, pushed, or pulled by a motor vehicle.
- H. Signs that are externally illuminated, internally illuminated, or illuminated through downlighting shall meet the lighting requirements of [Article 8. Outdoor Lighting](#).

7.04. COMPLIANCE WITH OTHER APPLICABLE CODES

All signs shall comply with applicable State laws, the Kentucky Building Code, the National Electric Code, and other relevant municipal codes. In the event of any inconsistency between the regulations in this article and the applicable building and/or electrical codes, the more stringent provisions shall apply.

7.05. SIGN PERMITS

- A. Applicability

ARTICLE 7. SIGNAGE

7.06. SIGN PACKAGE PLANS

1. No sign shall be constructed in the City of Frankfort or Franklin County without a permit issued by the appropriate municipality, except for those signs which are identified as authorized without a permit in [Section 7.07 \(Signs Exempt from Permitting\)](#).
2. Any maintenance or repair involving the removal and reinstallation, including structural repair or alteration, of all or any part of the sign support structure shall require a permit.

B. Application Submittal

All applications for permits shall include the following

1. A site plan and/or building elevation drawing, indicating the location of the proposed sign(s) on the lot and/or building, including setbacks and dimensions;
2. A drawing indicated the dimensions of the proposed sign, and all existing signs maintained on the premises;
3. Detailed sign information, including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting, and other similar information;
4. The written consent of the owner of the underlying real property or authorized agent; and
5. The required permit fees.

C. Permit Fees

A fee established by the City of Frankfort or the Franklin County Fiscal Court shall be submitted with the sign application. The permit fee shall relate to the cost of issuing the permit and may vary based on the size, type, and height of the sign.

D. Inspections

Any sign for which a permit is issued shall have a footer inspection, if applicable, and a final inspection prior to the issuance of a certificate of completion. If the on-site construction and/or installation of the sign has not commenced within six (6) months after issuance of the sign permit, the permit shall become null and void.

E. Signs in Special Districts

All nonexempt signs proposed within Special Districts shall comply with the respective Design Guidelines associated with that particular district if they exist.

7.06. SIGN PACKAGE PLANS

A. Purpose

In any zoning district, areas may exist with special or unusual circumstances or needs for compatibility. In such cases, an owner of property, or their authorized agent, may request the Planning Commission's review and approval of a Sign Package Plan.

B. Application

1. 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.
2. 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 area and dimensions (height, width, and projection).
 - d. Color Schemes and Designs for all Signs

- e. The types of structures that will be used to support each sign.

C. Planning Commission Review

1. The Planning Commission shall review and approve a Sign Package Plan, even if it deviates from the requirements of this article, if it is determined that the Sign Package Plan complies with the following:
 - a. The number, sizes, materials, and designs of the signs are properly related to the type and location of the use, the land area of the site, and the sizes, styles, and location of the building and other structures on the site.
 - b. The number, sizes, materials, and designs of the signs effectively communicate the uses to motorists and/or pedestrians.
 - c. The signs are consistent with the purposes of these Zoning Regulations.
 - d. The signs are appropriate to the development or architectural character of the building(s) in which the use is located and are compatible with existing adjacent uses.
2. After the Planning Commission has approved the Sign Package Plan, the Planning & Zoning Director 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.
3. A use or development for which the Planning Commission has approved a Sign Package Plan may display only signs that comply with the approved plan.

D. Modifications to Approved Sign Package Plan

1. The Planning and Zoning Director may approve minor modifications to the approved Sign Package Plan. Minor modifications include only changes that do not:
 - a. Increase the area of the signs by more than five (5) percent;
 - b. Alter the relationship of the signs to neighboring property; or
 - c. Change the location of the signs in a manner as to increase nonconformity with setback requirements, interfere with pedestrian or vehicular traffic, interrupt architectural details, or otherwise significantly deviate from the plan approved by the Planning Commission.
2. Any modification that does not meet the above criteria outlined ([Section 7.06.D.1](#)) shall be considered a Major Modification and require Planning Commission review.

7.07. SIGNS EXEMPTED FROM PERMITTING

The following sign types are exempt from the requirements of obtaining a sign permit:

- A.** Signs not visible beyond the boundaries of the property upon which they are located.
- B.** Governmental signs that are placed by government officers in the performance of their professional / elected duties.
- C.** Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- D.** Vehicle signage when painted directly on a vehicle or attached magnetically.
- E.** Temporary signage of 32 square feet or smaller placed:
 1. On or after April 15 and removed by the last day of May.
 2. On or after the first day of October and removed by November 15.

ARTICLE 7. SIGNAGE
7.08. PROHIBITED SIGNS

- F. Temporary signs for a new business for up to 30 consecutive days from the first day of business or upon installation of a permitted permanent sign. Exempt signage shall only be displayed on the property where the new business is located.

7.08. PROHIBITED SIGNS

- A. It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained, any sign not expressly authorized by, or exempted from, these zoning regulations.
- B. The following signs are expressly prohibited unless exempted by [Section 7.06. Exempt Signs](#) or expressly authorized elsewhere in this Article. Request of waivers shall not be allowed for any prohibited sign.
1. **Off-Site Signs**
 - a. Any sign that is not located on the same lot as the principal use or structure to which it is accessory, unless otherwise expressly permitted by this article.
 2. **Unsafe or Noncompliant Signs**
 - a. Any sign that has not been issued a permit and that is not expressly permitted under [Section 7.09. Permanent Sign Regulations](#) and [Section 7.10. Temporary Sign Regulations](#).
 - b. Any sign that is prohibited by State or Federal law.
 - c. Signs in violation of the adopted building code or electrical code.
 - d. Any sign in the professional opinion of the building inspector that is declared to be physically unsafe or unlawful by reason of physical condition and constitutes a safety hazard.
 - e. Abandoned signs, including those relating to a use that no longer exists, as defined in [Section 7.18.A. Abandoned Signs](#).
 3. **Obstructive or Hazardous Signs**
 - a. Signs that obstruct the view of pedestrians, cyclists, or motorists at intersections, driveways, or along rights-of-way.
 - b. Signs placed in a manner which interference with public wayfinding or safety systems.
 - c. Signs that interfere with the use of, or access to, fire escapes, emergency exits, windows, or rooftops.
 - d. Signs that block or interfere with street signs, traffic signals, or rail crossings.
 - e. Signs that produce glare or hinder visibility along public rights-of-way or access points.
 4. **Imitative Signs**
 - a. Signs that closely resemble official governmental signage in shape, color, size, or layout such that they could be mistaken for traffic control or safety devices.
 5. **Signs in Public Spaces**
 - a. Any sign, with the exception of signs for a political jurisdiction, that is located within, or projecting over, any public right-of-way without written authorization from the appropriate city or county authority or expressly permitted by this article.
 - b. Signs tacked, nailed, posted, pasted, glued, or otherwise affixed to trees, utility poles, or fences
 6. **Prohibited Placement and Structures**
 - a. Roof signs and roof-mounted signs, including any sign that extends above the eaves

of a pitched roof or above the parapet of a flat roof. Signs placed upon Mansard-Style roof parapets are not considered roof signs.

- b. Freestanding signs or structural components that overhang building surfaces or encroach into minimum required setbacks, unless otherwise permitted by this article.
- c. Signs painted, applied, or printed on curbs, sidewalks, pavements, retaining walls, or streets, except official markings permitted by the City or County.
- d. Signs shall only be placed on the same lot as the use or building to which they are accessory.

7. Temporary and Attention-Attracting Devices

- a. Use of streamers, pennants, spinners, tag signs, or similar devices unless part of a permitted temporary sign or event display.
- b. Digital, dynamic, or electronic changeable sign unless specifically permitted hereafter.
- c. Human signs, including those that may be worn as a costume or held or manipulated by a human.

8. Signs with Motion, Sound, or Emission

- a. Signs with visible motion including flashing, blinking, rotating, scrolling, or other moving elements, unless expressly permitted.
- b. Signs that emit sound, odor, smoke, steam, vapor, or similar.
- c. Inflatable signs or devices activated by wind or gas, excluding permitted temporary decorative residential features.

9. Prohibited Lighting and Visual Effects

- a. Signs using lighting which creates a nuisance or safety hazard due to glare or visual distraction.
- b. Strings or lights used for attention attracting purposes, unless part of a permitted holiday or landscape lighting display.
- c. Exposed neon tubing, skeleton lighting, or other similar tube lighting signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly.

10. Vehicle and Trailer Signs

- a. Signs mounted to vehicles, trailers, or mobile equipment parked or stored on public or private property for extended periods in a manner that functions as static display, unless permanently affixed as part of the original manufacturer's design or exempted by [Section 7.07. Signs Exempted from Permitting](#).
- b. Mobile or portable signs not permanently installed or anchored.

7.09. PERMANENT SIGN REGULATIONS

[Table 7.09-1](#) identifies the types of permanent signs that are permitted for each use category.

Table 7.09-1: Permitted Permanent Sign Types							
SIGN TYPE	AGRICULTURAL USES	SINGLE- AND TWO-FAMILY DWELLINGS	MULTI-FAMILY DWELLINGS	PUBLIC AND SEMI-PUBLIC USES	COMMERCIAL USES	INDUSTRIAL USES	SIGN TYPE REGULATIONS
Awning or Canopy Signs	PS	-	-	PS	PS	PS	Z.09.A
Electronic Message Boards	-	-	-	PS	PS	PS	Z.09.B
Ground Mounted Signs	PS	-	-	PS	PS	PS	Z.09.C
Incidental Signs	PS	-	PS	PS	PS	PS	Z.09.D
Interstate Business Signs	Per Section Z.09.E.1						Z.09.E
Menu Board Signs	-	-	-	-	PS	-	Z.09.F
Monument Entrance Signs	Per Section Z.09.G						Z.09.G
Pole Signs	-	-	-	-	PS	PS	Z.09.H
Projecting Signs	-	-	-	PS	PS	PS	Z.09.I
Wall Signs	PS	-	-	PS	PS	PS	Z.09.J
Window Signs	PS	-	-	PS	PS	PS	Z.09.K
PS Permitted with Standards Shaded / "-" Prohibited							

A. Awning and Canopy Signs

Awning or canopy signs shall be permitted for any agricultural, public or institutional, commercial, or industrial use. Such signs shall not exceed the maximum height of the principal structure when mounted on the copy of the canopy. Awning and canopy signs are subject to the following regulations:

Table 7.09-2: Awning and Canopy Sign Regulations		
REGULATION	REQUIREMENT	
NON-RESIDENTIAL DISTRICTS		
Quantity	No Limit	
Maximum Sign Area	The area of all awning and/or canopy signs shall be included in the overall calculation of allowable wall signage per Section 7.09J. Wall Signs	
Maximum Projection	48 inches	
Illumination	Awning Signs: External Only	Canopy Signs: Internal or External
RESIDENTIAL DISTRICTS		
* Same as Non-Residential Districts		



Figure 7-1: Example of Awning Sign

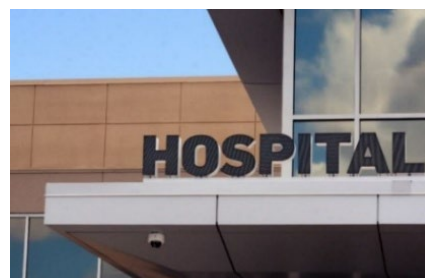


Figure 7-2: Example of Canopy Sign

B. Electronic Message Boards

Electronic message boards are permitted for any public or institutional, commercial, or industrial use, subject to the following regulations:

1. Electronic message boards (EMB) shall be located a minimum of 250 feet from any agricultural or residential use, unless such EMB is not visible from the agricultural or residential use.
2. No more than one (1) electronic message board is permitted per parcel.
3. Electronic message boards shall only be permitted on ground mounted signs and shall not exceed 50 percent of the size of the total sign to ensure that the electronic component is subordinate to the principal sign face in size.
4. Electronic message board signs shall be encased in brick, stone, cultured stone, brick composite, or similar material. This does not apply to electronic menu boards or electronic gas station prices that are located on a canopy fascia.
5. Scrolling, flashing, and moving animations are prohibited.
6. Each message on an electronic message board shall be displayed for no less than seven (7) seconds before transitioning.
7. Electronic message boards shall not stream full-motion video, strobe, flash on or off, change in intensity of illumination, or illustrate movement.
8. Electronic message boards shall be equipped with automatic dimmer controls to produce a distinct illumination change from a higher illumination level to a lower illumination level between one-half hour before sunset (dusk) and one-half hour after sunrise (dawn).
9. Electronic message boards shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from sign face at maximum brightness. The applicant shall provide a certificate of maximum illumination prior to approval of any sign permit.



Figure 7-3: Example of Electronic Message Board Sign

ARTICLE 7. SIGNAGE
7.09. PERMANENT SIGN REGULATIONS

C. Ground Mounted Signs

Ground mounted signs are permitted for any agricultural, public or institutional, commercial, or industrial use. Ground **mounted** signs must be located on the same parcel to which they are an accessory use. Off-premises advertising is not permitted on ground mounted signs. Ground mounted signs are subject to the following regulations:

Table 7.09-3: Ground Mounted Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	1 per right-of-way frontage
Maximum Sign Area	40 square feet
Maximum Height	9 feet
Setback from right-of-way	10 feet
Setback from side lines	5 feet
Setback from rear lot lines	5 feet
Illumination	Agricultural Use: Prohibited Public or Institutional, Commercial or Industrial Use: Internal or External
RESIDENTIAL DISTRICTS	
Quantity	1 per right-of-way frontage
Maximum Sign Area	32 square feet
Maximum Height	6 feet
Setback from right-of-way	10 feet
Setback from side and rear lot lines	15 feet
Illumination	Agricultural Use: Prohibited Public or Institutional, or Commercial: Internal or External

- The foundation of ground mounted signs shall be constructed of stone, brick, cultured stone, brick composite, or other similar materials, unless otherwise approved by the Planning Commission.
- Ground-mounted signs are subject to the landscaping requirements of [Section 7.12 \(Sign Landscaping Requirements\)](#).
- Developments that have frontage on more than one (1) public right-of-way may combine the number of allowable signs into one (1) ground mounted sign that does not exceed 150% of the allowable height and area.
- A property with more than 250 feet of frontage may have two (2) ground mounted signs provided:
 - Each sign is located at least 100 feet from any other ground sign on the same or adjacent parcel.
 - If only one ground sign is used, it may be increased up to 150% of the standard size limit.
- Where a final development plan has been approved for a single development that includes multiple parcels, a single shared ground sign may be shared for the development provided:
 - Shared ground sign may be increased up to 150% of the standard size limit;
 - One (1) allowable sign must be eliminated for each shared sign; and
 - A written agreement by all property owners within the development shall be submitted as part of the sign permit application.
- No ground-mounted sign shall be placed within the sight distance triangle of a street intersection, or the intersection of the entrance / exit to a business and the public street. For the purposes of this section, the following sight distance triangle measurements shall be used:
 - City or County Street**
When two city county streets intersect or a driveway intersects a city or county street, the sight distance triangle shall consist of the area between points 25 feet

along both streets from the intersection of the edges of the pavement as indicated in [Figure 7.4](#) below.

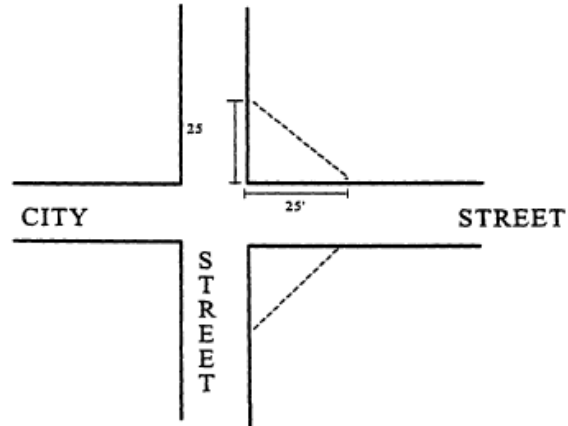


Figure 7-4: City or County Street Sight Distance Triangle Illustration

b. **State Highway**

Where a city or county street, driveway, or other entrance intersects with a state highway, the sight distance triangle shall consist of the area between a point 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 (6) seconds, as indicated in [Figure 7-5](#) below.

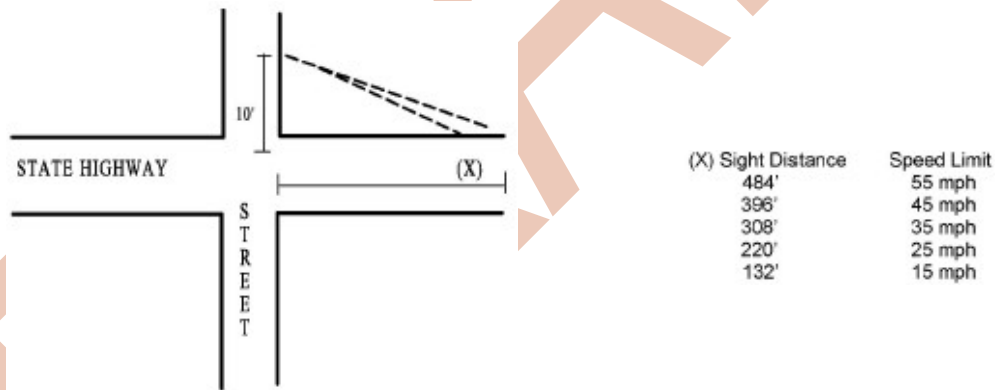


Figure 7-5: State Highway Sight Distance Triangle Illustration



Figure 7-6: Example of Ground Sign



Figure 7-7: Example of Monument Sign

ARTICLE 7. SIGNAGE

7.09. PERMANENT SIGN REGULATIONS

D. Incidental Signs

Incidental signs are those signs not visible from the public right-of-way which are generally intended for on-site wayfinding. Incidental signs may be permitted for any multi-family residential, public or institutional, commercial, or industrial use subject to the following regulations.

Table 7.09-4: Incidental or Information Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	No Limit
Location	Shall not be visible from public right-of-way
Maximum Sign Area	9 square feet
Maximum Height	5 feet
Setback from right-of-way	10 feet
Setback from side and rear lot lines	5 feet
Illumination	Prohibited
RESIDENTIAL DISTRICTS	
* Same as Non-Residential Districts	



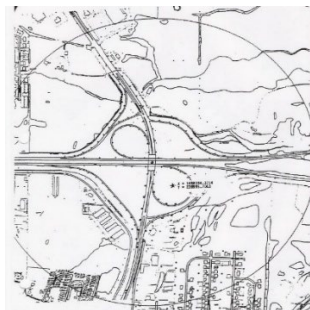
Figure 7.8: Example of Incidental Sign

E. Interstate Business Signs

1. Locations Permitted

Interstate business signs shall be limited to a 3,500-foot radius of the center point of the following, as indicated in [Map 7.09-1](#):

- the intersection of U.S. Highway 127 and Interstate 64;
- the intersection of U.S. Highway 60, Versailles Road and Interstate 64;
- the intersection of U.S. 151 and Interstate 64.



Map 7-1: Interstate Business Signs Permitted Locations

2. Sign Regulations

Table 7.09-5: Interstate Business Sign Regulations	
REGULATION	REQUIREMENT
LOCATIONS PERMITTED	
Quantity	1 per lot as applicable under Section 7.09.E.1 ; Sign shall be located on the same lot as the principal use to which it is accessory
Maximum Sign Area	350 square feet
Maximum Height	100 feet
Setback from All Property Lines (min)	15 feet
Illumination	Agricultural Use: Prohibited Non-Residential Uses: Internal or External

F. Menu Board Signs

Menu board signs are only permitted for commercial uses with an approved drive-through use. Menu boards are subject to the following regulations:

Table 7.09-6: Menu Board Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	2 per drive-through lane
Maximum Sign Area	40 square feet
Maximum Height	10 feet
Setback from right-of-way	10 feet
Setback from side and rear lot lines	15 feet
Illumination	Internal or External
RESIDENTIAL DISTRICTS	
* Prohibited	



Figure 7-9: Example of Menu Board Sign

G. Monument Entrance Signs

Monument Entrance Signs are permitted at the primary entrance(s) of residential subdivisions or multi-family residential development subject to the following regulations:

Table 7.09-7: Monument Entrance Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	1 per primary entrance
Maximum Sign Area	32 square feet
Maximum Height	6 feet
Setback from right-of-way	10 feet
Illumination	External only
RESIDENTIAL DISTRICTS	
* Same as Non-Residential Districts	

ARTICLE 7. SIGNAGE
7.09. PERMANENT SIGN REGULATIONS



Figure 7-10: Example of Development Entrance Sign

H. Pole Signs

Pole or pylon signs are permitted for only those commercial and industrial uses within the area identified in [Section 7.09.E. Interstate Business Signs](#).

Table 7.09-8: Pole Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	1 per parcel
Maximum Sign Area	100 sq. ft.
Maximum Height	25 feet
Setback from right-of-way	10 feet
Setback from side and rear lot lines	15 feet
Illumination	Internal Illumination
RESIDENTIAL DISTRICTS	
* Prohibited	

I. Projecting Signs

Projecting signs are permitted for commercial and industrial uses subject to the following regulations:

Table 7.09-9: Projecting Signs	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	1 per parcel or storefront
Maximum Area	8 square feet
Maximum Projection	18 inches
Required Clearance	Bottom of Sign (Minimum): 8 feet above pedestrian ways Top of Sign (Maximum): 15 feet above pedestrian ways
Illumination	External only
RESIDENTIAL DISTRICTS	
* Same as non-residential districts	



Figure 7-11: Example of Projecting Sign

J. Wall Signs

Wall signs shall be permitted for any agricultural, public or institutional, commercial, or industrial use subject to the following regulations:

Table 7.09-10: Wall Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	No limit as long as the cumulative square footage of all wall signs do not exceed the maximum area requirement
Maximum Area	20% of the building face or 250 square feet, whichever is less, for each building face that directly abuts public or private street frontage.
Maximum Projection	12 inches
Illumination	Internal or External
RESIDENTIAL DISTRICTS	
*Permitted only for Dwelling, Multi-Family, 30+ Units, or non-residential uses only. Signs shall conform to the regulations for Non-Residential Districts as established above. Wall signage in residential districts shall not be internally illuminated. External illumination may be permitted subject to all illumination standards of Article 5. Outdoor Lighting.	



Figure 7-12: Example of Wall Sign



Figure 7-13: Example of Wall Sign

K. Window Signs

Window signs shall be permitted for any agricultural, public or institutional, commercial, or industrial use subject to the following regulations:

Table 7.09-11: Window Sign Regulations	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	No limit as long as the cumulative square footage of all window signs do not exceed the maximum area requirement
Maximum Area	The cumulative maximum area of all window signs shall be included in the overall calculation of allowable wall signage. A maximum of 50% of each window may be covered by window signs.
Illumination	Not permitted
RESIDENTIAL DISTRICTS	
*Same as Non-Residential Districts	



Figure 7-14 Example of Window Sign

7.10. TEMPORARY SIGN REGULATIONS

A. Purpose

The purpose of this section is to establish duration, placement, and method of display for signs intended for temporary display in order to ensure public safety, visibility, and cohesive community aesthetics.

B. General Regulations

Temporary signs are permitted in all zoning districts, subject to the following:

1. Permit Required

A permit is required for any temporary sign exceeding 24 square feet in area, or six (6) feet in height.

2. Location

- Temporary signs shall be located entirely on private property with property owner or authorized agent consent.
- Signs shall not be located within any public rights-of-way, easements, or sight distance triangles.
- Signs shall not be affixed to utility poles, street signs, or trees.

3. Display Standards

The following shall apply to temporary signs located within the applicable zoning designations, unless otherwise specified in [Section 7.10.B.4. Exemptions](#):

Table 7.10-1: Temporary Sign Standards	
REGULATION	REQUIREMENT
NON-RESIDENTIAL DISTRICTS	
Quantity	No more than four (4) per parcel at any one (1) time
Maximum Area	32 sq. ft. per sign face
Maximum Height	Freestanding – 8’ Affixed to Building – Limited to first story of structure
Illumination	Prohibited
Duration of Display (max)	60 days in any single calendar year (allowance may be consecutive or in separate display periods)
RESIDENTIAL DISTRICTS	
Quantity	No more than four (4) per parcel at any one (1) time
Maximum Area	6 sq. ft. per sign face
Maximum Height	Freestanding – 4’ Affixed to Building – Limited to first story of structure
Illumination	Prohibited
Duration of Display (max)	60 days in any single calendar year (allowance may be consecutive or in separate display periods)
PLANNED DEVELOPMENT AND SPECIAL DISTRICTS	
*PD-R and residential uses shall be subject to the temporary signage standards for residential districts; PD-C, PD-R and non-residential uses shall be subject to the temporary signage standards for non-residential districts	

4. Exemptions

The following circumstances may be exempt from the duration of display limits established by [Table 7.10-2](#).

Table 7.10-2: Exempted Temporary Sign Standards			
Regulation	Lots with Active Construction Permits	Lots actively marketed for transfer or lease	
		Non-Residential Districts	Residential Districts
Maximum Area	32 sq. ft.	32 sq. ft.	8 sq. ft.
Maximum Height	8’	6’	6’
Duration (max)	Removed within 14 days of final inspection, certificate of occupancy, or permit expiration	Removed within seven (7) days of the lots withdrawal from the market or transfer	

C. Prohibited Temporary Signs

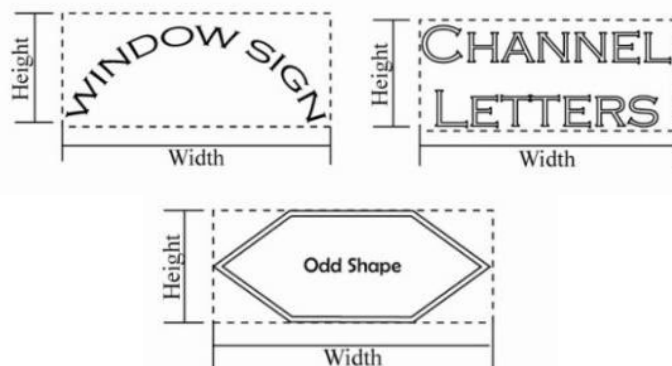
The following types of temporary signs are prohibited:

1. Ballons and inflatables;
2. Feather flags, swooper flags, flutter signs, or similar;
3. Flashing, blinking, or animated signs;
4. Signs that obstruct pedestrian or vehicular visibility or access
5. Signs mounted on an operable or inoperable vehicle or trailer intended to remain stationary during the duration of display.

7.11. MEASUREMENTS AND COMPUTATIONS

A. Sign Area

1. The area of a sign face, which includes wall signs, shall be computed by the following:
 - a. The smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display,
 - b. 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.
 - c. When channel letters are use, a geometric shape shall encompass all portions of the letters in a single shape consisting of not more than two (2) of the above mentioned shapes.
 - d. The area of an awning sign, canopy sign, or a sign consisting of individual letters or symbols against a wall shall be the sum of the area within a rectangular envelope completely enclosing the attached group.
2. The sign area shall exclude any supporting structure or bracing, or any decorative feature not related to the sign.
3. The sign area for a sign with more than one face shall be the total area of all sign faces visible at the same time from any one (1) point of view. Where only one sign face is visible from a given point of view, only that face shall be included in the sign area calculation.
4. When two (2) identical sign faces are placed back-to-back or otherwise angled so that both faces cannot be viewed from any one (1) point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one (1) of the faces.



ARTICLE 7. SIGNAGE

7.11. MEASUREMENTS AND COMPUTATIONS

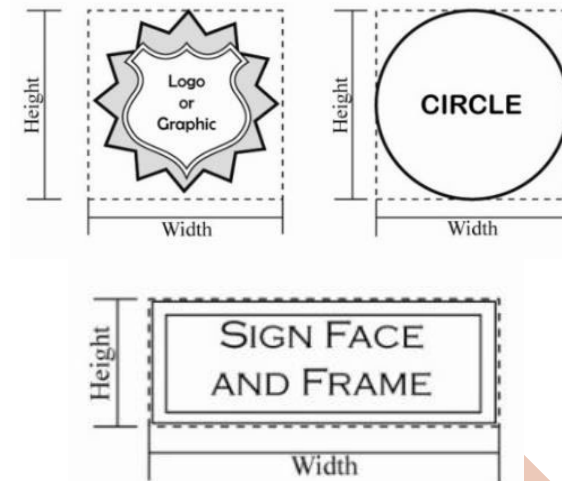


Figure 7-15: Determination of Sign Area Measurements

B. Sign Height

1. The height of a sign shall be computed as the vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
2. Normal grade shall be construed to be the lower of:
 - a. The existing grade prior to construction, or
 - b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
3. In cases in which the normal grade cannot reasonably be determined, the average of the grade at the sign base and the grade 6 feet from the sign, shall be determined as the normal grade.

C. Sign Setback

The setback of a sign shall be determined by measuring the shortest horizontal distance between a lot line and the closet part or projection of the sign and/or support structure.

D. Building Wall and Lot Frontage Measurements

When the maximum sign area is determined by the lineal distance of a building front wall, or portion of a building wall, the following measurement standards shall be applied:

1. The building frontage is the length of an outside building wall which fronts a dedicated street right-of-way or access drive.
2. For multi-tenant buildings or structures, the lineal distance of the front building wall comprising the width of the tenant space only shall be used to determine the front building wall width.

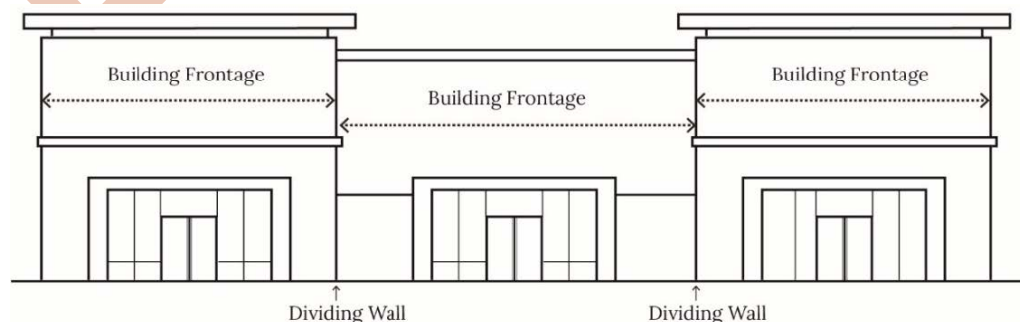


Figure 7-16: Determination of Building Frontage for Multi-Occupant Building

7.12. SIGN LANDSCAPING REQUIREMENTS

- A. All permanent ground-mounted signs, menu board signs, and pole signs, shall require a single continuous landscaped area to be maintained beneath and around the base of the sign in accordance with the applicable regulations in [Section 7.09. Permanent Sign Regulations](#) and the following standards:
1. The minimum landscaped area shall maintain a minimum width of three (3) feet around the perimeter of the base of the sign, including all points where the sign structural supports are attached to the ground.
 2. Where the required landscape area is adjacent to a paved surface accessible to vehicular traffic, a raised, non-mountable curb suitable to prevent the encroachment of vehicles shall be required.
 3. The landscaped area shall include vegetative plantings aesthetically located and maintained. The use of concrete, asphalt, gravel or any other paved surface inside the required landscaped area shall be prohibited.
 4. A construction level detail landscape plan and landscape maintenance plan shall be submitted in conjunction with the sign permit application.
 5. Landscaping and buffering materials shall be fully installed on the site by completion of construction and prior to issuance of approval of a final inspection.
- B. The required landscaping shall be planted within one (1) planting season after completion of construction of the sign. If that is not feasible due to weather conditions, the Planning & Zoning Director may grant an extension of the planting time frame.

7.13. SIGN LIGHTING REQUIREMENTS

- A. **General Requirements**
1. Signs identified in this article are permitted to be internally or externally illuminated unless otherwise provided for in this article.
 2. Signs that are externally illuminated shall employ illumination that is constant, stationary, and shielded. Illumination shall be directed only on the sign.
 3. Sign illumination is subject to the lighting regulations in [Article 8. Outdoor Lighting](#).
- B. **Non-Glare and Shield Lighting**
- Use of glaring, unshielded, or undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or roadways.
- C. **Traffic Hazards**
- Sign illumination shall not create a distraction for motorists or a hazard for traffic.
- D. **Bare Bulb Illumination**
- Illumination by bare bulbs or flames is prohibited
- E. **Intensity**
- The intensity of illumination resulting from all internal and external sign lighting shall not exceed one-half (0.5) footcandles at a height of five (5) feet when measured at any point on property in a residential zoning district, or at any point on any public right-of-way.

7.14. SIGN CONSTRUCTION STANDARDS

- A. All metal parts used in a sign or sign structure, including supports and braces, shall be galvanized or of corrosive-resistant material or painted with corrosive-resistant paint.

ARTICLE 7. SIGNAGE

7.15. MAINTENANCE OF SIGNS

- B. When existing poles or structures are used for new sign installation, all parts shall be brought to like-new condition and shall be painted with approved rust and corrosion-resistant paint.
- C. No equipment, such as cables to support electric circuits, light fixtures, or guys, may be added to a sign structure or supports. Brackets, wires, switches, and other materials required to illuminate the sign may be added.
- D. When a sign structure or supports are used in any manner other than outlined herein, certification by a licensed engineer shall be obtained to show the structure is capable of supporting the load.
- E. When a sign is removed for any reason, a new sign permit for the future installation of any sign shall be obtained, and all mast arms, cables, guys of any nature, clips, brackets, and all structure of the old sign shall be removed with the sign.
- F. Glass in any sign shall be either double strength, plate, or wired glass.

7.15. MAINTENANCE OF SIGNS

A. Sign Condition

- 1. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in good repair in accordance with these Zoning Regulations, and applicable building and electrical codes.
- 2. If a sign is removed and not replaced, the property owner shall also remove any related sign equipment and accessories and the building, structure, or ground, shall be restored back to its original condition.

B. Landscaping

- 1. The area surrounding any ground-mounted or pole sign shall be kept clean, sanitary, and free from noxious and offensive substances, weeds, debris, rubbish, and flammable material.
- 2. All plant materials and other landscaping surrounding any sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials.

C. Inspection of Existing Signs

The Planning & Zoning Director shall have the authority to routinely enter onto property to inspect existing signs permitted after the effective date of these zoning regulations for compliance with this article, and applicable building and electrical codes.

D. Correction of Defects

- 1. The sign owner shall be notified by the Planning & Zoning Director of any defects or deferred maintenance requiring corrective action in writing.
- 2. If any sign reaches a state of disrepair and is deemed unsightly or unsafe or abandoned by the Planning & Zoning Director and is not properly renovated or otherwise brought into compliance within 30 days, it shall be condemned, and an order issued for its immediate removal by the sign erector, owner of the sign, or owner of the land.

7.16. NONCONFORMING SIGNS

A. Effective Date

- 1. A permanent sign that is nonconforming as to the applicable sign regulations prevailing on the effective date of this code, and that is legally erected in accordance with a valid sign permit, shall be construed as a legal nonconforming sign.
- 2. A sign conforming as to the applicable sign regulations prevailing on the effective date of these regulations, but which do not conform with the regulations of a subsequent amendment to these Zoning Regulations, shall also be construed as a legal nonconforming sign.

B. Maintenance, Repair, and Alteration

1. Repairs

Ordinary repairs and nonstructural alterations may be made to a legal nonconforming sign. No structural alterations shall be made in, to, or upon such nonconforming sign, except those required by law to bring the sign into conformance with the requirements of this article.

2. Additions and Enlargements

A legal nonconforming sign shall not be added to or enlarged in any manner, except to make the sign conform to the requirements of this article.

3. Moving and Relocation

No nonconforming sign shall be moved in whole or in part to any other location unless such sign, and the use thereof, are made to conform to all requirements of this article.

4. Restoration of Damaged Legal Nonconforming Sign

- a. If any legal nonconforming sign or part thereof is damaged or destroyed to more than 50 percent of its current reproduction value or is taken down, it shall not be rebuilt or relocated unless it is made to comply with the applicable regulations of this article and a sign permit application is approved by the City of Frankfort or Franklin County. It shall be the responsibility of the applicant to demonstrate that the damage is greater than 50 percent of the current reproductive value.
- b. In the event that such damage or destruction is less than 50 percent of its current reproduction value, the sign may be repaired to its original size, location, and design. In order to maintain the legal nonconforming use status, all repairs or reconstruction shall be started within six (6) months from the date of the partial destruction and fully completed within three (3) months from the start of restoration or reconstruction activity.

5. Sign Face Replacement

The Planning and Zoning Director may issue a sign permit for the replacement of the face of a legal nonconforming wall sign or ground-mounted sign if such sign face area is not increased. Otherwise, a nonconforming sign shall not be altered or moved unless it is made to comply with this article.

C. Removal of Nonconforming Signs

1. Any business which has ceased operation (expiration of business license) for sixty (60) days shall, for the purposes of this article, be determined to be abandoned.
2. All signs associated with such an abandoned business shall be removed by the owner of the property upon which the sign is located within thirty (30) days of written notification by the City of Frankfort or Franklin County.
3. Seasonal businesses are exempt from this provision.

D. Engraved and Similar Signs

Any sign, graphic, or numeral display embossed, etched, engraved, or otherwise incorporated as an integral part of the original building's masonry architecture, which was in existence prior to the effective date of this article may be continued, provided that such sign, graphic, or numeral display is maintained as originally designed and intended.

7.17. VIOLATIONS, PENALTY, AND ENFORCEMENT

- A. If upon inspection the Planning Director or Building Inspector, or designee finds that any sign is abandoned, unsafe, or in any way not in compliance with the regulations of this article, he or she shall

ARTICLE 7. SIGNAGE

7.18. REMOVAL AND DISPOSAL OF SIGNS

issue a written order to the property owner stating the nature of the violation and requiring the repair or replacement or removal of the sign within 30 days of the date of the order.

- B. A violation of the provisions of this article shall be penalized in accordance with [Section 13.09. Administration and Enforcement](#) of these Zoning Regulations.

7.18. REMOVAL AND DISPOSAL OF SIGNS

A. Abandoned Signs

1. Except as otherwise provided in this article, any on-premises sign which is located on property which use becomes vacant and unoccupied for a continuous period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to be abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.
2. Permanent signs applicable to a business temporarily vacant because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a continuous period of 90 days.

B. Dangerous or Defective Signs

No persons shall maintain or permit to be maintained on any premises owned or controlled by them any sign which is in dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises.

C. Removal of Signs by the Property Owner

When a property owner, or anyone acting on behalf of a property owner, voluntarily removes any sign or supporting structure, the building or ground upon which the sign had been mounted or installed shall be restored to its original condition.

D. Removal of Signs in Violation by the City or County

1. The Planning Director, or its designee, may cause to be removed any permanent, temporary, or portable sign in violation of this chapter or any sign for which no sign permit has been issued. The Planning Director, or its designee, shall prepare a notice which shall describe the sign and specify the violations involved and which shall state that if the sign is not removed or if each violation is not corrected within 30 days, the sign shall be removed in accordance with the provisions of this section.
2. All notices mailed by the Planning Director, or its designee, shall be sent by certified mail and regular. The notice shall be mailed to the owner of the property on which the sign is located as indicated by the most recent property owner information published by the Franklin County PVA. The notice shall also be mailed to or delivered to the occupant of the property and the sign permit applicant. Any conformance time periods provided in this section shall be deemed to commence on the date of mailing of the certified mail. In the event the sign is not connected to a specific parcel, the Planning Director, or its designee, shall send notice to the individual or entity for which the sign message relates to.
3. Any person having an interest in the sign, or the property may appeal the determination of the Planning Director, or its designee, ordering compliance, removal, or compliance by filing a written notice of appeal with the Board of Adjustments, within 10 days after receipt date of the notice as determined by the returned certified mail confirmation. In the event the property owner or occupant fails to accept the certified mail announcement, constructive receipt shall be deemed to have occurred after 15 days from the certified notice mailing date.
4. The Planning Director, or its designee, shall be, and hereby is expressly authorized to remove, without notice, any and all signs placed in or upon any tree lawn or other right-of-way area.

5. Notwithstanding the above, in cases of emergency and to ensure public safety, the Planning Director, or its designee, may cause the immediate removal of a dangerous or defective sign without notice.
6. Signs, flags, banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices, which are installed or erected, shall be removed immediately upon the notice methods provided in this section.

7.19. VARIANCES AND APPEALS

- A. Except for signs proposed within a Planned Unit Development, variances and appeals to these sign regulations shall be as provided in [Section 13.06.C. Variances](#) of these Zoning Regulations.
- B. The Board of Zoning Adjustments shall have the power to grant variances from the height, area or setback provisions of this article, in accordance with the variance provisions outlined in [KRS 100.243](#), Findings Necessary for Granting a Variance.
- C. The Board of Zoning Adjustment shall not grant a sign variance that permits the continuance of any nonconformity.

ARTICLE 8. OUTDOOR LIGHTING

8.01. PURPOSE

The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting in order to preserve, protect and enhance the character of the city and the lawful nighttime use and enjoyment of property located within. All outdoor lighting fixtures located on the applicable site including sign and building lightings shall be arranged to reduce atmospheric light pollution, control light trespass and glare on adjacent properties and public roadways, and to provide safety, utility, and security.

8.02. APPLICABILITY

This article applies to all new and replacement outdoor lighting fixtures located on non-residential properties in the City of Frankfort and Franklin County. Outdoor lighting fixtures placed in the public right-of-way by the City of Frankfort and/or Franklin County are exempt from the regulations of this article.

8.03. EXEMPTIONS

The following lighting types shall be exempt from the requirements of this section:

- A.** Holiday lighting of a temporary nature of not more than two (2) months of continuous display per every six (6) months.
- B.** All exterior lighting fixtures producing light directly be the combustion of fossil fuels, such as kerosene lanterns or gas lamps.
- C.** All temporary emergency lighting needed by the police, other emergency service vehicles, and public service vehicles. This includes vehicular lights, which are exempt from the requirements of this section including flashing or blinking lights.
- D.** Street and traffic lights;
- E.** All lighting required by the Federal Aviation Administration (FAA) or any other federal regulatory agency.

8.04. PROHIBITED LIGHTS

- A.** Search lights,
- B.** Beacons,
- C.** Laser source lights, or similar
- D.** High-intensity or flashing light shall be prohibited, except in emergencies by police and/or fire department personnel.
- E.** Lighting, including LED strips, neon tubing, or string lights , installed for the purpose of outlining or tracing a building façade, roofline, window frame, or tenant space is prohibited. Lighting used as architectural accent illumination (emphasizing cornices, columns, pilasters, or other design features) is permitted when it does not form a continuous linear outline of the building or give the appearance of tracing the overall structure.

8.05. MEASUREMENTS

- A.** Light levels shall be measured in footcandles with direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
- B.** Height of lighting fixtures shall be measured based upon the type of fixture as follows:
 - 1.** Pole-mounted. Measured from grade to the top of the luminaire or fixture head
 - 2.** Wall-mounted. Measured from grade to the highest point of the fixture on the wall.

3. Canopy or soffit lights. Measured from grade to the bottom of the light fixture. (FIGURE)

8.06. LIGHTING PLAN

A lighting plan is required, unless specifically exempted herein. At a minimum, the lighting plan shall provide the following information:

- A. The locations of each of the proposed fixtures, including wall mounted, security, flood, and parking lot lighting;
- B. The proposed height of the lighting fixtures shall be indicated;
- C. The maximum and minimum intensity of illumination for the site;
- D. A photometric plan showing the proposed intensity levels of lighting that extends as far as any proposed lighting will reach or up to 30 feet into adjacent properties, whichever is greater. The lighting plan shall include the property lines and right-of-way lines for the site. All lighting, existing and proposed that is over 25 watts shall be indicated on the lighting plan.
- E. Details of all proposed lighting fixtures, indicating the manufacturer, model and style of fixture, including a graphic representation of the fixture and the fixture light type.
- F. Any additional submittal requirements as may be determined by the Planning & Zoning Director.

8.07. LIGHTING STANDARDS

A. Height

1. All lighting fixtures attached to the exterior of a structure shall not exceed the height of the structure.
2. All freestanding lighting fixtures shall not exceed a maximum height of 24 feet above grade.
3. Non-cutoff decorative freestanding lighting fixtures shall not exceed 12 feet in height.

B. Lighting Styles and Types

1. All outdoor lighting shall be located, screened, or shielded so that adjacent lots and the public right-of-way are not directly illuminated.
2. Parking lot lighting shall be required to utilize full cutoff fixtures that are pointed down and away from the property line.
3. Wall-mounted lights shall be screened by the building's architectural features, or contain a cutoff shield, to direct lighting onto the building and not onto adjacent lots.
4. All outdoor lighting fixtures shall not exceed a color temperature of 4,000 Kelvin.
5. Statues, monuments, flags, fountains, or other similar objects, as determined by the Planning & Zoning Director, may utilize upward lighting in the form of spotlights to illuminate the object of interest.
6. The type of lighting fixture should match the existing character of the surrounding built environment.
7. Non-cutoff lighting shall only be used for decorative purposes only.

ARTICLE 8. OUTDOOR LIGHTING
8.07. LIGHTING STANDARDS

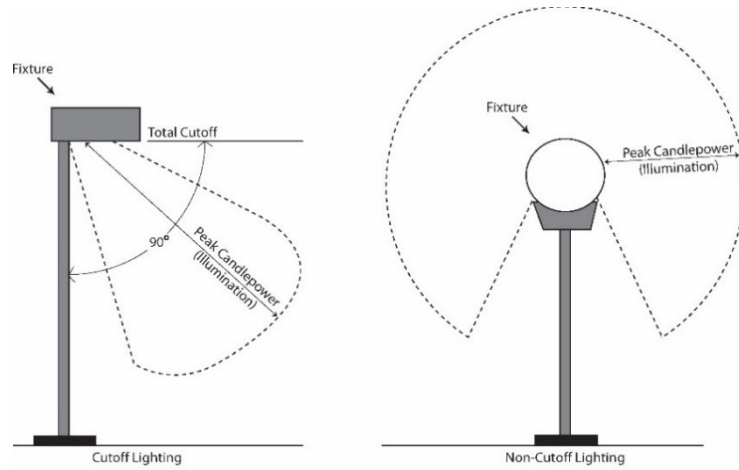


Figure 8-1: Illustration depicting cutoff lighting and non-cutoff lighting

C. Illumination Levels

Light originating on a site shall not exceed illumination levels beyond the property lines as established in the following table.

Table 8.07-1: Maximum Illumination Levels	
When a non-residential land use is adjacent to a...	The maximum illumination level at the property line is...
Single-family or two-family dwelling	0.5 footcandles
Multi-family development	0.5 footcandles
Non-residential use	1.0 footcandles

ARTICLE 9. PLANNED DEVELOPMENTS

9.01. PURPOSE

The purpose of the Planned Development (PD) district is to:

- A. Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
- B. Encourage flexibility in the design of development specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
- C. Provide harmonious transitions between uses by utilizing land uses, landscaping buffers, or other similar techniques.
- D. Allow for, and encourage, the development of infill sites and the redevelopment of existing sites in a creative manner that respects existing circumstances, adjacent land uses, topography, lot size, and other similar elements.
- E. Allow for safe and efficient transportation networks that accommodate automobiles, non-motorized vehicles, and pedestrians.

9.02. APPLICABILITY

A. Existing Planned Development Districts

- 1. Existing Planned Development Districts approved by the City of Frankfort and Franklin County will remain in existence and their development plans continue to be enforced.
- 2. Revisions to existing Planned Development Districts shall comply with the regulations contained in [Section 9.07. Modifications to Approved Planned Developments](#).

B. New Planned Development Districts

New Planned Development Districts shall comply with the provisions contained in this Article.

9.03. ESTABLISHMENT OF A PLANNED DEVELOPMENT

- A. The following are the Planned Development districts that are available to property owners at their election. All approved Planned Development districts shall be identified on the official zoning map with one (1) of the following designations:
 - 1. "PD-R," Planned Development, Residential
 - 2. "PD-MC," Planned Development, Mixed-Commercial
 - 3. "PD-E," Planned Development, Enterprise
- B. A PD under these Zoning Regulations is a map amendment (zoning district change) established by legislative action of the Planning Commission and/or the Board of Commissioners or Fiscal Court. Therefore, the appropriate body may approve, approve with conditions, or disapprove a Planned Development based upon considerations of the general health, safety, and welfare of the city, county, and its inhabitants.
- C. Yard and setback requirements, the type of dwelling unit, frontage, height, density, and use restrictions contained in other articles of these Zoning Regulations are hereby waived for PDs, provided that the intent and objection of [Section 9.01. Purpose](#) are implemented in the total PD as determined by the Planning Commission.
- D. Similarly, because of the flexibility allowed regarding the location and orientation of structures in a PD, additional provisions for screening, open space, lighting, underground utilities, and other safeguards not otherwise required by these Zoning Regulations, or other ordinances of the city or county may be required as determined by the Planning Commission.

ARTICLE 9. PLANNED DEVELOPMENTS

9.04. APPLICATION REQUIREMENTS

- E. Development and design regulations for a PD which are not stipulated within this section or within a Final Development Plan shall be subject to the regulations for the most similar zoning district to the proposed PD as determined by the Planning & Zoning Director. This shall include signage, lighting, landscaping, dimensional standards, and other similar items.
- F. Evidence shall be provided that the applicant has control over the land contained within the PD application. Alternatively, a signed acknowledgement from the owner of the land granting permission for the proposed development may be provided at the time that the application is submitted.

9.04. APPLICATION REQUIREMENTS

A. Preliminary Development Plan

The Preliminary Development Plan shall include the following information. The quantity of application(s) and sets of plans, application fee(s), and other submittal requirements are included on the applicable development application.

1. A survey or engineering drawing of the property (or properties) to be included in the Planned Development.
2. The plan shall include a vicinity map, north arrow, scale bar, applicant contact information, and proposed development title.
3. Evidence that the applicant has the consent of the property owner to submit the Preliminary Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interests in the tract of land and the proposed development.
4. A narrative description of the proposed development.
5. A plan that identifies the proposed parcels contained within the development.
6. Existing property lines of adjacent properties noting the owners of record and existing zoning designations and uses.
7. The location of proposed buildings and land uses within the development. The amount of land area/proposed square footage dedicated for each land use shall be specified.
8. A list and description of all intended and anticipated uses to be included within the Planned Development. Uses shall be based on those established in [Table 3.03-1: Use Table](#).
9. Preliminary open space system including interior landscaping and perimeter buffering concepts.
10. Location of existing and proposed streets, drives, access locations, parking areas, and pedestrian network.
11. Minimum peripheral setbacks around the perimeter of the development.
12. A Traffic Impact Study, if deemed required by the Planning & Zoning Director or the appropriate engineering authority.
13. For Planned Developments that include residential development, a statement of density of the various uses within the development.
14. Any other information as requested by the Planning & Zoning Director, Planning Commission, or Board of Commissioners.

B. Final Development Plan

The Final Development Plan shall include the applicable information from the Preliminary Development Plan and the following additional information:

1. A plat prepared by a registered surveyor or engineer for the entire development area identifying parcel numbers, lines, dimensions, and areas.

2. Evidence that the applicant has the consent of the property owner to submit the Final Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interest in the tract of land and the proposed development.
3. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development district.
4. The existing topography with contour intervals of not less than five (5) feet, and final contours at two (2) feet maximums.
5. The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of spaces), ingress and egress driveways and their relation to existing and proposed streets and rights-of-way, proposed landscaping, signage, and all other significant features of the proposed development.
6. A statement of density of residential uses within the development, if applicable.
7. Building elevations of all sides that indicate proposed architectural character. Exterior finishes and colors shall be identified. Material boards may be required upon request by the Planning & Zoning Director; or a set of materials/design standards to guide future buildings/residences to indicate architectural character and any proposed materials requirements within the development.
8. Design and location of existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention/detention areas, and yards. The common and scientific names of all proposed plant species shall be provided along with the quantity and sizes of each.
9. The location of all existing trees with a caliper of four (4) inches or more.
10. Existing and proposed sanitary sewers, water mains, culverts, and other underground structures.
11. Lighting, including fixture types, sizes, and a photometric plan indicating the minimum and maximum illumination and the footcandle reading of outdoor lighting at all property and district boundary lines.
12. Service structures and trash facilities, including dumpster pads and enclosure details.
13. Notation of any right-of-way dedication that may be necessary for the widening or extension of any public or private street(s).
14. Sign plan indicating location, sizes, design, materials, and illumination for all proposed signs.
15. Development schedule and project timetable along with a phasing plan for the development, if applicable.
16. Any other information as requested by the Planning & Zoning Director or Planning Commission.

9.05. PLANNED DEVELOPMENT APPROVAL PROCESS

The Planned Development process shall follow the specific procedures outlined in this section:

A. Step 1: Pre-Application Meeting

1. Applicants are required to engage in an informal pre-application meeting prior to the formal submittal. Such meeting(s) may include the following:
 - a. Attending a meeting with the Planning & Zoning Director; and/or
 - b. Attending an informational work session of the Planning Commission.

ARTICLE 9. PLANNED DEVELOPMENTS
9.05. PLANNED DEVELOPMENT APPROVAL PROCESS

2. All comments and recommendations provided at the pre-application meeting, regardless of whether the meeting is with staff or the Planning Commission, are not binding on staff, the Planning Commission.

B. Step 2: PD Zoning Map Amendment and Preliminary Development Plan

1. The applicant shall submit their application for a PD Zoning Map Amendment and Preliminary Development Plan to the Planning & Zoning Director in accordance with the provisions of this article.
2. The Planning & Zoning Director shall determine if the application is complete or if additional information is needed. The Preliminary Development Plan submittal shall comply with the requirements as outlined [Section 9.04.A. Application Requirements – Preliminary Development Plan](#) and [Section 13.06.A. Zoning Map and Text Amendments](#). Upon determination that the application is complete, it shall be referred to the Planning Commission for review.
3. The Planning Commission shall hold a public hearing on the PD Zoning Map amendment in accordance with [Section 13.04. Public Hearing Notice Requirements](#) and [Section 13.06.A. Zoning Map and Text Amendments](#).
4. Following approval of the zoning map amendment, the official Zoning Map shall be updated to identify the subject property as being zoned a “Planned Development” with the appropriate suffix (“-R,” “-MC,” or “-E”) and the applicant may proceed with submitting a Final Development Plan.
5. Approval of the Preliminary Development Plan is an approval of the concept of the development only. No excavation, construction, or site work is permitted under Preliminary Development Plan approval.

C. Optional: Combined Preliminary and Final Development Plan

The applicant may request to combine the applications for the Preliminary Development Plan and the Final Development Plan. The Planning & Zoning Director may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project.

1. If the combined process is authorized, all requirements of both [Section 9.04.A. Preliminary Development Plan](#) and [Section 9.04.B Final Development Plans](#) shall be met for the combined submittal.
2. The applicant shall submit the PD Zone Map Amendment with the Final Development Plan and any additional information that is required for the Preliminary Development Plan.
3. The applicant shall follow the process established for approval of a Preliminary Development Plan, as detailed in [Section 9.05.B. PD Zoning Map Amendment and Preliminary Development Plan](#) including a public hearing and recommendation by Planning Commission.
4. If the PD Zoning Map Amendment and Combined Preliminary and Final Development Plan are approved by the Planning Commission the official Zoning Map shall be updated to identify the subject property as being zoned a “Planned Development” with the appropriate suffix (“-R,” “-MC,” or “-E”).

D. Step 3: Final Development Plan

1. Prior to submittal of a Final Development Plan, the applicant is encouraged to meet with the Planning & Zoning Director to discuss the proposed development.
2. The applicant shall submit an application for a Final Development Plan to the Planning & Zoning Director in accordance with the provisions of this article. A Final Development Plan may be filed for any portion, or the entirety of an approved Preliminary Development Plan.

3. The Planning & Zoning Director shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, the Planning & Zoning Director may approve, or deny the Final Development Plan based on the plan's consistency with the approved Preliminary Development Plan and the requirements of the Final Development Plan as established in [Section 9.09. Review Standards for Planned Developments](#).

E. Step 4: Subdivision Submittal

It is the intent of this section that subdivision rules and regulations be examined as an integral part of the review of the PD under this section.

1. Subdivision plats shall be submitted in accordance with [Article 14. Subdivision Regulations](#). The Preliminary Plat may be submitted in conjunction with the Final Development Plan or following the approval of the Final Development Plan.
2. The subdivision rules and regulations contained in [Article 14. Subdivision Regulations](#) shall apply to PD districts created under this article, unless specifically exempted as part of the PD approval.

F. Step 5: Permits

No zoning permit shall be issued, and no construction shall occur until an approved Final Development Plan has been approved for the Planned Development.

9.06. WAIVER OF REQUIREMENTS

The Planning Commission may waive or modify the required conditions of this article or other applicable requirements within these Zoning Regulations that applies to the development.

9.07. MODIFICATIONS TO APPROVED PLANNED DEVELOPMENTS

A Planned Development shall be constructed and completed in accordance with the approved Final Development Plan and all supporting data. The Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the Planned Development as set forth herein.

A. Major Modifications

Major Modifications to a Planned Development require the approval of the Planning Commission. The Planning & Zoning Director shall have the authority to determine if the proposed change is a major modification. Such changes include, but are not limited to:

1. Expansion of the Planned Development project from the original lot coverage;
2. Proposed changes in the mix or combination of land uses; and
3. Changes in the plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of structures, and substantial changes in any approved elements of the Planned Development that may affect adjacent property owners.

B. Minor Modifications

Minor Modifications are those proposed by the developer / owner and shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was originally anticipated. Minor modifications require the approval of only the Planning & Zoning Director. Examples include, but are not limited to, the following:

1. Changes in the plan relative to the arrangement and size of accessory structures, the layout of streets and circulation patterns, the size, configuration and location of common open space.

ARTICLE 9. PLANNED DEVELOPMENTS

9.08. DEVELOPMENT PLAN EXPIRATION

2. Amendments to the conditions that were attached to the original Final Development Plan approval.
3. Administrative Modifications, as defined in [Section 9.07.C Administrative Modifications](#), in which:
 - a. The Planning & Zoning Director determines that Planning Commission review is necessary in order to determine consistency with the approved Final Development Plan.
 - b. It is alleged by the applicant that there is an error in any requirement, decision, or determination made by the Planning & Zoning Director as part of an Administrative Modification determination.

C. Administrative Modifications

1. Administrative Modifications are technical adjustments proposed by the property owner or developer that do not alter the fundamental site layout, density, or architectural character established in the approved Final Development Plan. The Planning & Zoning Director may administratively approve the following minor modifications:
 - a. **Site & Landscape Details**
Minor reorientation or relocation of accessory structures, parking area layouts (provided number of total parking spaces are maintained), landscaping plant species or material substitutions of equivalent mature size and function, and sign locations shifting less than 10 feet.
 - b. **Minor Principal Structure Façade Modifications**
Alterations to approved principal structure elevations, limited strictly to:
 - i. **Material Substitutions:**
Changes in exterior finish materials affecting no more than **15% of any individual building elevation**, provided the replacement material is of equivalent or higher durability and matches the approved architectural style.
 - ii. **Openings and Fenestration:**
Relocation, addition, or size adjustment of doors and windows, provided the total glazed area on any elevation changes by no more than **10%** and alignment with established architectural rhythms is maintained.
 - iii. **Architectural Details:**
Minor alterations to non-structural architectural elements, including awnings, decorative trim, wall-mounted lighting, and utility screening elements, that do not alter the primary building footprint, height, or roofline.

9.08. DEVELOPMENT PLAN EXPIRATION

- A. Within one (1) year after the approval of the Preliminary Development Plan, the applicant shall file with the Planning & Zoning Director, a Final Development Plan for the entire development, or when submission in stages was authorized during the Preliminary Development Plan review, for the first phase of the development.
- B. If more than one (1) year passes from the date of approval of the Preliminary Development Plan, and the Final Development Plan has not been submitted for approval, or a request for an extension not to exceed 12 months has been filed with the Planning Commission, the Preliminary Development Plan shall be deemed expired.

- C. Upon expiration of the approved Preliminary Development Plan, the PD zoning designation for the subject property shall automatically revert back to the zoning district classification that applied to the property immediately prior to the adoption of the Planned Development district designation, unless otherwise specified herein. The Planning & Zoning Director shall provide written notice to the applicant and property owner at least 30 days prior to such automatic reversion.
- D. A one (1) year extension of the time limit may be granted by the Planning Commission, provided that such extension is not in conflict with the most recent Comprehensive Plan and that such extension is in the best interest of the entire community. The developer / owner shall apply for an extension and shall state the reason(s) for the extension. The Board of Commissioners shall be notified of all extensions granted. In no case shall a Preliminary Development Plan be valid for more than two (2) years without the submittal of a Final Development Plan.
- E. If an approved Planned Development shall lapse as provided above, notice of such lapse shall be filed by the Planning & Zoning Director and forwarded to the Planning Commission. The Planning Commission may initiative a rezoning to a base zoning district in accordance with [Section 13.06.A. Zoning Map and Text Amendments](#). Otherwise, the subject property shall automatically revert back to the zoning district classification that applied to the property immediately prior to the adoption of the Planned Development district designation.

9.09. REVIEW STANDARDS FOR PLANNED DEVELOPMENTS

The Planning Commission, when considering a Preliminary or Final Development Plan and Zoning Map Amendment for a Planned Development district shall make specific findings of fact based upon the particular evidence presented to them, which support conclusions that:

- A. The proposed development is consistent with the Comprehensive Plan, other applicable City and/or County approved plans, and the stated purposes of these Zoning Regulations;
- B. The development can be substantially completed within the period of time specific in the schedule of development submitted by the applicant;
- C. The site will be accessible from public roads that are adequate to support the current and anticipated traffic that will be imposed upon them by the proposed development. The streets and driveways within the development shall be adequate to serve the expected intensity of all phases of the proposed development;
- D. The development will not impose an undue burden on public services and facilities such as fire, police, and public school district capacity;
- E. The Planned Development contains proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonably required for the public health, safety, and welfare;
- F. The location and arrangement of buildings, structures, parking areas, walks, lighting, and accessory facilities is compatible with land uses surrounding the proposed development; and
- G. Unless alternative standards are approved as part of the Planned Development approval process, all PDs shall comply with the applicable development standards within these Zoning Regulations, including, but not limited to, sidewalks, street design, sign regulations, accessory uses and structures, landscaping, lighting, and noise regulations.

9.10. GENERAL PLANNED DEVELOPMENT DISTRICT REGULATIONS

A. Relationship to Base Districts and Overlay District Requirements

Development standards for area, lot coverage, density, yard requirements, parking, landscaping, buffer yards, and screening for a proposed Planned Development shall be established by the Planning

ARTICLE 9. PLANNED DEVELOPMENTS
9.10. GENERAL PLANNED DEVELOPMENT DISTRICT REGULATIONS

Commission during the Preliminary Development Plan review and approval (or as part of the Combined Preliminary and Final Development Plan).

B. Permitted Uses and Structures

1. A building or land may be used, erected, or altered for any use which is approved as part of a PD plan in accordance with this section. All permitted, conditional, and explicitly prohibited uses must be stated in the Preliminary Development Plan. Any uses not stated shall be deemed prohibited unless the Planning & Zoning Director determines the use to be substantially similar to a permitted use as established by the approved PD.
2. Accessory structures and uses are permitted subject to the approved Preliminary Development Plan.

C. Minimum Development Area

There is no minimum development area to qualify as a PD.

D. Multiple Buildings on a Lot

More than one (1) building is permitted on a single lot within a PD.

E. Setbacks

Peripheral and internal development setbacks shall be defined on the Preliminary Development Plan.

F. Maximum Height

The Final Development Plan shall establish the maximum building height for all structures. If adjacent to a residential zoning district or recorded residential subdivision, the building height shall not exceed 35 feet, unless otherwise approved or required by the Planning Commission.

G. Circulation

The circulation plan for the project should address vehicular, non-motorized vehicular, and pedestrian circulation. This plan shall be designed to fully accommodate all such transportation types within the development in a safe and efficient manner. Such network shall be integrated into the larger circulation network of the community.

H. Open Space

1. Common open space shall be provided in each Planned Development that shall occupy a minimum of 20 percent of the gross acreage of the development. This requirement may be waived or modified when such Planned Development is located within the “-U” community character designation as established in [Section 2.03. Community Character Designations](#) as determined appropriate by the Planning Commission.
2. For the purposes of this Article, common open space is defined as an area of land or water that is designed for either environmental, scenic, recreational, or gathering purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities.
3. Open space shall not include off-street parking areas, private yards, or streets.
4. Any open or common space preserved as part of any PD shall be preserved or used in a manner established within the specific PD and shall be:
 - a. Owned by the city, county, state, school district, park district, or a private trust or conservation group as may be approved by the City or County and all subject to acceptance by the appropriate legislative authority; or
 - b. Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners’ or property owners association; and/or
 - c. Any combination of the above.

5. Further subdivision of the open space or its use other than those uses prescribed in the approved Preliminary Development Plan and Final Development Plan shall be prohibited.
6. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Planning & Zoning Director.
7. Any restrictions on the established open space shall be memorialized on the recorded subdivision plat or deed.

I. Signage

Signage shall be regulated per [Section 7.06. Sign Package Plans](#) unless otherwise approved in the Final Development Plan, except where the Planning Commission and Board of Commissioners find that certain conditions warrant additional or more restrictive signage.

J. Lighting

Outdoor lighting shall be regulated per [Article 8. Outdoor Lighting](#) unless otherwise approved in the Final Development Plan.

K. Parking

Off-street parking and loading areas shall be regulated as set forth under [Article 5. Parking, Loading and Circulation](#) unless otherwise approved in the Preliminary Development Plan.

L. Homeowners' or Property Owners' Associations

1. A homeowners' or property owners' association shall be established to permanently maintain all open space and common areas.
2. All recorded homeowners' or property owners' association agreements shall be submitted to the respective planning staff for approval prior to the issuance of any permits. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners' or property owners' association shall be submitted with said agreements. No set of proposed covenants, articles or incorporation, or bylaws of a homeowners' or property owners' association shall permit the abrogation of any duties set forth in this section.
3. All homeowner's or property owners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development such homeowner's or property owner's association was created for. In the event of a failure to maintain such open space or common areas, the city and county will treat the failure of maintenance with the enforcement authority granted by the applicable provisions in this development code or the applicable nuisance code.
4. The Planning & Zoning Director may deny permit applications for single-family, multi-family, or non-residential construction, and tenant finish permits in any PD regardless of whether or not the PD was approved previous to the enactment of this code, until such open space amenities are brought into conformance with the requirements of the PD approval.

9.11. VIOLATIONS

A violation of a Preliminary or Final Development Plan, as approved, shall constitute a violation of these Zoning Regulations under [Section 13.09. Administration and Enforcement](#).

ARTICLE 10. SPECIAL DISTRICTS AND OVERLAYS

10.01. PURPOSE

Special Districts are designated areas of the City of Frankfort or Franklin County that feature unique built and natural characteristics that necessitate specific design, use, or preservation requirements. These districts are established to:

- A. Consider special or unique character of an existing area;
- B. Consider certain environmental constraints; and
- C. Consider special flexible design opportunities.

10.02. SPECIAL DISTRICTS ESTABLISHED

The following special districts are hereby established in the City of Frankfort and Franklin County:

Table 10.02-1: Special Districts Established				
DISTRICT DESIGNATION	DISTRICT NAME	DISTRICT PURPOSE	ZONING DISTRICT EQUIVALENCY	
			CITY OF FRANKFORT	FRANKLIN COUNTY
S-CBD	Central Business District	10.04	CB	-
S-UM	Urban Mix	10.05	UM	-
S-CD	Capital District	10.06	SC	-
S-HD	Historic District	10.07	SH	-
S-RH	Rural Heritage	10.08	-	RHM
S-MH	Mobile Home Development	10.09	RM	RM
S-LD	Landfill District	10.10	-	E-ZL

10.03. PERMITTED USES

The following table lists the uses that are permitted, permitted with standards, conditionally permitted, and prohibited within the designation zoning district.

Table 10.03-1: Special District Permitted Use Table								
USE	S-CBD	S-UM	S-CD	S-HD	S-HM	S-MH	S-LD	ADDITIONAL STANDARDS
AGRICULTURAL USES								
Agribusiness					P			
Agritourism					P			
Ecotourism					P			
Farms, Crop Production					P			
Farms, Livestock					P			3.06.B
Farm Product, Retail					P			3.06.C
Farm Product, Warehousing and Storage								
Farm Product, Wholesale (Raw Materials)								
Fisheries								
Forestry Services								
RESIDENTIAL USES								
Dwelling, Single-Family, Detached		P	P	P	P			
Dwelling, Single-Family, Attached (Townhomes)		P	P	P				3.07.B
Dwelling, Two-Family (Duplex)		P	P	P				
Dwelling, Multi-Family, 3 – 5 units	PS	PS	PS	PS				
Dwelling, Multi-Family, 6 – 15 units	PS	PS	C					
Dwelling, Multi-Family, 16 – 30 units	PS	PS						3.07.C.1
Dwelling, Multi-Family, 30 + units	PS	PS						3.07.C.2
Group Homes								
Mixed-Use	P	P	PS	PS				3.07.D
Mobile Homes						P		10.09

ARTICLE 10. SPECIAL DISTRICTS AND OVERLAYS
10.03. PERMITTED USES

Table 10.03-1: Special District Permitted Use Table

USE	S-CBD	S-UM	S-CD	S-HD	S-HM	S-MH	S-LD	ADDITIONAL STANDARDS
Qualified Manufactured Home		P						
Qualified Manufactured Home Parks								
Residential Care Facility, Small								
Residential Care Facility, Large								
PUBLIC AND SEMI-PUBLIC USES								
Arboreta, Botanical and Zoological Gardens					P			3.08.A
Campgrounds					C			3.08.B
Cemeteries								3.08.C
Community Garden					P			
Education Facility, College, University, or Trade School	P	P						3.08.D
Education Facility, Public or Private	P	P						3.08.D
Golf Course / Country Club								
Government Facility	P	P						
Library, Museum, and Gallery	P	P		C				
Park or Recreation Facility, Public								
Religious Assembly	P	P	C	P				
COMMERCIAL USES								
Adult Entertainment Establishments								3.09.A
Animal Hospital, Kennel, Daycare, and Training Facility								3.09.B
Animal Veterinarian Office and Clinic								3.09.C
Automotive Fueling / Charging								3.09.D
Automotive Rental								3.09.E
Automotive Sales / Leasing								3.09.F
Automotive Sales / Repair, Commercial and Recreational Vehicles								3.09.G
Automotive Service / Repair, Major								3.09.H
Automotive Service / Repair, Minor								3.09.I
Automotive Wash / Detailing								3.09.J
Banks and Financial Institution	PS	PS						3.09.K
Bar / Tavern	PS	PS						3.09.L
Bed and Breakfast	C	C	C	C				3.09.M
Brewery, Distillery, Winery, Cidery (macro)	PS	PS						3.09.N
Brewery, Distillery, Winery, Cidery (micro)	PS	PS						3.09.N
Brewpub	PS	PS						3.09.O
Catering Service	P	P						
Club, Lounge, or Meeting Hall	PS	PS						
Commercial Recreation, Indoor (Major)								
Commercial Recreation, Indoor (Minor)	P	P	C	C				
Commercial Recreation, Outdoor (Major)					C			
Commercial Recreation, Outdoor (Minor)					C			
Creative Production Studio and Services	P	P	C					
Crematories								
Day Care Center	PS	PS	PS	PS	PS			3.09.P
Drive-in Theaters		C						3.09.Q
Eating and Drinking Establishments	PS	PS	C					3.09.R
Equestrian Academies and Services	PS	C			P			
Firearm Clubs and Ranges	C	C			C			3.09.S
Fitness Center	P	P						
Fitness Studio	P	P		P				
Funeral Services		C	C	C				3.09.T
Garden Center / Greenhouse / Nursery	PS	C						
General Contractors, Construction	PS	PS						3.09.U
Hospitals	P	P						
Hotels / Motels	P	P	C	C				
Institutional Care Facility		C	C	C	C			3.09.V

ARTICLE 10. SPECIAL DISTRICTS AND OVERLAYS **10.03. PERMITTED USES**

Table 10.03-1: Special District Permitted Use Table

USE	S-CBD	S-UM	S-CD	S-HD	S-HM	S-MH	S-LD	ADDITIONAL STANDARDS
Medicinal Cannabis, Cultivator	C							3.09.W
Medicinal Cannabis, Dispensary	PS	PS						3.09.W
Medicinal Cannabis, Processor								3.09.W
Medicinal Cannabis, Producer								3.09.W
Medicinal Cannabis, Safety Compliance Facility								3.09.W
Medical Office, Clinic, Urgent Care	PS	PS						3.09.X
Office	P	P	C	C				
Parking (Principal Use)								3.09.Y
Personal Improvement Services	C					C		
Retail Sales and Service, Neighborhood-Scale	P	P	C	C		C		
Retail Sales and Service, Medium-Scale	P	P						
Retail Sales and Service, Large-Scale	PS	PS						3.09.Z
Trade Equipment Sales								
Wholesale, Commercial								3.09.G
INDUSTRIAL USES								
Building Material Sales and Storage								3.10.A
Data Center								3.10.B
Distribution / Fulfillment Center and Warehousing								3.10.C
Junk / Salvage / Tow Yard							P	3.10.D
Laboratory and Research Facility								
Manufacturing, Artisanal	P	P	C		P			3.10.E
Manufacturing, Fabrication	P	P						
Manufacturing, Light	C	C						
Manufacturing, General								
Mining								
Processing and Refining, Materials and Chemicals								
Self-Storage / Mini-Storage								3.10.F
Transportation Terminals and Freight Services								
Warehousing and Storage								
ACCESSORY USES								
Accessory Dwelling Units	PS	PS	PS	PS	PS			3.11.C
Accessory Structures	PS	PS	PS	PS	PS	C	PS	3.11.E
Accessory Uses	PS	PS	PS	PS	PS	C	PS	3.11.F
Automated Teller Machines (ATM)								3.11.G
Drive-Through Facilities								3.11.H
Electric Vehicle Charging Stations	PS	PS	PS	PS	PS		PS	3.11.I
Family Child Care Home (Type I and Type II)	PS	PS	PS	PS	PS			3.11.J
Fences and Walls	PS	PS	PS	PS	PS			3.11.K
Home Occupations	PS	PS	PS	PS	PS		PS	3.11.L
Keeping of Fowl (Non- crowing)	PS	PS	PS	PS	PS			3.11.M
Outdoor Dining / Food Services	PS	PS						3.11.N
Outdoor Displays and Sales	PS	PS						3.11.O
Outdoor Storage, Bulk and Retail	PS						PS	3.11.P
Pick-Up Window								3.11.Q
Roadside Stand	PS	PS						3.11.R
Short-Term Rental (Non-Owner Occupied)	PS	PS	C	C	C			3.11.P
Short-Term Rental (Owner-Occupied)	PS	PS	PS	PS	PS			3.11.S
Swimming Pool	PS	PS	PS	PS	PS			3.11.T
TEMPORARY USES								
Construction Dumpster	PS	PS	PS	PS	PS		PS	
Construction Trailer	PS	PS	PS	PS	PS		PS	3.12.B
Mobile Food Vendor	PS	PS						3.12.C
Seasonal Sales								3.12.D
SPECIAL USES								
Small Cellular Systems and Towers								3.13.A

Table 10.03-1: Special District Permitted Use Table

USE	S-CBD	S-UM	S-CD	S-HD	S-HM	S-MH	S-LD	ADDITIONAL STANDARDS
Solar Energy Systems – Integrated / Roof Mounted	PS	PS	PS	PS	PS			3.13.B
Solar Energy Systems – Small Scale								3.13.B
Solar Energy Systems – Intermediate Scale								3.13.B
Solar Energy Systems – Large Scale								3.13.B
Wireless Telecommunication Facilities								3.13.D

10.04. S-CBD, CENTRAL BUSINESS DISTRICT

A. Purpose

To establish and preserve a central business district convenient and attractive for a wide range of retail uses, business offices, government and professional offices in a setting conducive to a volume of pedestrian traffic. To protect the historic character of downtown Frankfort by granting the Architectural Review Board the authority to review applications as established by [Article 13. Administration and Procedures](#) of these Zoning Regulations.

B. Permitted Uses

Refer to [Table 10.03-1: Special District Permitted Use Table](#) for a complete listing of all uses permitted in the Special Central Business District.

C. Dimensional Standards

Determined by the Architectural Review Board for new construction and in accordance with the District Design Guidelines.

D. Building Height

1. Maximum building height shall not exceed 40 feet; or
2. Within 10% of the average height of existing adjacent buildings or any height deemed appropriate by the Architectural Review Board provided that The relationship between the width and height of street façade elevation is proportional to the relationships of street façade elevation of existing adjacent buildings

E. Off-Street Parking

No off-street parking is required.

F. Design Guidelines

For properties located within the S-CBD district, the City of Frankfort [Central Business Zoning District Design Guidelines](#), dated November 2018, shall apply.

G. Design Criteria

The Central Business District in Frankfort is listed on the National Register of Historic Places as a Historic Commercial District. Development and redevelopment should be aimed at preserving that character. The following guidelines shall be used by the Architectural Review Board in determining if new construction, moving a structure into the district, exterior renovations, or demolition is appropriate to the district.

1. No permit for the construction, demolition, building additions or moving of a structure in the central business district shall be issued by the building inspector unless the Architectural Review Board certifies that the building permit or demolition permit may be issued. The procedure for issuance of such a certificate shall be the same as provided in Article # (Administration and Procedures).
2. The exterior rehabilitation of a structure shall complement the architectural integrity of the façade and shall be compatible with the faces of nearby buildings. For additional design

ARTICLE 10. SPECIAL DISTRICTS AND OVERLAYS

10.04. S-CBD, CENTRAL BUSINESS DISTRICT

guidelines, reference is made to the [City of Frankfort's "A Guide for Downtown Improvements"](#) published April 1981 and the [Central Business Zoning District Design Guidelines](#), dated November 2018. The Central Business Zoning District Guidelines, dated November 2018, shall prevail in the case of any conflicts between the two guidelines.

3. Vacant lots resulting from demolition shall be filled and smooth graded to street grade. Street frontages at least five (5) feet deep shall be landscaped and maintained until new construction has been started, in accordance with perimeter landscaping requirements for vehicular use area in [Article 6. Landscaping and Buffering](#).
4. Storefront window glass shall be clear. Mirrored or shaded glass shall not be used.

H. Signs

1. No signs shall obstruct window or door openings or cover architectural detailing in a manner which alters the integrity of the building.
2. Where the property owner chooses to use a portion of the sign area to give the building a specific name (i.e., - ABC Office Building), each tenant will be permitted one (1) sign, not to exceed two (2) square feet, to be flush mounted on the façade. The sum total of such signs shall not exceed five (5%) percent of the storefront area of the building to which they are attached.
3. Wall signs are permitted provided they are placed on the lintel above the storefront. Such signs must be flush mounted. See the [Figure 10-1](#) (below) for the permitted locations of wall signs.
4. When the building does not include a lintel above the storefront, an alternative location may be determined by the planning staff, with consultation of the Architectural Review Board chairperson, when the proposed sign is appropriate and compatible to the building's design.
5. Window signs are permitted provide such signs do not exceed 50% of the display window area. By definition, window signs shall include those painted on the window surface, both inside and outside, as well as those located within the display area in order to direct attention to the use. Total window sign area shall be calculated as part of the allowable wall signage.
6. No sign shall be internally illuminated. Signs with neon or LED rope lighting features may be appropriate subject to ARB review and approval.
7. Signs painted directly on the wall surface of a building shall require the approval of the Architectural Review Board.
8. Except as provided above, signs not placed on lintels, transoms, or display windows shall require Architectural Review Board approval before a sign permit can be issued.
9. Projecting signs which are six (6) square feet or less and do not extend further than 32 inches from the face of the building, with a minimum of eight (8) feet of vertical clearance or 14 feet of vertical clearance when no sidewalk is present shall be administratively approved. Hanging signs which do not meet any part of this criteria shall require Architectural Review Board approval.
10. For additional sign regulations, see [Article 7. Signage](#).

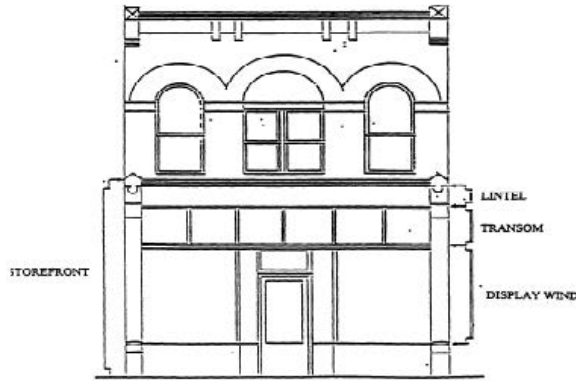


Figure 10-1: Permitted Locations of Wall Signs in Central Business District

10.05. S-UM, URBAN MIX

A. Purpose

The Urban Mixed Use District is established to provide for a district that will allow for the development of a variety of different uses that can be compatible within an urban setting and/or will provide a compact, efficient land use pattern. This district will create new development that is livable, diverse and sustainable, and will promote efficient and economic uses of land. The Urban Mixed Use District will promote development patterns that encourage walkable circulation patterns and conserve energy and will offer residents an excellent opportunity for the ability to live, work, shop and have entertainment and recreational opportunities within a short commute of their residence. This district will also provide ability for the redevelopment and/or quality infill opportunities within areas of the community that may be underutilized and in compliance with the Comprehensive Plan.

B. Definitions

For the purposes of the language contained in this section of the Zoning Regulations, the following terms are defined as follows

1. Abutting Property.

Touching and sharing a common point or lin. This term shall not be deemed to include parcels which are across a street or public right-of-way from each other

2. Adjacent Structure.

Adjacent structures are defined as structures that touch each other, have the same wall or border or are only separated by a drive, alley, patio or are directly across a non-divided street from one another (with the exception of Saint Clair Street from its intersection with Clinton Street to its intersection with Mero Street). Structures that are part of the same "UM" development are not considered adjacent.

3. Principal Frontage.

On corner lots, the principal frontage is the frontage that contains the principal entrance(s) to the building, the one designated to bear the address of the building or the highest classification street the structure fronts.

4. Secondary Frontage.

On corner lots, the frontage that is not the principal frontage.

5. Storefront.

A portion of the frontage of a building generally for retail use, with substantial glazing and often with an awning, and containing the primary entrance to the retail use of that portion of

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10.05. S-UM, URBAN MIX

the building. The design of the storefront will generally stand out from the architectural style of the rest of the façade(s) of the building.

C. Permitted Uses

Refer to [Table 10.03-1: Special District Permitted Use Table](#) for a complete listing of all uses permitted in the Special, Urban-Mix District.

D. Required Mixture of Uses

Each “S-UM” Development shall include a mixture of both residential and non-residential uses. Individual buildings within an S-UM development may have a single use.

E. Dimensional Standards

Table 10.05-1: Urban Mix District Dimensional Standards	
LOT STANDARD	S-UM
LOT SIZE & DIMENSIONS	
Lot Size (min.)	-
Lot Frontage (min.)	-
SETBACKS	
Front Yard (min)	-(1)
Side Yard (min)	-
Rear Yard (min)	-
BUILDING MASSING & LOT COVERAGE	
Building Height (max)	65' -and- For structures built with zero setback any stories above 125% of the average height of adjacent structures must be set back at least 10' per additional story. Any proposed structure taller than 65 feet shall require Planning Commission review.
Building Height (min)	20' (or two (2) stories)
Lot Coverage (max)	-
[1] Buildings shall be built to the front property line along the street. Buildings may be set back up to 20' when necessary to include public space design enhancements such as public art installations, wide sidewalks, pedestrian plazas, or patio / seating areas.	

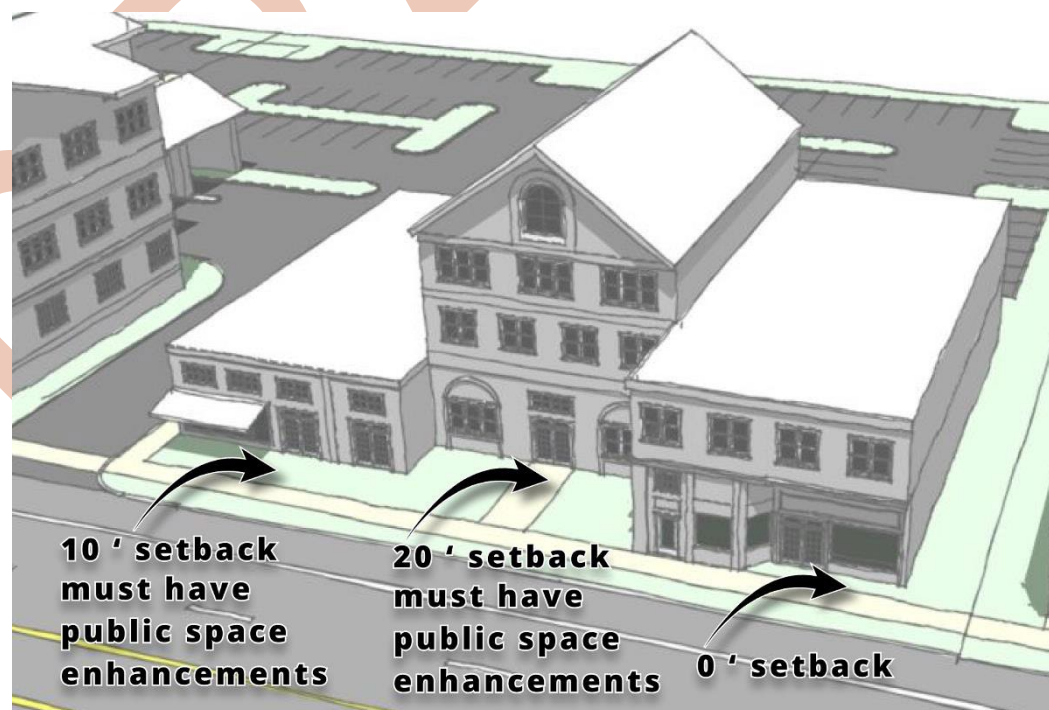


Figure 10-2: Illustration of Dimensional Standards in the S-UM District

F. Relationship to Surrounding Area

1. Developments shall connect to and extend the existing street grid.
2. Developments shall incorporate their interior pedestrian facilities into the outside network. Interior pedestrian facilities / connections should provide access from outside the development as well as from within.
3. Curb cuts in redeveloped parcels shall be paced in the original alley position if applicable.

G. Off-Street Parking

1. Any off-street parking provided in UM districts shall not be placed in the front yard. Off-Street parking shall be placed on the interior of blocks or behind buildings which front the public right-of-way. In the event that off-street parking is desired in the side yard it must be shielded from the front yard / right-of-way with a combination wall and/or fence with landscaping placed along the lot frontage to continue the adjoining streetscape and to maintain walls of continuity.
2. Off-street parking shall be screened from view of the public right-of-way
3. Shared driveways for shared off-street parking lots shall be used as much as possible to minimize curb cuts.

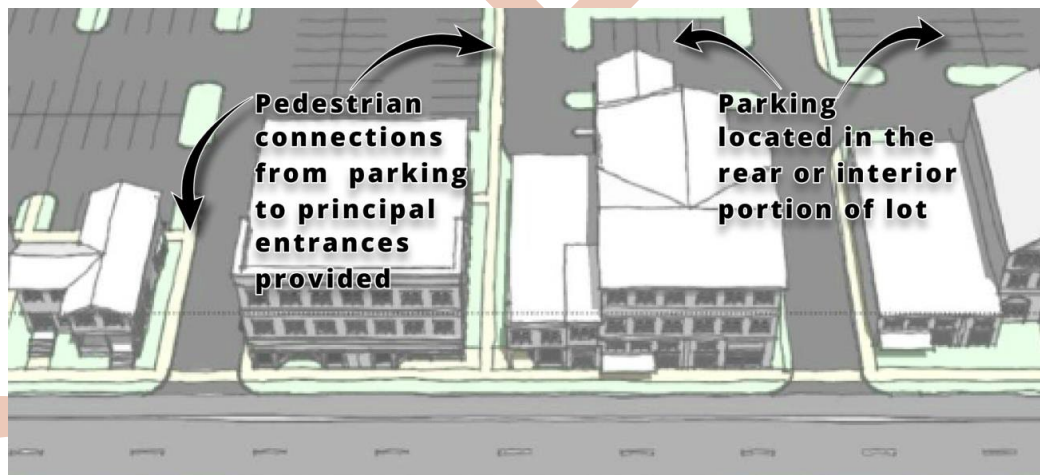


Figure 10-3: Illustration of off-street parking locations in the S-UM district

4. Parking Structures

a. Height

- i. A maximum height of 65 feet is permitted, however, height shall respect the average height of adjacent structures.
- ii. For structures built with zero setback any stories above 125% of the average height of adjacent structures must be set back at least 10 feet per additional story.
- iii. Any proposed structure taller than 65 feet shall require Planning Commission review and approval.

b. Frontage

- i. Parking structures may be located along the Principal Frontage as long as they provide first floor commercial space along the right-of-way with the exception of the locations of any ingress egress points or driveways.

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- ii. Parking structures may be located along the Secondary Frontage.
- iii. Portions of structures visible from either frontage shall be designed so that they are complementary regarding massing and use of materials of their surrounding structures.

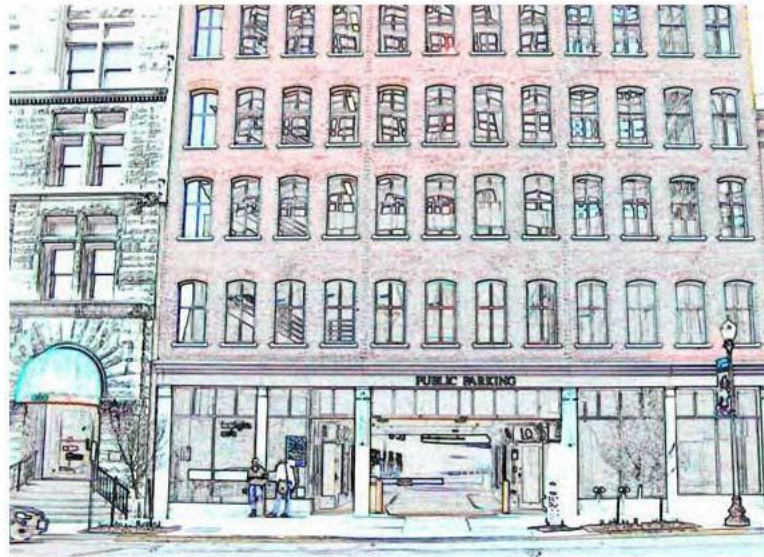


Figure 10-4: Example of parking garage massing and frontage

H. Signs

Signage within the S-UM district shall comply with [Article 7. Signage](#).

I. Design Standards

The site design and architectural standards of the UM district are meant to ensure high quality development near the historic downtown area.

1. Building Materials

- a. The use of brick, fiber-cement board, stone, stucco (with the exception of EIFS which is not permitted), or steel, or combinations thereof, are encouraged. Glass which is not a part of the window and/or storefront design may be used as building material. Buildings should integrate multiple building materials particularly when utilizing vinyl siding.
- b. On facades along street frontage the use of only a single building material on a façade with no secondary material, accent or trim differentiation is prohibited.
- c. Building materials and articulated detailing, or other appropriate architectural detailing, should be used to establish a base, middle, and top portion for the building to help visually break down the scale of large buildings.

2. Facades and Storefronts

- a. Storefront window glass shall be clear. Mirrored or shaded glass shall not be used.
- b. The storefront shall be designed with large quantities of clear glass (75% of the storefront area).
- c. Buildings should be "pedestrian friendly." Design building façade elements that promote a pedestrian-friendly environment including building to the edge of sidewalk, large storefront window openings at the ground floor, awnings, canopies, lighting, and entrances that face the street.

3. Fencing

Maximum height of six (6) feet in front yard, eight (8) feet in side and rear yards. Chain link fencing is not permitted. Wooden privacy fences (six (6) feet in height) shall only be used as necessary for screening of mechanical equipment, utility equipment, or dumpster enclosures.

10.06. S-CD, CAPITAL DISTRICT

A. Purpose

To establish a zoning district to encourage the renovation, rehabilitation and preservation of older neighborhoods in Frankfort that have special or unique features or important associations with the City's historical development. These neighborhoods may not have the substantial architectural and historical significance of the Special Historic District, but have a definable characteristic, architectural period or living environment substantially different from those existing or intended in regular zoning districts. The Architectural Review Board shall have the power to review permits for all conditional uses, variances, construction, demolition or moving of structures within the district.

B. Permitted Uses

Refer to [Table 10.03-1: Special District Permitted Use Table](#) for a complete listing of all uses permitted in the Special Capital District.

C. Dimensional Standards

1. Because of the wide range of existing density and lot sizes in older neighborhoods, no specific density or setbacks shall be established. Development and redevelopment shall be consistent with the character and density of the neighborhood.
2. The bulk and density of new uses or structures shall be determined by the Architectural Review Board, with the exception to setbacks, which can be administratively approved for fences or walls; and for additions or accessory structures that meet the existing setbacks on the property.
3. Maximum height is 45 feet.

D. Signs

1. For any nonresidential use within a residential structure, signs are limited to four (4) square feet and shall be mounted flush on the façade of the structure
2. Identification signs for any residential complex may be four (4) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be flush mounted fascia or ground signs
3. Identification of professional offices may be four (4) square feet for each 100 feet of street frontage to a maximum of eight (8) square feet and may be fascia or ground mounted. In addition, each separate office may have a sign limited to two (2) square feet fascia mounted.
4. Sign materials in the Special Capital District shall comply with the guidelines for signage contained within the SH District Design Guidelines.
5. All pole signs are prohibited.

E. Design Criteria

The following shall govern property improvements within the S-CD, Capital District in filing applications for approval for exterior remodeling, new construction, remodeling, moving of a structure, or demolition as applicable.

1. At the time of application for any building, remodeling, demolition or moving a structure, or variance or change of use permit when a conditional use permit is required, or for any permit for new construction, the Architectural Review Board shall review all building and site plans to:

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10.07. S-HD, HISTORIC DISTRICT

- a. Assure the continuity of architectural styles, building mass and density, as well as the overall character or the area and its relationship to the Capitol Complex.
- b. Protect the open space and landscape features of the district.
- c. Ensure conformance to the applicable requirements of the City of Frankfort [Special Capital Historic Zoning District Design Guidelines](#), dated September 2024.

10.07. S-HD, HISTORIC DISTRICT

A. Purpose

To protect certain areas of the City of Frankfort having significant historic or architectural character by granting the Architectural Review Board the power to review permits for all variances, conditional use permits, construction, demolition or moving of structures within the district.

B. Permitted Uses

Refer to [Table 10.03-1: Special District Permitted Use Table](#) for a complete listing of all uses permitted in the Special Historic District.

C. Dimensional Standards

Because of the wide range of existing density and lot sizes in older neighborhoods, no specific density or setbacks shall be established. Development and redevelopment shall be consistent with the character and density of the neighborhood. The bulk and density of new uses or structures shall be determined by the Architectural Review Board, with the exception to setbacks, which can be administratively approved for fences or walls; and for additions or accessory structures that meet the existing setbacks on the property.

1. Maximum height is 45 feet.

D. Signs

1. One (1) non-illuminated or indirectly illuminated identification sign limited to one (1) for each street frontage not to exceed four (4) square feet in area and indicating only the name and address of the building and the name of the management. If free standing, the sign shall be set back from the street a distance of at least ten (10) feet from the curb line. Maximum height of free standing sign shall be four (4) feet.
2. One (1) non-illuminated business sign for each tenant or lessee located on the premises, limited to two (2) square feet in area, mounted on the faced of the building and not projecting more than six (6) inches from the façade of the building unless otherwise approved by the Architectural Review Board.

E. Design Guidelines

The following shall govern property improvements within the S-HD, Historic District in filing applications for approval for exterior remodeling, new construction, remodeling, moving of a structure, or demolition as applicable.

1. Assure the continuity of architectural styles, building mass and density, as well as the overall character of the area.
2. Protect the open space and landscape features of the district
3. Conform to the applicable requirements of the City of Frankfort [Special Historic Zoning District Design Guidelines](#), dated February 2016.

10.08. S-HM, HERITAGE MIXED USE

A. Purpose

The purpose of the S-HM, Heritage Mixed Use district is to:

1. Facilitate the preservation of the county's significant historic resources that are under pressure due to adjacent incompatible development, proposed future development, or existing underutilization and neglect.
2. Prevent the loss of historic, cultural, and heritage sites by incorporating compatible mixed-use development that promotes tourism, economic vitality, and complements the historic character of the district.
3. Allow adaptive re-use of significant historic buildings and introduce new uses at an intensity and scale that fit into the environs in a balanced and compatible manner, fostering a vibrant and sustainable district that celebrates its unique heritage assets.

B. Permitted Uses

Refer to [Table 10.03-1: Special District Permitted Use Table](#) for a complete listing of all uses permitted in the S-HM District. Uses not permitted in the table may be approved by the Planning Commission as part of the proposed development/zone change review.

C. Applicability

1. A proposed Heritage Mixed Use district must contain one (1) or more historic resources that are currently listed or eligible for the National Register of Historic Places (NRHP) that are currently vacant, abandoned, underutilized, or located in an area where adjacent future land uses (as identified in the Comprehensive Plan) are not compatible with the continued preservation of such resource(s).
2. Eligibility of non-NRHP-listed or non-NRHP-eligible resources shall be determined by a professional meeting or exceeding the profession who is:
 - a. Retained by contract or employed by the Fiscal Court or Planning Commission; and
 - b. Meets or exceeds qualification standards established by the Secretary of Interior.
3. Analysis shall include an assessment of the levels of significance and integrity of all identified primary and accessory / associated resources existing on the property(ies).

D. Development Plan and Review Procedures

1. Zoning Map Amendment to S-HM District.

The Planning Commission shall hear applications requesting a zone map amendment to rezone to the S-HM, Heritage Mixed Use district. The request shall include the following items in order to be considered a complete application:

- a. Legal description or plat of properties subject to the rezoning to establish district boundaries.
- b. A Preliminary Development Plan depicting the following:
 - i. Approximate placement of new buildings and roads.
 - ii. Existing features that are proposed to be preserved, demolished, or altered.
 - iii. Identification of historic and significant resources on site.
 - iv. Uses of the existing and proposed buildings or structures shall be labeled.
 - v. Existing drainage features, topographical slope, and natural features such as streams, woodlands, and wetlands.
 - vi. Proposed grading and removal of trees, as well as identifying areas that will be preserved for rural and agricultural uses
 - vii. A detailed written description of the proposed development that includes an explanation of the historic significance and integrity of the primary building, structure, and/or site, as well as any accessory / associated

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10.08. S-HM, HERITAGE MIXED USE

resources, and how the proposed development will incorporate those resources into a cohesive heritage tourism destination.

2. Final Development Plan and Historic Preservation Review and Approval.

- a. Final Development Plan approval shall include all requirements for a development plan as found in [Section 13.06.E. Development Plan](#). The lot area, lot width, yard and usable space requirements shall not apply to S-HM districts. The siting and location of buildings, improvements, structures, and common open spaces within the area of the S-HM district shall be controlled by the Development Plans which are approved for the specific S-HM district.
- b. A report shall be developed by a qualified professional meeting the specified criteria of [Section 10.08.D.1.b](#) (above) and shall include the application of the development guidelines contained in [Section 10.08.E. Development Guidelines](#) below to determine the appropriateness of the proposed treatments, alterations, and design of new construction on the property of the NRHP-listed or NRHP-eligible resources. The report shall be provided to the Planning Commission to assist with the historic preservation review.
- c. The Planning Commission chairperson or staff shall review and have authority for approval of the Final Development Plan. If there have been significant changes between the Preliminary and Final Development Plan, Planning Commission shall review and have authority for approval. It shall also consider the review report from [subsection 2.b](#) (above). above for conditions to be included in the final approval.

E. Development Guidelines

1. The character, scale and aesthetics of the proposed development shall be compatible with the cultural and rural nature of the site.
2. Preservation of NRHP-listed or NRHP-eligible historic buildings shall be reviewed and proposed changes to the exterior of the buildings shall be reviewed and approved by the Planning Commission.
3. Demolition of the primary historic resources shall not be permitted. Relocation of accessory or associated resources may be permitted. Demolition of accessory / associated resources may be permitted if the resources lack historic significance or integrity.
4. Rehabilitation of the exterior of the historic buildings and their environments shall follow the design standards bellow, which are to be applied in a reasonable manner, taking into consideration the significance and integrity of each resource, in addition to economic and technical feasibility:
 - a. The adaptive reuse of the historic building should require minimal change to the defining characteristics of the building, the site, and environment immediately adjacent. The placement of mixed-use structures in the district should respect the historic character of the site.
 - b. The character of the historic building(s) should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided when possible.
 - c. Each property should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings should not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right should be preserved.

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10.09. S-MH, MOBILE HOME DEVELOPMENT

- e. Distinctive features finished and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.
- f. Deteriorated historic features should be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities, and, where possible, materials. Missing features should be substantiated by documentary, physical, or pictorial evidence.
- g. Consideration of the potential to find significant archeological resources in the vicinity of the rehabilitation should be given.
- h. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- i. New additions should be undertaken in a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

F. Enforcement

Violations of any portion of these regulations shall be subject to fines, penalties, and enforcement actions in accordance with [Section 13.09. Administration and Enforcement](#).

10.09. S-MH, MOBILE HOME DEVELOPMENT

A. Purpose

To establish and provide for districts for mobile home subdivisions and mobile home parks in a residential neighborhood free from incompatible uses and in a safe, sanitary, and attractive environment.

B. Permitted Uses

Refer to [Table 10.03-1: Special District Permitted Use Table](#) for a complete listing of all uses permitted in the S-HM District.

C. Dimensional Standards

1. Mobile Home lots shall meet the following dimensional standards, unless otherwise specified herein:

Table 10.09-1: Mobile Home Development District Dimensional Standards		
LOT STANDARD	SERVED BY WATER / SEWER	NOT SERVED BY WATER / SEWER
LOT SIZE & DIMENSIONS		
Lot Size (min.)	5,000 sq. ft.	1.5 acres
Lot Width (min.)	32'	100'
SETBACKS		
Front Yard (Street Entrance)	25'	
Front Yard (Interior Street)	10'	
Side Yard (min)	6'	
Rear Yard (min)	20'	
BUILDING MASSING		
Building Height (max)	20'	

2. Residential lots not served by public or private sewer shall meet the following dimensional standards:
 - a. Demonstrate satisfactory site evaluation by the local Health Department;

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10.09. S-MH, MOBILE HOME DEVELOPMENT

- b. No more than one (1) dwelling shall be connected to a single septic tank system regardless of the size of the subdivided lot.

D. Off-Street Parking

A minimum of two (2) parking spaces shall be provided per mobile home unit, or as otherwise indicated in [Article 5. Parking, Loading, and Circulation](#).

E. Design Criteria

1. Mobile Home Subdivisions

Mobile Home Subdivisions shall comply with the Frankfort/Franklin County Subdivision Regulations as established by [Article 14. Subdivision Regulations](#) of these Zoning Regulations, with the following exceptions:

- a. Lot sizes are permitted as indicated in [Table 10.09-1](#) (above).
- 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.

2. Mobile Home Parks

- a. Lot sizes are permitted as indicated in [Table 10.09-1: Mobile Home Development District Dimensional Standards](#) (above).
- b. There shall be a 25 foot landscaped buffer area around the periphery of any mobile home park, in accordance with the requirements for Multi-Family Residential in [Section 6.07.B. Multi-Family Residential and Public & Institutional Landscape Buffer Requirements](#).
- c. Each mobile home park shall provide and maintain a recreation area equal to 500 sq. ft. per each mobile home unit.
- d. Minimum size for any mobile home park shall be 10 acres.
- e. Minimum number of mobile home sites available for occupancy shall be 10.
- f. All utilities and wires shall be underground.
- g. Each mobile home site shall be provided with a concrete pad consisting of a six-inch (6") thick poured Portland cement apron not less than the width and length of the mobile home to be maintained thereon.
- 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 36 feet in width, curb to curb, and the average width of mobile home lots within the development is at least 40 feet.
- i. One (1) storage structure may be permitted per unit and shall not exceed 15% of the total square footage of the mobile home in which it serves. Such storage structure shall not exceed eight (8) feet in height and shall be at least five (5) feet from all lot lines.
- j. All mobile homes shall:
 - i. Be skirted to cover the undercarriage or wheels using an industry standard material.
 - ii. Be provided with tie downs; and
 - iii. Comply with the [Section 13.06.E. Development Plan](#).

F. Enlargement of Existing Mobile Home Parks

Any enlargement or extension of any existing mobile home park shall comply with these regulations.

G. Mobile Homes Not Within the S-MH District

Unless specifically listed as a permitted use, no mobile home shall be parked or maintained and used as a dwelling in any zone other than the S-MH and FNL districts.

10.10. S-LD, LANDFILL DISTRICT

A. 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:

1. 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;
2. Protect public safety by requiring proper design of access streets to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes;
3. 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; and
4. Promote public welfare by providing a suitable location for the disposal of the solid wastes generated by the community.

B. 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.

C. Planning for the Landfill

1. 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 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.
2. 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 and 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.

D. Reports and Site Development and Operational Plans

1. 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

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10.10. S-LD, LANDFILL DISTRICT

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](#).

2. Operation plan and maps must be prepared and include the following information:
 - a. Proposed Fill Areas
 - b. Any borrow area
 - c. Access roads
 - d. On-site drives
 - e. Grades for proper draining 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 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; and
 - o. All other pertinent information to indicate clearly the orderly development operation and completion of the landfill.

E. Engineer's Certification

Landfill facilities shall be designed in accordance with this chapter 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.

F. Other Permits Required

Prior to the operation of the landfill, the commonwealth's 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 or her own household on his or her own property.

G. 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.

H. Soil and Geologic Criteria

1. General

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.

2. 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;
- b. Sufficient soil suitable for cover material with good workability and compaction characteristics;
- c. Slopes of less than 12%; and
- 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 the county.

3. Geological Characteristics

- a. 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.
- b. To eliminate the possibility of either surface or ground water pollution, the site should:
 - i. Be located a safe distance from sinkholes, streams, lakes, wells and other water sources;
 - ii. Avoid being located above the kind of subsurface stratification that will lead the leachate from the landfill to water sources (i.e., fractured limestone);
 - iii. Use an earth cover that is nearly impervious; and
 - iv. Provide suitable drainage to carry surface water away from the site. Grading, diking, terracing, diversion details or tiling may be approved, where appropriate.

I. 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.

J. Yard Requirements

Minimum depth of front, rear, and side yards surrounding the waste boundary shall be 250 feet. No waste boundary shall be permitted within 750 feet of any dwelling or mobile home.

K. 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.

L. Site Design Standards

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

1. Access Design and On-Site Roads

ARTICLE 10. SPECIAL DISTRICTS AND OVERLAYS

10.10. S-LD, LANDFILL DISTRICT

- a. 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.
- b. 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.
- c. Distance of driveway entrance or exit from any adjacent lot line should be at least 125 feet, except for lots across the arterial road, off of which the access drive is located. Any portion of such access drive within 150 feet of the public street shall be paved or treated so as to be free of dust.
- d. The on-site roads to within 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.

2. Fencing and Landscaping

The landfill area shall be enclosed with a substantial wall, fence or other adequate barrier at least five 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 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 15 feet on center, which are a minimum of six 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 county's Engineer, the existing tree stands will provide the same amount or greater buffer than the required landscape planting strip.

3. 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.

4. Site Operational Standards

Operating standards to prevent adverse health hazards and other nuisance like problems and by requirements and regulations of the commonwealth.

M. Completed Landfill

1. Inspection

An inspection of the entire site shall be made by the commonwealth's 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 commonwealth's Natural Resources and Environmental Protection Cabinet shall be submitted to the county's Planning and Zoning Office.

2. 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. 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:

- a. Result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site and land area immediately surrounding;
- b. 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 inches; and
- c. Trees, shrubs, legumes or grasses shall be planted as approved on the site development and operational plans.

3. Decompositions, Settlement, and Underground Fires

- a. 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.
- b. 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.
- c. 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.

4. Subsequent Land Use

- a. 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.
- b. In all cases, the future uses determination shall be based on consideration of the following factors:
 - i. The relationship of the proposed use to the adopted Comprehensive Plan and other adopted community plans;
 - ii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - iii. The susceptibility of the proposed use to damage resulting from settlement and other hazards inherent in the area filled;
 - iv. The community need for the proposed use; and
 - v. The availability of alternative locations for uses proposed

ARTICLE 11. [RESERVED]

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ARTICLE 12. FLOOD DAMAGE PREVENTION

12.01. APPLICABILITY OF THIS ARTICLE

The Flood Damage Prevention provisions of this article are applicable to the City of Frankfort. Franklin County Flood Damage Prevention shall be governed by the Franklin County Flood Damage Prevention Ordinance in the [Franklin County, KY Code of Ordinance](#).

12.02. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes ([KRS 100.203](#)) 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 Board of City Commissioners of Frankfort, Kentucky, hereby adopts the following Floodplain Management Regulations, as follows.

B. Findings of Fact

1. The flood hazard areas of the City of Frankfort are subject to periodic inundation which results 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.

C. Statement of Purpose

1. It is the purpose of this Article is to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:
2. 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;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
5. Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

D. Objectives

1. The objectives of this article are to:
2. Protect human life and health;
3. Minimize expenditure of public money for costly flood control projects;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

ARTICLE 12. FLOOD DAMAGE PREVENTION

12.03. APPLICABILITY

5. Minimize prolonged business interruptions;
6. 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;
7. 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,
8. Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area.
9. Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

12.03. APPLICABILITY

A. Lands to Which This Article Applies

This article 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 Board of City Commissioners of the City of Frankfort, Kentucky, from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Board of City Commissioners of the City of Frankfort which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Frankfort.

B. Basis for Establishing 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** date, 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 by the City of Frankfort, and for those land areas acquired by the City of Frankfort through annexation. 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 City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of the City of Frankfort and are on file and available for review by the public during regular business hours at the Planning and Community Development Department at City Hall 315 W. Second St, Frankfort, KY. These FIRM maps are also available for review at the Paul Sawyer Public Library and the City of Frankfort's web site.

12.04. GENERAL PROVISIONS

A. Establishment of a Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provision of this article prior to the commencement of any development activities in the special flood hazard areas (SFHA).

B. Floodplain Development Permit Requirements

Application for a floodplain development permit shall be made on forms furnished by the Floodplain Administrator available at the Planning and Community Development Department or at the City's website. The permit application will 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 [Section 12.06. Provisions for Flood Hazard Reduction](#);
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

- a. 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.
- b. 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.

C. Compliance

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this article 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 City of Frankfort from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions

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

E. Interpretation

In the interpretation and application of this article, 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.

F. Warning and Disclaimer of Liability

ARTICLE 12. FLOOD DAMAGE PREVENTION

12.04. GENERAL PROVISIONS

The degree of flood protection required by this article 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 article 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 article shall not create liability on the part of the Board of City Commissioners of the City of Frankfort, 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 article or any administrative decision lawfully made hereunder.

G. Enforcement, Violation Notice and Penalties

1. Civil Offense

If, at any time, development occurs which is not in accordance with the provisions of this article 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 article 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 ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this article 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 article 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 article 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 article 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 article or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100.00 and no more than \$500.00 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.

12.05. ADMINISTRATION

A. Designation of Local Administrator

The Board of City Commissioners of the City of Frankfort hereby appoints the Planning and Community Development Director, and/or their designee, to administer, implement, and enforce the provisions of this article by granting or denying floodplain development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

B. 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 article. The Floodplain Administrator is further authorized to render interpretations of this article, 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 floodplain development permits to ensure that:

- a. Permit requirements of this article have been satisfied;
- b. All other required state and federal permits have been obtained: review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. C 1334;
- 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 article, "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 [Section 12.03.B. Basis for Establishing Special Flood Hazard Areas](#)), 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 [Section 12.06. Provisions for Flood Hazard Reduction](#). Any such information shall be submitted to the Board of City Commissioners 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

ARTICLE 12. FLOOD DAMAGE PREVENTION
12.05. ADMINISTRATION

- 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 [Section 12.06.B.2 Non-Residential Construction](#) 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 [Section 12.04.A. Establishment of a Floodplain Development Permit](#);
- b. Certification required by [Section 12.06.B. Specific Standards](#) as shown on a completed and certified floodproofing 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 [Section 12.04.A. Establishment of a Floodplain Development Permit](#);
- c. Certification required by [Section 12.06.B.3. Elevated Structures](#);
- d. Certification of elevation required by [Section 12.06.E. Standards for Subdivision Proposals](#);
- e. Certification required by [Section 12.06.B.5. Floodways](#);
- 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 article as specified in [Section 12.04.G. Enforcement, Violation Notice and Penalties](#).

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 [Section 12.07.D. Appeals / Variance Procedures](#);
- b. When base flood elevation data or floodway data have not been provided in accordance with [Section 12.04.B. Floodplain Development Requirements](#), then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of [Section 12.06. Provisions for Flood Hazard Reduction](#);
- 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 a floodproofing certificate – [Section 12.06.B.2. Non-Residential Construction](#);
- d. All records pertaining to the provisions of this article 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 article, 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 article.
- 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 article.

7. Stop Work Orders

Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this article 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 article, 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 article.

9. Liability

Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this article, 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 article shall be defended by the department of law until the final termination of the proceedings.

10. Expiration of Floodplain Construction Permit

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.

12.06. PROVISIONS FOR FLOOD HAZARD REDUCTION

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 frame 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 article shall meet the requirements of "new construction" as contained in this article;
11. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

B. Specific Standards

In all special flood hazard areas where base flood elevation data have been provided, as set forth in [Section 12.03.B. Basis for Establishing Special Flood Hazard Areas](#), 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 two (2) feet 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 [Section 12.06.B.3. Elevated Structures](#).

- a. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding two (2) feet the depth number specified in feet on the FIRM, or elevated at least 2 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 two (2) feet 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, and best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, 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. In all other A zones, elevated two (2) feet above base flood elevation.
- c. 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 [Section 12.06.B. Specific Standards](#) or together with attendant utility and sanitary facilities:

- a. Be floodproofed below an elevation two (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 two (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 [Section 12.04.B. Floodplain Development Permit Requirements](#).
- e. Manufactured homes shall meet the standards in [Section 12.06.B.4. Standards for Manufactured Homes and Recreational Vehicles](#).
- 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 two (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

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(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 two (2) feet 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 and 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 two (2) feet 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; and no such area should exceed 300 sq. ft.
- d. For enclosed areas greater than seven (7) feet in interior height, where elevation requirements exceed six (6) feet above the highest adjacent grade, a certificate of land use restriction or deed restriction shall be provided that stipulates the prohibition of converting the area below the lowest floor to a use or dimension contrary to the structures' original approved design. A copy of such deed restriction or certificate of land use restriction shall be provided prior to the issuance of any certificate of occupancy.

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 community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:
 - i. On individual lots or parcels,
 - ii. In expansions to existing manufactured home parks or subdivisions,

- iii. In new manufactured home parks or subdivisions or
 - iv. In substantially improved manufactured home parks or subdivisions, or
 - v. Outside of a manufactured home park or subdivision,
 - vi. 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,
- b. All Manufactured homes must be:
- i. Elevated on a permanent foundation, and
 - ii. Have its lowest floor elevated no lower than two (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.
- c. 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:
 - (A). The lowest floor of the manufactured home is elevated no lower than 1 feet above the level of the base flood elevation, or
 - (B). 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.
- d. 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 article, 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 [Section 12.03.B. Basis for Establishing Special Flood Hazard Areas](#), 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 additional provisions shall apply:

- a. 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;
- b. If [Section 12.06.B.5. Floodways](#) is satisfied all new construction and substantial

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improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of [Section 12.06. Provisions for Flood Hazard Reduction](#).

6. Structures Elevated on Fill

A residential or non-residential structure may be constructed on permanent fill in accordance with the following:

- a. The lowest floor including basement of the structure or addition shall be no lower than two (2) feet above the base flood elevation;
- b. The fill shall be placed in layers no greater than one foot deep before compacting and should extend at least 10 feet beyond the foundation of the structure before sloping below the base flood elevation. The slope shall be no greater than a 2:1 ratio unless a stability analysis is provided by a registered professional engineer;
- c. The 10 foot minimum in [6.b](#) above may be administratively waived if a structural engineer certifies an alternative method to protect the structure from damage due to erosion, scour, and other hydrodynamic forces;
- d. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties;
- e. All new structures built on fill must be constructed on properly designed and compacted fill (ASTM D-698 or equivalent) and must satisfy [6.b](#) above.

7. Vegetative Buffer Strips (Riparian Zones)

For all activities involving construction within 25 feet of the channel of a creek, stream, wetland, pond, or river, shall meet the additional criteria:

- a. A natural vegetative buffer strip shall be preserved within at least 25 feet of the mean high water level of any creek, stream, wetland, pond, or river; and
- b. Where it is impossible to protect this buffer strip during construction of an appropriate use, a vegetated buffer strip shall be installed prior to the issuance of a certificate of occupancy.
- c. The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided for maintenance purposes.

C. Standards for Streams Without Established Base Flood Elevation (Unnumbered A Zones) and/or Floodways

Located within the special flood hazard areas established in [Section 12.03.B. Basis for Establishing Special Flood Hazard Zones](#), 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 two (2) feet 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 [Section 12.03.B. Basis for Establishing Special Flood Hazard Zones](#).

D. Standards for Shallow Flooding Zones

Located within the special flood hazard areas established in [Section 12.03.B. Basis for Establishing Special Flood Hazard Zones](#), are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), 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 [Section 12.06.B.2. Non-Residential Construction](#).

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.
6. All new subdivision proposals shall document and identify that new public streets will be subject to no more than 6 inches of flood waters during the 1% annual chance flood (100-year flood). Such documentation shall be provided by a registered professional engineer.

F. Standards for Accessory Structures in all Zones Beginning with the Letter 'A'

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

1. Structure must be non-habitable;

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2. Must be anchored to resist floatation forces;
3. Will require flood openings/vents no more than two (2) feet 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 two (2) feet 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.

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 1 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.

12.07. APPEALS AND VARIANCE PROCEDURES

A. Nature of Variances

1. The variance criteria set forth in this section of the article 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 article 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.
2. It is the duty of the Board of City Commissioners 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 article 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.

B. Designation of Variance and Appeal Board

The Board of City Commissioners of the City of Frankfort hereby establishes a Flood Damage Prevention Appeal Board (FDP Appeal Board) consisting of the five City 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.

C. Duties of Variance and Appeals Board

1. The FDP Appeal Board shall hear and decide requests for variances from the requirements of this article and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this article. The FDP Appeal Board shall require public notice and hearing procedures that are exactly that same as those required by [Section 13.04. Public Hearing Notice Requirements](#) and [Section 13.06.C. Variances](#).

2. Any person aggrieved by the decision of the FDP Appeal Board or any taxpayer may appeal such decision to the Franklin County District Court, as provided in Kentucky Revised Statutes.

D. Appeals/Variance Procedures

In reviewing such applications, the FDP Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger to life and property due to flooding or erosion damage;
3. 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;
4. Importance to the community of the services provided by the proposed facility;
5. Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
6. Availability of alternative locations which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. 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,
11. 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.

E. Conditions for Variances

Upon consideration of the factors listed above and the purposes of this article, the FDP Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

1. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
2. 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 article. For example, in the case of variances to an elevation requirement, this means the Board of City Commissioners 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 Board of City Commissioners believes will both provide relief and preserve the integrity of the local ordinance.
3. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to 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.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this article); and
 - c. A determination that the granting of a variance will not result in increased flood

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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.

5. 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.
6. 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
7. 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 [Section 12.07.E.1](#) through [12.07.E.5](#) 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.

F. Variance Notification

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. 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;
2. Such construction below the base flood level increases risks to life and property.
3. 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.
4. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

G. Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

H. 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.

12.08. DEFINITIONS

- A. Unless specifically defined in [herein](#), words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

1. 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, flood waters 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.

2. 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.

3. AH Zone

An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are shown.

4. 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.

5. 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.

6. A99 Zone

The 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.

7. Addition

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.

8. Appeal

A request for a review of the Floodplain Administrator's interpretation of any provision of this subchapter or from the Floodplain Administrator's ruling on a request for a variance.

9. Area of Shallow Flooding

A designated AO or AH Zone on a community's 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.

10. 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 one square mile and areas protected by levees from the base flood.

11. Base Flood

A flood, which has a 1% chance of being equaled or exceeded in any given year (also called the 100-Year Flood). Base flood is the term used throughout this Article.

12. 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% or greater chance of being equaled or exceeded in any given year.

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13. Basement

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

14. Building

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

15. C and X (Unshaded) Zones

Areas determined to be outside the 500-year floodplain.

16. Community

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

17. 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.

18. 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 flood waters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

19. Construction, Existing

Any structure for which the "start of construction" commenced before the effective date of the FIRM or before 1-1-1975 for FIRMs effective before that date. "Existing Construction" may also be referred to as "Existing Structures".

20. Construction, New

Structures for which the start of construction commenced on or after the effective date of the City of Frankfort and Franklin County's floodplain management regulations and includes any subsequent improvements to such structures.

21. Construction, Pre-FIRM

Construction or substantial improvement, which started on or before 12-31-1974 or before the effective date of the initial FIRM of the community, whichever is later.

22. Construction, Post-FIRM

Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after 12-31-1974, whichever is later.

23. Construction, Start Of

(This 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.

24. D Zone

An area in which the flood hazard is undetermined.

25. Damage, Substantial

- a. Any damage to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.
- b. For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor or other structural part of the building commences.
- c. The term does not apply to:
 - i. Any project for improvement of a building required to comply with existing health,
 - ii. 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
 - iii. Any alteration of a "historic structure"; provided that, the alteration will not preclude the structure's continued designation as a "historic structure".

26. 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.

27. Development

Any human-made 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.

28. 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 structure's elevation and other related information to verify compliance with this subchapter.

29. 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.

30. Enclosure

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The portion of a structure below the base flood elevation (BFE) used solely for parking of vehicles, limited storage or access to the structure.

31. 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.

32. Five-Hundred Year Flood (500-Year Flood)

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

33. Flood, Flooding, or Flood Water

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". The condition resulting from flood-related erosion. See "Flood-Related Erosion".

34. 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.

35. Flood Hazard Boundary Map (FHBM)

A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

36. 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.

37. 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.

38. Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by flood waters from any source.

39. Floodplain Administrator

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

40. 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.

41. Floodplain Management Regulations

This Article 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.

42. Flood-Proofing

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.

43. Flood-Proofing 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 water-tight 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.

44. Floodway

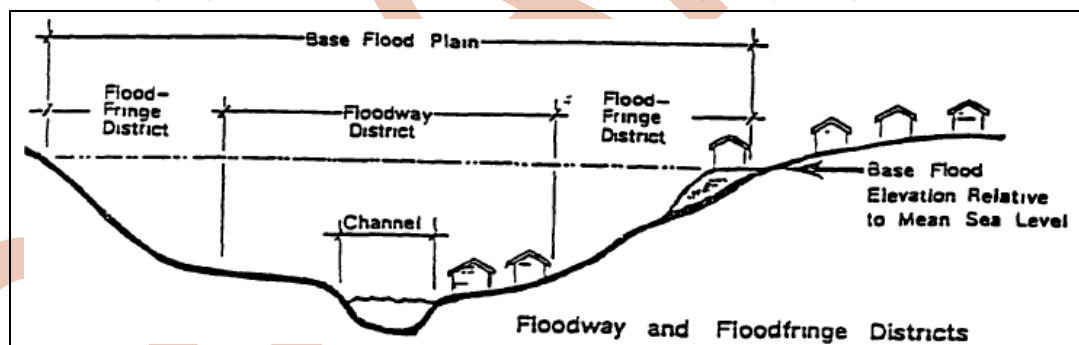
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "Floodway, Regulatory".

45. Floodway, Regulatory

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".

46. Floodway Fringe

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



47. Fraud and Victimization

As related in Section 12.06 (Appeals and Variances) of this code, 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 50 to 100 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.

48. 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 flood-proofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components and the like.

49. 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.

50. 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.

51. Grade, Lowest Adjacent

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 structure's foundation system.

52. 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).

53. Improvement, Substantial

Any combination of reconstruction, alteration or improvement to a building, taking place during a one-year period in which the cumulative percentage of improvement equals or exceeds 50% 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;
- b. Any alteration of a "historic structure"; provided that, the alteration will not preclude the structure's continued designation as a "historic structure"; or
- c. Any building that has been damaged from any source or is categorized as repetitive loss.

54. Increased Cost of Compliance (ICC)

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, flood-proof, 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.

55. Letter of Map Change (LOMC)

An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps and Flood Insurance Studies. LOMCs include the following categories.

56. Levee

A human-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.

57. Levee System

- a. 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.
- b. For a Levee System to be recognized, the following criteria must be met:
 - i. 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).
 - ii. 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.

58. 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.

59. 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 Manufactured Home does not include a "recreational vehicle".

60. Manufactured Home Park or Subdivision

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

61. Manufactured Home Park or Subdivision, Existing

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 the county based on specific technical base flood elevation data which established the area of special flood hazards.

62. Manufactured Home Park or Subdivision, Expansion (To An Existing)

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).

63. Manufactured Home Parks or Subdivisions, Existing, Substantially Improved

Repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equaling or exceeding 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

64. Manufactured Home Parks or Subdivisions, New

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 the City of Frankfort and Franklin County's adopted floodplain management ordinances.

65. 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).

66. 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 "A" is not used by FEMA; the letter "B" is the first revision.)

67. 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.

68. 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 community's FIRM. For purposes of this article, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

69. 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.

70. 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.

71. Mudslide 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.

72. Mudslide Prone Area

An area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

73. 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 FIRMs. Refer to FIRM legend panel for correct datum.)

74. Non-Residential

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 six months' duration.

75. North American Vertical Datum (NAVD)

As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRMs and Digitally Referenced FIRMs (DFIRMs). (Refer to FIRM or DFIRM legend panel for correct datum.)

76. 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.

77. One-Hundred Year Flood (100-Year Flood)

The flood that has a 1% 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% chance of experiencing such a flood with the SFHA.

78. 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.

79. 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.

80. Program Deficiency

A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 C.F.R. §§ 60.3, 60.4, 60.5 and/or 60.6.

81. 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.

82. Regular Program

The phase of a community's 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.

83. Repair

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12.08. DEFINITIONS

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

84. Repetitive Loss

Flood-related damages sustained by a structure on two or more separate occasions during a ten-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 \$1,000 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.

85. 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.

86. Riverine

Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

87. Section 1316

The section of the National Flood Insurance Act of 1968, being 42 U.S.C. §§ 4001 et seq., 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.

88. Sheet Flow Area

See Area of Shallow Flooding

89. Special Flood Hazard Area (SFHA)

The 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 Zones A, AE, A1-A30, AH, AO or AR.

90. Structure

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

91. Structure, Accessory

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.

92. Structure, Elevated

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.)

93. Structure, Historic

Any structure that is:

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

94. 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 or more lots or parcels.

95. 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.

96. 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.

97. Use, Accessory

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

98. Utilities

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

99. Variance

Relief from some or all of the requirements of this article.

100. Vehicle, Recreational

A vehicle that is:

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

101. Violation

Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications or other evidence of

ARTICLE 12. FLOOD DAMAGE PREVENTION

12.09. SEVERABILITY

compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

102. 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.

103. Watercourse

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

104. 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.

105. 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.

12.09. SEVERABILITY

- A. This article and the various parts thereof are hereby declared to be severable. Should any section of this article 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.
- B. If any section, clause, sentence, or phrase of the Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.01. PURPOSE

The purpose of this article is to:

- A. Identify roles and responsibilities of various elected and appointed boards, and the duties of city and county staff, in the administration of these Zoning Regulations; and
- B. Identify the development review procedures used in the administration of these Zoning Regulations.

13.02. SUMMARY TABLE OF PROCEDURES

The following table summarizes the decision making bodies' authority to review, recommend, render decisions, and hear appeals regarding various procedures included in this zoning code. This table includes common planning and zoning procedures but it not inclusive of all requests and procedures within the city. If the table conflicts with the procedures as provided elsewhere in this zoning code, such procedures shall prevail over this Summary Table of Approval Bodies and Procedures.

Procedure	Reference	Planning & Zoning Director	Board of Adjustment	Planning Commission	Architectural Review Board	City Council / Fiscal Court	Franklin County Circuit Court
Zoning Map and Text Amendments	13.06.A	R		H D		A D	A
Conditional Use*	13.06.B	R	H D				A
Variance*	13.06.C	R	H D				A
Appeals	13.06.D	R	H D				A
Development Plan	13.06.E	R D	A D				
Zoning District Boundary Determination	13.06.F	R D	A D				
Local Designations	13.06.G	R			H D		
Certificates of Appropriateness	13.06.H	R			H D		A
Determination of No Exterior Effect	13.06.I	R D			H D		
Demolition Permits in S-CD, S-CBD, and S-HD Districts	13.06.J	R			H D		
* Conditional Use and Variance Requests within the S-CD; S-CBD; and S-HD districts are reviewed by the Architectural Review Board							
H = Public Hearing Required M = Public Meeting Required R = Review and/or Recommendation				D = Final Decision Making Body A = Appeal Body Shaded Box = No Role / Authority			

13.03. REVIEW AND DECISION MAKING BODIES

A. Planning and Zoning Director

1. Roles and Responsibilities

- a. To receive all applications for zoning permits, conditional uses, site plan review, zoning amendments, variances, appeals, and other such applications for processes established in these Zoning Regulations and collect all applicable fees.
- b. The Planning & Zoning Director (or designee(s)) shall promptly review each application that is submitted to determine compliance with the applicable district regulations and submission requirements.

ARTICLE 13. ADMINISTRATION AND PROCEDURES

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- c. To maintain a record of all administrative and legislative proceedings under this code, with respect to site plan approval, appeals, variances, and zoning amendments.
- d. Maintain a current copy of the official zoning map, which shall be kept both on permanent display in the City of Frankfort and Franklin County offices, and available electronically.
- e. Conduct inspections of buildings and uses of land to determine compliance with these regulations, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- f. Determine the existence of any violations of this code and cause such notifications, revocation notices, or orders for removal of violations to be issued, or initiate such other administrative or legal action as needed, to address such violation.
- g. Other tasks that may be assigned by elected officials or other administrative personnel.

B. Board of Adjustment

1. 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 the county and Frankfort/Franklin County Joint Planning Commission agreement.

2. Membership

a. Composition and Appointment

The Board of Zoning Adjustment shall consist of seven (7) citizen members appointed in the following manner:

- i. Four (4) citizen members shall be appointed by the Mayor of Frankfort and approved by the Frankfort City Commission.
- ii. Three (3) citizen members shall be appointed by the Franklin County Judge/Executive and approved by the Franklin County Fiscal Court.

b. Qualifications and Terms

- i. No more than two (2) members of the Board of Zoning Adjustment may concurrently be members of the Frankfort-Franklin County Planning Commission.
- ii. All members must be citizen members who are not elected officials or public employees, in compliance with KRS 100.217.
- iii. Members shall serve staggered four-year (4-year) terms, with vacancies filled in accordance with local joint agreements and state law.

3. Roles and Responsibilities

The Board of Adjustment shall have the following powers:

a. General Duties

- i. The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.
- ii. 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.

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- iii. 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.
- iv. The Chairman of the Board of Adjustment shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue.
- v. 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 it is specifically prohibited from doing.

b. Conditional Use

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.

c. Variances (Dimensional)

The Board shall have the power to hear and decide on applications for the 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 at the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decided to grant.

d. 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 zoning official in the enforcement of these zoning regulations. Appeals under this section must be taken within thirty (30) days of the date of official action by the zoning official.

e. 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.

4. Meeting Proceedings

- a. 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.
- b. A simple majority of the total membership of the Board of Adjustment shall continue 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

ARTICLE 13. ADMINISTRATION AND PROCEDURES

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which shall, immediately after adoption, be filed in the office of the Board.

- c. A transcript of the minutes of the Board of Adjustments meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- d. All applicants shall be required to provide with their application a list of all property owners adjacent to the subject property, and their mailing addresses. The Office of Planning and Zoning shall send notice of the request, including the date, time and place of the meeting of the Board of Adjustments, to these adjacent property owners. This notice shall be by first class mail and shall be sent at least seven (7) days prior to the meeting.

C. Planning Commission

1. Establishment

The Frankfort-Franklin County Joint Planning Commission as constituted at the time of the adoption of this zoning regulation shall continue in power as a joint city-county planning unit. Future appointments shall be made as required by [KRS 100.133](#), [KRS 100.137](#), and by the joint agreement between the City of Frankfort and Franklin County.

2. Membership

a. Composition and Appointment

The Joint Planning Commission shall consist of nine (9) members consisting of:

- i. Four (4) citizen members shall be appointed by the Mayor of Frankfort and approved by the Frankfort City Commission.
- ii. Four (4) citizen members shall be appointed by the Franklin County Judge/Executive and approved by the Franklin County Fiscal Court.
- iii. One (1) member shall be appointed by the Governor of the Commonwealth of Kentucky in accordance with [KRS 100.133\(2\)](#) due to Frankfort's status as the state capital.

b. Qualifications and Terms

- i. At least two-thirds (2/3) of the total membership of the Planning Commission shall be citizen members who are not elected officials, appointed officials, or public employees.
- ii. Citizen members shall serve staggered four-year (4-year) terms, which shall expire on July 1 of their designated year.
- iii. All members and designated staff of the Planning Commission shall comply with the orientation and continuing education training mandates established under [KRS 100.346](#).

3. Roles and Responsibilities

The Joint Planning Commission was formed in order to carry out the general powers conferred upon it by the Kentucky Revised Statutes, The Frankfort City Ordinance, and the Orders of the Franklin County Fiscal Court.

a. General Duties

- i. The Planning Commission may employ or contract with planners, building inspectors, or other persons as it deems necessary to accomplish its assigned duties.

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- ii. The Commission 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.
- iii. The Commission shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
- iv. The Chairman of the Planning Commission shall have the power to administer oaths to witnesses prior to their testifying before the Commission on any issue.
- v. The Planning Commission shall have the authority to establish and administer local subdivision regulations and review development plans, but final legislative approval for zoning map amendments shall remain vested in the respective city or county legislative body.

b. Zoning Map and Text Amendments

The Planning Commission shall have the power to hear and decide on applications for zoning map amendments. The Commission shall hold a formal public hearing on any proposed amendment to establish findings of fact. The Planning Commission may recommend a change of zone to the City Commission or Fiscal Court, if it, after a public hearing, determines that the new request meets all established criteria. The fee for a change of zone application shall be established by the Planning Commission.

c. Subdivision Regulations and Plats

The Planning Commission shall have the power to recommend adoption and amendments of land subdivision regulations to the City Commission and Fiscal Court for legislative approval and shall have the authority to enforce such regulations once enacted. The Commission shall review, approve, or disapprove all plats and development plans within the city and county footprint to ensure compliance with public infrastructure, road access, and environmental guidelines. Construction or division of land without Commission approval is strictly prohibited.

d. Comprehensive Plan

The Planning Commission shall have the power and duty to prepare, adopt, and maintain a comprehensive plan to guide development, infrastructure, and land use within the planning area. The Commission shall review and update this comprehensive plan at least once every five (5) years in accordance with KRS Chapter 100.

e. Review of the Development Code

Upon adoption of this Development Code, the Planning Commission shall periodically review the code text, subdivision provisions, and official zoning map(s). Such review shall occur on a regular schedule determined by the Commission, but not less than once every five (5) years following any update to the Comprehensive Plan. Upon completing its review, the Planning Commission shall prepare and recommend all appropriate text or map amendments to the City Commission or Fiscal Court for legislative action and final approval.

4. Meeting Proceedings

- a. The Planning Commission shall conduct meetings at the call of the Chairman, or at

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.03. REVIEW AND DECISION MAKING BODIES

such regular intervals as established by its bylaws. Written or oral notice shall be given to all members of the Commission at least seven (7) days prior to any special meeting, containing the date, time, place, and the subject or subjects to be discussed.

- b. A simple majority of the total membership of the Planning Commission shall constitute a quorum. The Commission shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, and whether any member is absent or abstains from voting, all of which shall, immediately after adoption, be filed in the office of the Commission.
- c. A transcript of the minutes of the Planning Commission meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

D. Architectural Review Board

1. Establishment

To establish a board to review development proposals and to provide more design controls in designated areas of the City of Frankfort with recognized historic and architectural significance. The actions of the board will aid in the prevention of intrusions of undesirable design characteristics, in the protection of desirable and unique physical features in older neighborhoods, in the protection and stabilization of property values and in the prevention of blighting caused by insensitive redevelopment. In addition, this Board is to expand the knowledge of the community on the historic background of Frankfort. This will be accomplished by an ongoing survey and inventory of historic sites within the City of Frankfort. From this information, sites and districts can receive recognition as local landmarks or National Register of Historic Places status. By accomplishing these goals, the City will demonstrate they meet the requirements of the federal and state Certified Local Government historic preservation program.

2. Membership

The Board of Architectural Review shall consist of:

- a. Seven (7) citizen members all whom are to have a demonstrated interest in historic preservation. Six (6) members shall be appointed by the mayor, with the approval of the Board of Commissioners. One (1) member shall be appointed by the Frankfort-Franklin County Planning Commission.
- b. The members shall serve with compensation in the same amount as that of the Board of Zoning Adjustments members.
- c. The seven (7) members to the Architectural Review Board shall consist of:
 - i. At least two (2) members that are preservation-related professional members (professions of architecture, history, archaeology, architectural history, planning or related disciplines);
 - ii. At least four (4) members that are any combination of property owners, renters, or business owners within of any one of three (Special-Capital District, Special-Historic District, or Special-Central Business District) local historic zone districts;
 - iii. The Planning Commission shall appoint one (1) of its members to the Architectural Review Board (ARB).
- d. All members of the Frankfort Architectural Review Board shall reside within the

corporate limits of the City of Frankfort, Kentucky.

- e. The Mayor, with the approval of the Board of Commissioners, shall seek qualifying members and make the appointment. The term of office of these members shall expire within three (3) years of the date of appointment. These terms are to be staggered. An appointment to fill a vacancy shall be for only the unexpired portion of the term. The term of office for the member representing the Planning Commission shall follow the same term length as when appointed on the Planning Commission.

3. Roles and Responsibilities

a. General Duties

The Architectural Review Board shall be responsible for accomplishing the following:

- i. Review all applications for new construction, including building additions and demolition in the Special-Central Business, Special-Capital and Special Historic zoning districts and advise the zoning administrator regarding the issuance of permits in such districts. The Architectural Review Board shall be guided by the standards and restrictions of the Comprehensive Plan and by the regulations governing the Special-Capital (S-CD), Special-Historic (S-HD), and Special-Central Business District (S-CBD) zoning districts, and by the applicable Design Guidelines for the specific zoning district as listed in [Section 10.07.E. Design Guidelines](#). In making their decision, the ARB shall consider the property's and the zoning districts historic and architectural significance, the key features and architectural integrity of the property, the visibility of the proposal from a public right-of-way, neighborhood character, and preservation goals for the City as outlined in the Comprehensive Plan and zoning regulations.
- ii. In accordance with [KRS 100.217](#), the Architectural Review Board shall act as a Board of Zoning Adjustment in hearing and deciding upon requests for Conditional Use Permits and Variances for property located within the Special – Historic, Special – Capital, and Special – Central Business zone districts.
- iii. Review all applications for honorary Local Landmark and Historic District designations and determine whether they meet the criteria for designation.
- iv. Review applications for National Register of Historic Places designation in accordance with federal and state requirements of the Certified Local Government program and provide recommendations of eligibility.
- v. Act in an advisory role to officials and departments of local government regarding the protection of local cultural resources.
- vi. Act as a liaison between individuals and groups interested in historic preservation and local government agencies.
- vii. Attend at least one informational/educational meeting per year, as approved by the Kentucky Heritage Council. The information gathered from such meetings to be used to further educate the general public on preservation issues and will meet CLG requirements.
- viii. Attend sufficient training annually to satisfy HB-55 requirements. [8 hours of qualifying planning training hours every two (2) years].

b. Reviewing Authority for the following:

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.03. REVIEW AND DECISION MAKING BODIES

The Architectural Review Board shall be the reviewing authority for the following activities within the Special-Capital, Special-Central Business, and Special-Historic districts:

- i. New Construction;
- ii. Building Additions;
- iii. Exterior Remodeling;
- iv. Moving a structure into or out of the S-CD, S-CBD, or S-HD district(s); or
- v. Demolition within the S-CD, S-CBD, or S-HD district(s).

c. **Local Landmarks and Districts**

The Board shall consider all applications for local designation of individual landmarks and districts within the City of Frankfort. These shall be defined as sites or areas that are significant to the history and/or development of Frankfort. Such a designation is honorary and does not automatically grant the Board review powers for new construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

d. **Nominations to the National Register of Historic Places**

As a designated Certified Local Government, the Board shall consider all nominations to the National Register within the City of Frankfort and provide a recommendation as to their eligibility. Once individual sites or districts are listed on the National Register, the Board will not automatically obtain review powers for new Construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

e. **Building Permits**

- i. The Board shall not consider any interior alterations or remodeling in their review of permits unless the interior remodeling affects the exterior appearance of the structure.
- ii. Exterior remodeling as governed by this article shall be deemed to include any change in the design, material or exterior treatment of a structure.
- iii. The Planning and Community Development Department shall not issue building permits in the Special-Historic District, Special-Capital District, and Special-Central Business District for any exterior remodeling, new construction, building additions or moving of any structure unless and until:

- (A). The Architectural Review Board shall have reviewed the recommended approval of such plans and specifications of such structures as it deems necessary in the circumstances of the particular case, and
- (B). The Architectural Review Board shall have issued a Certificate of Appropriateness.
- (C). The Department of Planning and Community Development shall have issued a Determination of No Exterior Effect. The Determination of No Exterior Effect shall state the reasons for approval.

f. **Annual Reports**

At the end of each calendar year, the Board shall cause an annual report to be prepared. This report will review all requests reviewed by the Board and action

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.04. PUBLIC HEARING NOTICE REQUIREMENTS

taken. The report will be kept on file in the offices of the Department of Planning and Community Development and shall be available to the general public.

4. Meeting Proceedings

a. Bylaws

The Board shall cause a set of bylaws to be adopted. These bylaws shall be kept on file in the offices of the Department of Planning and Community Development and shall be available to the general public.

b. Notice of Meeting

- i. All meetings are to be advertised in the local newspaper at least seven (7) days prior to the meeting. This advertisement shall contain the date, time and location of the meeting, as well as the agenda.
- ii. In addition to the advertisement in the newspaper, all adjoining property owners to a request being considered by the Architectural Review Board shall be given written notice of the request and date, time and location of the meeting which will be held to consider the request. Records of ownership in the Property Valuation Administrator's office shall be used for determining the names of the adjacent and contiguous property owners.

c. Meetings

The Board shall meet on a monthly basis as specified in the bylaws. These meetings shall be held in the Council Chambers of the Frankfort Municipal Building or other public location as required. All meetings shall be open to the general public. The chairman of the Architectural Review Board may call special meetings or work sessions as necessary to conduct the business of the Architectural Review Board. These meetings will aid in obtaining prompt decisions for the applicant or will allow the board to work on Certified Local Government responsibilities.

13.04. PUBLIC HEARING NOTICE REQUIREMENTS

A. Applicability

Applications for Zoning Map and Text Amendments, Conditional Uses, Variances, Appeals, Development Plan Review, Certificate of Appropriateness, Planned Development Preliminary Development Plan and Zone Change, and Planned Development Final Development Plan review shall be subject to the Public Hearing Notice Requirements contained herein.

B. Timing of Submittal

Applications shall be submitted to the Planning & Zoning Director no less than 30 days prior to transmittal to the appropriate review and decision making body.

C. Publication

Notice of the public hearing shall be published one (1) time in a newspaper of general circulation in the City, or via an alternative authorized digital or electronic publication platform as permitted by the Kentucky Revised Statutes (KRS), not less than 14 days prior to the date of the hearing. The published notice shall state the time, place, and purpose of the hearing and identify where the application materials may be examined.

D. Mailed Notice

In addition to the published notice, written notice of the public hearing shall be sent by mail or personal delivery not less than 14 days prior to the date of the hearing to all adjoining property owners,

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.05. COMMON REVIEW REQUIREMENTS

provided such notice is required for the specific application type under applicable Kentucky Revised Statutes.

E. Notice Content

All notices required by these provisions shall include:

1. A description of the nature of the request;
2. Identification of the subject property; and
3. The date, time, and location of the public hearing.

F. Effect of Failure to Notify

Failure to provide notice to any individual or property owner as required in this Section shall not invalidate any action or recommendation of the review and decision making body, provided that notice has been given in substantial compliance with these provisions.

G. Representatives at the Hearing

At the hearing, any party may appear in person, by attorney or authorized agent.

13.05. COMMON REVIEW REQUIREMENTS

A. Authority to File Applications

Unless otherwise specified in this code, applications may be initiated by:

1. The owner(s) of the property which is subject of the application;
2. The owner's authorized agent; or
3. A representative of the City or County.

B. Fees

1. The City of Frankfort Board of Commissioners or the Franklin County Fiscal Court shall by ordinance establish a schedule of fees for all development applications and procedures pertaining to the administration and enforcement of these zoning regulations. Such fees shall be established after considering the recommendations of Planning & Zoning Director with respect to the actual administrative costs, both direct and indirect.
2. The schedule of fees shall be posted in the Planning & Community Development or Planning & Zoning Department and may be amended only by the Board of Commissioners or Fiscal Court.
3. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

13.06. SPECIFIC PROCEDURES

A. Zoning Map and Text Amendments

The Zoning Map and Resolution Amendment process shall follow the specific procedure outlined in this section, which is also summarize on the following flow chart.

1. Initiation

Amendments to the Zoning District Map or the text of the Development Code may be initiated in one of the following ways:

a. Motion

By motion of the Frankfort-Franklin County Planning Commission

b. Resolution

By the passage of a resolution by the Frankfort City Commission or the Franklin County Fiscal Court.

c. **Application**

By the filing of a completed application by one or more owners or lessees of property within the area proposed to be changed.

2. Application Requirements.

All applications to amend the zoning ordinance or map shall be submitted to the Planning Director on forms provided by the Department and shall include the following:

a. **Completed Application**

An application form signed by the property owner(s) or an authorized agent, including contact information for the owner, developer, and any professional consultants (engineers, surveyors, architects).

b. **Fees**

A non-refundable filing fee as established by the Frankfort City Commission and Franklin County Fiscal Court.

c. **Property Description**

A metes and bounds legal description of the property and a survey completed not more than 12 months prior to submittal, unless otherwise authorized by the Planning Director.

d. **Notification Materials**

A map of the area including all lots and a corresponding list of the names and mailing addresses of all recorded owners within the area prescribed by KRS 100 for purposes of notification.

e. **Written Justification**

A detailed narrative statement addressing how the proposal meets the criteria established in KRS 100.213, including specific changes in the area and how the proposal agrees with the Comprehensive Plan.

f. **Required Drawings and Plats**

All application materials, including drawings and plats, shall be submitted in a digital form and format determined by the Planning Director. Unless otherwise exempted by the Planning Director as determined inapplicable, applications for a Zoning Map Amendment may include the following:

i. **Zone Change Plat**

- (A). Name of the project, north arrow, date of preparation, acreage, and existing zoning of the property and abutting lands.
- (B). Topography with contour intervals (typically two or five feet).
- (C). Location of existing buildings, structures, and easements.
- (D). Existing streets (both on and within 500 feet) including names,
- (E). right-of-way, and pavement widths.
- (F). Natural features, including the 100-year floodplain, streams, wetlands, and significant tree canopies.
- (G). Location of at least two Geodetic Information System monuments.

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13.06. SPECIFIC PROCEDURES

ii. Proposed Development Layout

- (A). Proposed lot or development site lines and building placement/setback lines.
- (B). The size, location, and type of all proposed buildings and uses.
- (C). Density for residential uses and Floor Area Ratio (FAR) for non-residential uses.
- (D). Proposed open spaces, recreation areas, and tracts to be held in common ownership.

iii. Transportation and Access

- (A). Proposed street system including names, location, right-of-way widths, and approximate centerline elevations/grades.
- (B). Location of proposed driveways, sidewalks, pedestrian pathways, and parking layouts.

iv. Infrastructure and Utilities

- (A). Conceptual layout of proposed sanitary sewers, water mains, fire hydrants, and storm water management facilities.

g. Specific Procedural Application Requirements

i. Amendments with Variance or Conditional Use Requests

At the time of filing of an application for a zone map amendment, the applicant may elect to have any variance, 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 Adjustment.

ii. Commission Initiated Zoning District Map Amendment Requests

Applications for amendment to the Zoning District Map which are initiated by the Planning Commission or applicable Fiscal Court or City Commission, may be exempt from the required traffic study and development plan found in [Section 13.05.B. Development Plan Applicability](#).

iii. Conceptual Development Plan Alternative

Preliminary subdivision plats submitted in conjunction with a proposed zoning map amendment for a residential use, shall be accepted in lieu of the conceptual development plan required in this Article. Regulations pertaining to said plats in the Subdivision and Development Plan Regulations shall be followed in addition to applicable regulations in this Ordinance.

3. Review Criteria

The Planning Commission and Legislative Body shall use the following criteria for a map amendment as per KRS 100.213:

a. Comprehensive Plan Consistency:

The proposed zoning is in agreement with the adopted comprehensive plan; or

b. Existing Zoning Designation Appropriateness

The original zoning classification was inappropriate or improper; or

c. **Unanticipated Changes:**

Major changes of an economic, physical, or social nature have occurred which were not anticipated in the plan and have substantially altered the basic character of the area.

4. **Approval Process**

The following is the chronological approval process for a zoning map or text amendment.

PROCESS CHART TO BE ADDED
Figure 13-1: Zoning Map and Text Amendments Illustrated Process

a. **Step 1: Pre-Application Conference**

Prior to formal application, the applicant and/or their representative shall hold a conference with Planning Commission staff to discuss the proposal's relationship to the Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations. The applicant shall explain the proposed project, including use, density, and general layout.

b. **Step 2: Submit Completed Application**

The applicant shall file a formal application with the Planning Commission, including a written detailed explanation of how the proposal conforms to the Comprehensive Plan or why the original zoning was improper. All required drawings, plats, and fees must be submitted at this time.

c. **Step 3: Staff and Technical Review Team (TRT)**

Upon receipt of a complete application, staff shall review the documents and solicit comments from the Technical Review Team (TRT) and sister agencies, such as fire departments, public works, and utility companies. A staff report will be drafted incorporating these comments.

d. **Step 4: Public Notice**

Notice of the public hearing shall be provided in accordance with KRS Chapter 424. This includes legal notice published in the newspaper, sign(s) posted on the property at least 14 days prior to the hearing, and letters mailed to adjacent property owners.

e. **Step 5: Planning Commission Public Hearing**

The Planning Commission shall hold at least one public hearing. Staff will present the analysis, and the Commission will hear testimony from the applicant and the public.

f. **Step 6: Planning Commission Recommendation**

Within 90 days of the hearing, the Commission shall make a formal recommendation of approval or denial based on findings of fact. This recommendation, along with the staff report and minutes, is forwarded to the appropriate Legislative Body (City Commission or Fiscal Court).

g. **Step 7: Final Action by Legislative Body**

The Legislative Body shall take final action within 90 days of the Commission's recommendation. Action may be taken after two readings of an ordinance finalizing the amendment. If no action is taken within 90 days, the Planning Commission's recommendation becomes law automatically.

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.06. SPECIFIC PROCEDURES

B. Conditional Use

1. Application Requirements

- a. Applications for a Conditional Use Permit shall be filed with the Planning & Zoning Director on forms provided by the department. An application shall not be considered complete or scheduled for a public hearing before the Board of Zoning Adjustment until all required materials, signatures, and fees have been submitted.

- b. **Application Materials**

- i. **Application Form and Fee**

A fully executed application form signed by the property owner(s) or an authorized agent, accompanied by the required fee as established by the appropriate body.

- ii. **Deed**

A copy of the current recorded deed for the subject property, providing a complete legal description.

- iii. **Adjoining Property Owner List**

A list of the names and mailing addresses of all adjoining property owners (including those directly across any public or private street, easement, or right-of-way) as reflected in the records of the Franklin County Property Valuation Administrator (PVA), provided in accordance with KRS 100.237.

- iv. **Written Operational Narrative**

A detailed written statement describing the proposed conditional use, including but not limited to:

- (A). Hours and days of operation;
 - (B). Anticipated number of employees, clients, visitors, or students;
 - (C). Expected traffic generation, delivery schedules, and vehicle types (as applicable);
 - (D). A description of operational impacts, including potential noise, odor, glare, dust, vibration, or outdoor storage activities; and
 - (E). An explanation of how the proposed use satisfies each of the review criteria set forth in [B.2. Review Criteria](#) below.

- v. **Site Plan**

A drawn-to-scale site plan or schematic site drawing showing:

- (A). Property boundaries, dimensions, and total acreage;
 - (B). Location, dimensions, height, and footprint of all existing and proposed principal and accessory structures;
 - (C). Existing and proposed vehicular access points, driveways, internal circulation, off-street parking layout, and loading areas;
 - (D). Existing and proposed visual screening, buffering, fencing, and landscaping elements;
 - (E). Location, height, and type of all exterior lighting and proposed signage; and
 - (F). Location of public and private utilities, easements, and significant natural features (such as steep slopes, watercourses, or

floodplains).

c. **Additional Information**

- i. The Planning & Zoning Director or the Board of Zoning Adjustment may require the submittal of additional plans, technical studies, traffic impact analyses, environmental assessments, or operational details as deemed reasonably necessary to evaluate the proposed use against the review criteria of this Development Code.
- ii. Failure to provide requested supplemental information prior to established transmittal deadlines may result in a delay in scheduling or processing the application.

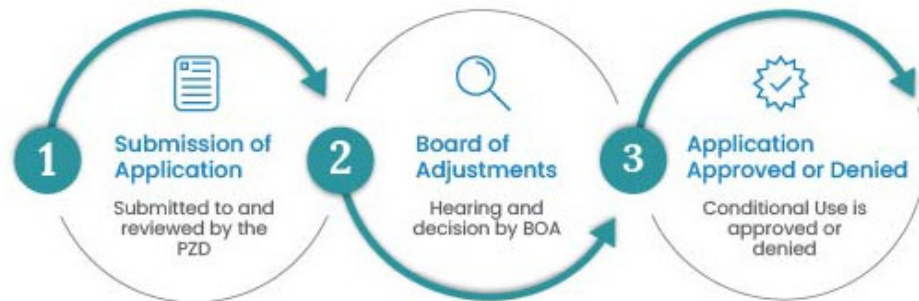
2. **Review Criteria**

Whenever any conditional use is considered by the Board of Zoning Adjustments, the Board shall determine that the following conditions have been met:

- a. Street or road capacity and condition is adequate to serve anticipated additional traffic.
- b. Public facilities required are, or will be, available.
- c. The conditional use proposed is in accordance with the intent of the zoning district within which it will be located.
- d. The proposed use will have no adverse effect upon the adjacent or surrounding property.
- e. Appropriate screening or buffering is provided in accordance with [Article 6. Landscaping and Buffering](#).
- f. Any sign requirement specified in [Article 7. Signage](#) will have been met and that no sign for any conditional use in any residential zoning district exceeds two (2) square feet.
- g. All use specific standards established in [Article 3. Use Regulations](#) as specified in [Table 3.03-1: Use Table](#).

3. **Approval Process**

The following is the approval process for a conditional use permit.



PZD = Planning and Zoning Director | BOA = Board of Adjustments

Figure 13-2: Conditional Use Illustration Process

a. **Step 1: Submit Completed Application**

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The property owner or representative shall submit a completed application and detailed site plan to the Zoning Inspector. The plan must address building setbacks, parking, landscaping, and signage.

b. **Step 2: Administrative Review and Referral**

The Zoning Inspector shall determine if the application is complete and forward it to the Board of Zoning Adjustment (BZA). If the request is filed concurrently with a map amendment, it may be referred to the Planning Commission for a combined hearing.

c. **Step 3: Public Hearing and Notice**

The BZA shall fix a reasonable time for a public hearing and provide notice as required by KRS Chapter 424.

d. **Step 4: Final Action**

The Board shall review the evidence against the established criteria and vote to approve, modify, or deny the permit. The Board may attach additional conditions or safeguards necessary to protect the public interest.

4. Approval

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 use is permitted only subject to any continuing conditions specified by the Board.

5. Non-Transferability

The permitted conditional use is not transferable with neglect to use, location or person.

6. Non-Exemption from Other Applicable Requirements

The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other regulations.

7. Revocation

The Board shall have the power to revoke conditional use permits or variance for non-compliance with the condition thereof. Furthermore, the Board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in persona for such cost.

8. Expiration

In any cases 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.

C. Variances

1. Application Requirements

Applications for a Variance shall be filed with the Planning & Zoning Director on forms provided by the department. An application shall not be considered complete or scheduled for a public hearing before the Board of Zoning Adjustment until all required materials, signatures, and fees have been submitted. Pursuant to KRS 100.241, variances shall be limited strictly to dimensional regulations (such as setbacks, height, lot width, lot coverage, or

buffer depths) and shall not be granted to permit a use not otherwise allowed in the underlying zoning district.

a. Application Materials

i. Application Form and Fee

A fully executed application form signed by the property owner(s) or an authorized agent (with written power of attorney or owner authorization affidavit), accompanied by the required fee as established by the legislative body.

ii. Deed

A copy of the current recorded deed for the subject property, providing a complete legal description.

iii. Adjoining Property Owners List

A certified list of the names and mailing addresses of all adjoining property owners (including those directly across any public or private street, easement, or right-of-way) as reflected in the records of the Franklin County Property Valuation Administrator (PVA), provided in accordance with KRS 100.243.

iv. Written Findings Narrative

A detailed written statement demonstrating how the requested variance satisfies each of the specific statutory findings set forth in Subsection 2 below, including:

- (A).** The exact nature and extent of the requested dimensional relief (e.g., requested setback vs. required setback);
- (B).** Specific physical, topographical, or geometric conditions unique to the parcel (e.g., severe slopes, irregular lot shape, natural features, or existing historic structures);
- (C).** How the strict application of the code creates an unnecessary hardship or deprives the owner of reasonable use of the property; and
- (D).** An explanation of why the circumstance is not self-created by current or past owners.

v. Boundary Survey / Dimensional Site Plan: A drawn-to-scale site plan, prepared by a licensed professional surveyor or engineer where determined necessary by staff, showing:

- (A).** Exact property line dimensions, total lot area, and baseline setback/yard requirements;
- (B).** Location, footprints, and dimensions of all existing and proposed structures;
- (C).** Exact location and footprint of the requested dimensional variance, explicitly dimensioning the proposed encroachments or deviations relative to property lines, rights-of-way, or required yards;
- (D).** Natural topographic contours, watercourses, floodplains, or rock outcroppings contributing to the physical hardship; and

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- (E). Location of all existing and proposed easements, driveways, off-street parking, and sight-distance triangles, if applicable.

b. Additional Information:

- i. The Planning & Zoning Director or the Board of Zoning Adjustment may require the submittal of additional site cross-sections, elevation drawings, grading plans, floodplain calculations, or environmental studies as deemed reasonably necessary to evaluate the requested variance against the review criteria of this Development Code and KRS Chapter 100.
- ii. Failure to provide requested supplemental information prior to established transmittal deadlines may result in a delay in scheduling or processing the application.

2. Review Criteria

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 applicant's 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 the 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 or a State Inventory of Historic Places is to be restored or reconstructed.

3. Approval Process

The following is the approval process for a dimensional variance.

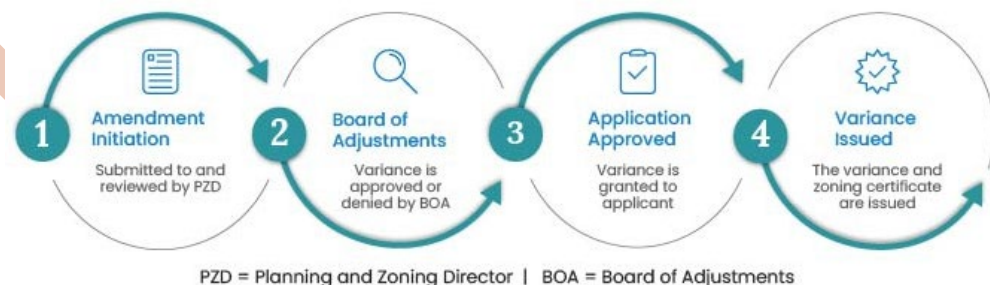


Figure 13-3: Variance Illustrated Process

a. **Step 1: Submit Completed Application**

The applicant shall submit an application to the Zoning Inspector detailing the requested variance and providing a site plan showing the practical difficulty encountered.

b. **Step 2: Public Hearing and Notice**

A public hearing is conducted following notice per KRS Chapter 424. If the variance is part of a subdivision application, the applicant may elect to have it heard by the Planning Commission.

c. **Step 3: Final Action**

The BZA shall issue a written decision supported by findings of fact regarding the uniqueness of the property and whether the variance will harm the public welfare.

4. Appeals

Any person or entity claiming to be injuriously affected or aggrieved by a final action of the Board of Adjustment regarding a variance may appeal the decision to the Franklin County Circuit Court. Pursuant to KRS 100.347 and local code, this appeal must be filed within **thirty (30) days** after the final action of the Board.

5. Non-Transferability

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.

6. Revocation

The Board of Zoning Adjustments has the specific power to revoke a dimensional variance. Revocation may occur due to non-compliance with any conditions or restrictions imposed by the Board at the time the variance was granted.

7. Expiration

If the construction or use for which the variance was granted does not begin within one (1) year of approval (or a specific deadline set by the Board), the variance expires and requires a new application.

D. Appeals

1. Application Requirements

The appeal must be taken within thirty (30) days of the date of the official action, order, or decision made by the administrative official (such as the Building Inspector or Zoning Officer). An Application for an Appeal shall include the following:

a. **Notice of Appeal**

A written notice of appeal must be filed with both the administrative officer from whom the appeal is taken and with the Board of Zoning Adjustments (BZA).

b. **Statement of Grounds**

The application must explicitly specify the grounds for the appeal, detailing the alleged error in the order, requirement, or decision.

c. **Fees**

The application must be accompanied by the appropriate non-refundable fee as established by the Planning Commission.

2. Review Criteria

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a. **Administrative Error**

The Board's primary review criterion is whether there is a documented error in an order, requirement, decision, grant, or refusal made by the administrative official in the enforcement of the zoning regulations.

b. **Interpretation Consistency**

The Board reviews the action to ensure the official's decision is consistent with the spirit and purpose of the code and the minimum requirements necessary to promote public health, safety, morals, and general welfare.

c. **Record of Fact**

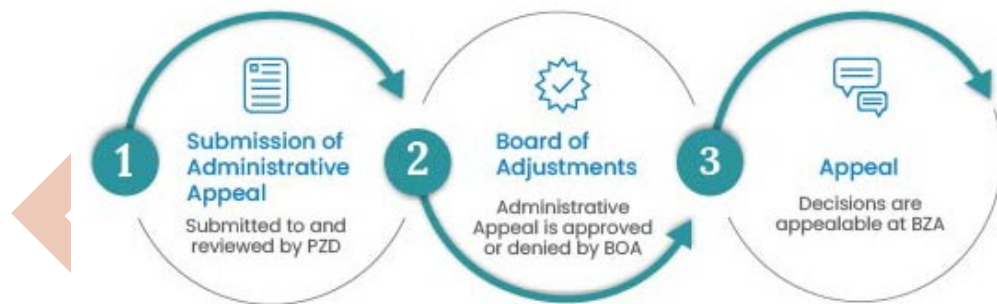
The review is restricted to the record upon which the action appealed from was taken, which the administrative officer must transmit to the Board upon the filing of the appeal.

d. **Historic Districts**

If the appeal involves property in a Special Historic, Special Capitol, or Central Business district, the Architectural Review Board (ARB) acts as the Board of Zoning Adjustment and reviews the appeal based on district-specific design guidelines and historic preservation standards.

3. Approval Process

The following is the approval process for an appeal of an administrative official's decision.



PZD = Planning and Zoning Director | BOA = Board of Adjustments

Figure 13-4: Appeals Illustrated Process

a. **Step 1: Filing the Appeal**

The appeal must be filed within 30 days after the applicant receives notice of the official action. A notice of appeal specifying the grounds must be filed with both the officer from whom the appeal is taken and the BZA.

b. **Step 2: Transmission of Record**

The official from whom the appeal is taken shall immediately transmit all papers constituting the record of the action to the BZA.

c. **Step 3: Public Hearing**

The Board shall fix a reasonable time for the hearing and give public notice. Any interested party may appear and be heard.

d. **Step 4: Final Action**

The BZA shall take action on the appeal within 60 days. The Board may reverse, affirm, or modify the original order based on competent evidence.

E. Development Plan

1. Applicability

Any project, which meets any of the following criteria, shall require review of a development plan by the Planning Commission.

- a. Projects that substantially amend a preliminary or final development plan that had previously been reviewed and approved by the Planning Commission.
- b. Projects that were previously conditioned by any City of Frankfort Board or Commission to undergo a review by the Planning Commission.

2. Application Requirements

- a. Development Plans shall be submitted in accordance with the adopted subdivision and site plan regulations.
- b. The conceptual development plan shall contain the following:
 - i. Survey of the property with written legal description. The survey shall be completed not more than 12 months prior to the submittal of the zone map amendment, unless authorized by the Planning Director; and
 - ii. A site plan drawn to scale showing the proposed building size and location; use; parking layout; setbacks; landscaping buffers; and driveway connections; and
 - iii. Any variance, conditional use, or waiver requests shall also be noted and shown on the plan.
- c. The filing of a concurrent 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 development plan regulations and the following:
 - i. Applicants concurrently 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 change application.

3. Review Criteria

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, water courses, 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 from occurring on the subject site or within the community;

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- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping, and all provisions within article 11) 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 Development Plan Regulations.

4. Approval Process

The following is the approval process for a development plan review.

PROCESS CHART TO BE ADDED
Figure 13-5: Development Plan Illustrated Process

a. **Step 1: Optional Pre-Application Review**

The applicant may meet with the Planning Director to discuss boundaries, building prototypes, and drainage patterns prior to formal submittal.

b. **Step 2: Submit Application**

A formal application and conceptual development plan, including a certified survey and site plan, shall be filed with the Planning Director.

c. **Step 3: Staff and TRT Review**

Staff shall review the plan for compliance and forward it to the TRT for technical comments regarding utilities, fire safety, and engineering.

d. **Step 4: Final Action**

The Planning Director or an authorized staff member may take final action if the plan complies with all regulations and TRT comments. Items not appropriate for administrative approval or those involving a concurrent map amendment are referred to the Planning Commission for action.

F. Zoning District Boundary Determination

1. **Application Requirements**

2. **Review Criteria**

a. **Map Interpretation Standards**

The Board of Adjustments shall review all zoning district boundary interpretation requests based upon the guidance established by [Section 2.04.B \(Interpretation of District Boundaries\)](#).

b. **Evidence and Physical Conditions**

- i. Record plats, survey deeds, and rights-of-way records.
- ii. Physical conditions on the ground, including established lot lines, traveled ways, and monumentation.
- iii. GIS parcel data, aerial imagery, and engineering or survey records.

c. **Intent and Purpose Standard**

Where uncertainty remains after application of subsections [2.a](#) and [2.b \(above\)](#), the Board of Adjustment shall interpret the zoning district boundary in such a manner as to carry out the intent and purpose of these zoning regulations, ensure consistent application of district regulations, and prevent the extension of a zoning district in a manner contrary to legislative intent.

d. **Minimum Necessary Adjustment**

Any interpretation affecting a lot or parcel shall represent that minimum adjustment necessary to resolve the boundary dispute and shall not expand or contract a zoning district beyond what is supported by the Official Zoning Map and evidence presented.

3. Approval Process

a. Initial Determination by Planning & Zoning Director

- i. Where uncertainty arises regarding the location of a zoning district boundary as shown on the Official Zoning Map, the Planning & Zoning Director shall make an initial administrative interpretation.
- ii. The interpretation shall be based on the map depiction, recorded plats, GIS parcel data, applicable map interpretation rules (as established by [Section 2.04.B \(Interpretations of District Boundaries\)](#)), and physical conditions existing on site.
- iii. The Planning & Zoning Director's written interpretation shall be issued within 30 days of a complete request.

b. Appeal of Determination

- i. Any person aggrieved by the Planning & Zoning Director's interpretation may appeal to the Board of Adjustments within 30 days of the written decision.
- ii. The Board of Adjustments shall conduct a public hearing after providing notice as established by [Section 13.04 \(Public Hearing Notice Requirements\)](#).
- iii. The BZA may affirm, modify, or overturn the administrative interpretation.

c. Direct Referral to Board of Adjustments

In the event that the Planning & Zoning Director determines that the location of the zoning district boundary is undefined, uncertain, or cannot be resolved by the criteria established by [Section 2.04.B \(Interpretations of District Boundaries\)](#), the matter may be referred directly to the Board of Adjustment for interpretation following the same notice and hearing procedures established above.

d. Record and Findings

The Board of Adjustment shall issue a written decision establishing findings of fact, reference to applicable standards, and the basis for the interpretation. The decision shall be entered into the public record and shall constitute the official determination of the zoning district boundary unless overturned by a court of competent jurisdiction.

G. Local Designations

1. Applicability

- a. The Architectural Review Board shall hear applications for honorary designations for local landmarks and districts with historic or cultural significance to the community. These honorary designations are for landmarks and districts that are not currently zoned historic and are not currently on the National Register of Historic Places.
- b. Such a designation is honorary and does not automatically grant the Board review powers for new construction, exterior remodeling and demolition. This designation will be considered for future rezoning requests.

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2. Application Requirements

The applicant shall submit a report to the board demonstrating the proposed landmark or district's significance and how it meets the eligibility criteria. The report should be completed by a historian, preservation professional, or other professionally qualified individual and should include representative photographs of the property and any other documentation that helps to demonstrate the property's significance.

3. Review Criteria

A landmark or historic district shall qualify for designation when it meets one or more of the following criteria that shall be discussed in a report to the Board:

- a. Its value as a reminder of the cultural or archeological heritage of the City, state, or nation;
- b. Its location as a site of significant local state, or national event;
- c. Its identification with a person or persons who significantly contributed to the development of the City, state, or nation;
- d. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, state, or nation;
- e. Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
- f. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of materials;
- g. Its character as a geographically definable area possessing a significant concentration of buildings, structures, or sites united by past events or aesthetically by plan or physical development;
- h. Its character as an established and geographically definable residential neighborhood, united by culture, architecture styles, physical plan, or development.

4. Approval Process

PROCESS CHART TO BE ADDED

Figure 13-6: Local Designations Illustrated Process

a. Initiation and Submittal

- i. Whenever an application for a local designation is received, the Board shall be notified.
- ii. The Board shall promptly notify the applicant of the date, time and place of a public hearing within 60 days of the filing of such application.
- iii. The board shall require the submission of a completed nomination form and representative photographs of the property (electronic jpeg format is acceptable), as well as any other documentation the Board may deem necessary.

b. Review

- i. The Board shall vote to approve or disapprove the application within 90 days after the application has been filed.
- ii. Unless a mutual agreement exists between the Board and the applicant, the application shall be deemed disapproved if not acted on in 90 days.

c. Approval

If the Board approves the honorary designation of a landmark or district, the applicant will be notified by letter of the action.

d. **Disapproval**

If the Board disapproves the application for a site or district, it shall promptly transmit a written report stating the reasons for such action to the applicant.

5. **Appeals**

In the event the Board disapproves an application for designation, the applicant may appeal the decision to the City Commission.

H. **Certificate of Appropriateness**

1. **Applicability**

Whenever application for a building permit is made for new construction, building addition, or the demolition of any structure, or the moving of a structure in a designated Special-Historic District, Special-Capital District, or Special-Central Business District, the Architectural Review Board shall be notified of such application, and the Board or its designee shall promptly notify the applicant of the date, time and place of a public hearing and shall hold the hearing within sixty (60) days of the filing of such a complete application.

2. **Application Requirements**

- a. An application is determined as complete upon sufficient submittal of all required documentation required within this section, the application, and associated fees.
- b. The Board, or its designated representative, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items:
 - i. Architectural plans, plot plans, landscape plans, plans for off street parking, elevations of all portions of proposed structures facing streets, and elevation photographs or perspective drawings showing proposed structures and all such existing structures as are substantially related to it visually or by function, traffic generation or other influencing characteristics. Additional submissions may be required for an application to demolish a principal structure.

3. **Review Criteria**

- a. In making their decision, the Architectural Review Board shall consider the following:
 - i. The subject property's historic and architectural significance individually as well as its contribution to the district;
 - ii. The architectural integrity of the property;
 - iii. The visibility of the proposal from a public right-of-way;
 - iv. Neighborhood character in the vicinity of the property;
 - v. Preservation goals as outlined in the zoning regulations and Comprehensive Plan; and
 - vi. The design guidelines specific to each of the special historic districts (S-HD, S-CBD, and S-CD).
- b. Where an applicant proposes an exterior alteration to a property in the S-HD, S-CBD, or S-CD that does not meet the applicable guidelines based on an economic hardship, the ARB shall make a finding determining at least one of the following criteria (i. or ii.) is met:

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- i. The applicant has presented, and the board finds compelling, documentation that 1) the alteration is the minimum or maximum work, as appropriate, required for the continued viability of the resource, **and** 2) the costs of repair or replacement that meets the minimum standard of the applicable design guidelines, as prepared by an expert in historic preservation and/or restoration trades, exceeds the cost of the proposed work by 75%; or
- ii. The applicant has presented, and the board finds compelling, documentation from experts in historic preservation, restoration trades, and appraisals which states the costs of completing the work to the minimum standards of the applicable design guidelines exceeds the projected market value of the property, including the use of any available financial incentives for historic preservation.
- iii. Evidence submitted as part of a review to determine economic hardship may include, but is not limited to, mortgage balance and debt service for the prior two years; appraisals; assessed value; real estate taxes; form of ownership; attempts to sell (listings or contracts; reasonableness of price or rent; economically feasible alternatives to use the property; structural reports; estimated market value; evidence that the hardship was not self-created; incentives available for rehabilitation; financial analysis by an independent third party; proposed plans for the property; estimated mothballing costs.

4. Approval Process

PROCESS CHART TO BE ADDED

Figure 13-7: Development Plan Illustrated Process

a. Initiation and Submittal

The applicant shall submit their completed application to the Historic Preservation Officer, including a description of the work proposed, and other documents listed in 13.H.2b as required.

b. Review

The Architectural Review Board will review the materials in the application along with the criteria for granting a Certificate of Appropriateness in Section 13.06.H.3.a.

c. Approval

- i. The Board shall vote to approve or disapprove the application within ninety (90) days after the hearing is held.
- ii. Unless a mutual agreement between the Architectural Review Board and the applicant has been made for an extension of said time, the application shall be deemed to be disapproved if not acted upon within ninety (90) days.
- iii. If the Architectural Review Board approved the application for a building permit or demolition permit, it shall promptly cause a Certificate of Appropriateness to be issued to the applicant and shall at the same time transmit a copy of said Certificate to the Building Inspector.

- iv. Upon receipt of the Certificate of Appropriateness or Determination of No Exterior Effect, the Building Inspector shall issue the building permit or demolition permit if it meets all other requirements of law.

d. **Disapproval**

If an application has been denied by the Architectural Review Board, an applicant shall not be allowed to submit an application for the same work proposed for a period of one (1) calendar year.

5. **Expiration**

- a. The Certificate of Appropriateness shall be valid for two (2) year from the date of approval by the Architectural Review Board. If, after that time frame, the proposed work has not been completed, the Certificate of Appropriateness shall be null and void,.
- b. If the Certificate of appropriateness has been voided, the Office of Planning and Community Development shall notify the applicant of that fact and indicate that a new application must be submitted and approved by the Architectural Review Board prior to any work commencing on the project.

6. **Appeals**

Any person or entity claiming to be injuriously affected or aggrieved by a final action of the Architectural Review Board (ARB) regarding a Certificate of Appropriateness may appeal the decision to the Franklin County Circuit Court. Pursuant to KRS 100.347, the appeal must be filed within thirty (30) days after the final action of the Board.

I. **Determination of No Exterior Effect**

1. **Applicability**

- a. A Determination of No Exterior Effect may be issued by the Department of Planning and Community Development for all work, including exterior remodeling  property, proposed within the Special-Capital, Special-Historic, and Special-Central Business zone districts, except for new construction, building additions, moving a structure, or demolition of a principal or contributing building or accessory building.
- b. **Special Additional Situations for a Determination of No Exterior Effect.**
 - i. The proposal is for a restoration of an original feature or material that previously existed on the building, and the applicant has archival documentation in the form of photographs as evidence to support the change;
 - ii. The proposal does not involve new construction or construction of new landscape features that have the potential to impact the historic significance and integrity of the district as a whole and has been approved for a federal or state historic preservation tax credit, provided that the applicant submits documentation in the form of an official Part 2 approval, including any conditions, from the National Park Service and/or State Historic Preservation Office when applying for a permit.
 - iii. The proposal involves a demolition of a secondary or accessory building that is evaluated as noncontributing to the special zoning district.

2. **Review Criteria**

- a. The Historic Preservation Officer shall use the Design Guidelines contained within

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each separate zone district for a Determination of No Exterior Effect.

- b. In the event that the Department of Planning and Community Development finds that an application does not meet the design guidelines required for a Determination of No Exterior Effect, the application shall be forwarded to the Architectural Review Board for its consideration and recommendations.

J. Demolition its in the S-CD, S-CBD, and S-HD

1. Applicability

- a. No permit for the demolition of a principal structure or a contributing secondary structure in a Special-Historic District, Special-Capital District or the Special-Central Business District shall be issued by the Planning and Community Development Department unless:
- b. Ordered by a Court; or
- c. The applicant has received a Certificate of Appropriateness from the Architectural Review Board.

2. Application Requirements

- a. Applications for demolition must be filed at least 45 days prior to the regularly scheduled meeting. In addition to the application, the following items must be included with the application materials:
 - i. An architect's or architectural historian's report on the architectural and historical importance of the building, including its contribution to the significance, history and character of the district.
 - ii. An architect's or structural engineer's report on the physical and structural integrity of the building.
 - iii. A detailed estimate of the cost to rehabilitate the building, prepared by an architect or professional estimator of construction costs, including the use of any available historic preservation financial incentives, such as the State Historic Preservation Tax Credit.
 - iv. A report on the existing and/or potential usefulness of the building (including potential economic return) prepared by an experienced real estate professional.
 - v. A report containing the following financial information about the property:
 - (A). The amount paid in any sales of the property in the previous five (5) years;
 - (B). The current assessed value of the land and improvements; the annual debt service, if any;
 - (C). The value according to appraisals obtained within the previous two (2) years; the annual operating and maintenance expenses for the previous two (2) years; and
 - (D). The annual rental income received in the previous two (2) years.
- b. The Architectural Review Board chairman, may, at their discretion, waive the submission of some or all of the items listed in 2.a.i-v above when the application is for demolition of a contributing accessory building.
- c. Accessory or secondary buildings that are evaluated as noncontributing to the district may be demolished per I.1.b.iii

3. Review Criteria

In addition to the documentation submitted with the application, all requests for demolition shall be reviewed using the design guidelines specific to S-HD, S-CBD, and S-CD

4. Approval Process

a. Initiation and Submittal

Applications for demolition must be filed with the Planning and Community Development Department at least 45 days prior to a regularly scheduled Architectural Review Board (ARB) meeting. The application must include all required documentation, including architectural/historical reports, structural integrity assessments, rehabilitation estimates, and detailed property financial data

b. Review Proceedings

- i. All requests for demolition are reviewed by the ARB using the specific design guidelines established for the **S-HD, S-CBD, and S-CD** districts.
- ii. If the request is found to be appropriate, the ARB issues a **Certificate of Appropriateness**. The Board must state its specific reasons for approval, establishing exactly how the proposed demolition aligns with the guidelines for the respective zoning district.

5. Expiration

Once issued, the Certificate of Appropriateness is valid for one (1) year. If demolition work has not been initiated within this timeframe, the approval becomes null and void.

6. Re-Submittal Timing

In the event a demolition application is denied, the applicant is prohibited from submitting a new application for the same work for a period of one (1) calendar year.

7. Appeals

Decisions made by the ARB regarding these permits may be appealed to the Franklin County Circuit Court within 30 days of the final action.

13.07. WAIVERS AND MODIFICATION

Within the general limitations of the Comprehensive Plan, the spirit and intent of the regulations and the public interest, safety and welfare, the Planning Commission may adjust or modify these regulations only when:

- A.** The request for modifications has been reviewed by the Technical Review Team (when deemed necessary by the Planning Official) and their comments have been forwarded to the Planning Commission for review; and
- B.** The waiver or modification is consistent with the stated purpose and intent of these regulations and with the adopted Comprehensive Plan; and
- C.** The modification would not have a significantly adverse impact on the public interest; and
- D.** The modification would not overburden or otherwise adversely impact public facilities.
- E.** The applicant has clearly shown the existence of one or more of the following circumstances:
 - 1. Superior Alternatives**
Where the proposed waiver/modification will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.
 - 2. Protection of Significant Features**

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Where the waiver/modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

3. Deprivation of Reasonable Use

Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location; provided:

- a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
- b. The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.

4. Technical Impracticability

Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided:

- a. The development will provide an alternative adequate design to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and
- b. Any unusual conditions creating the impracticability are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.

5. No Relationship to the Development or Its Impacts

- a. Where all or any part of the requirement has no relationship to the needs of the development, or to the impact of the development on the public facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.
- b. The Planning Commission may make reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver/modification of any requirements under this zoning ordinance.

13.08. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

A. Non-Conforming Uses

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 chapter which does not conform to one or more of the provisions of this chapter.

1. Continuance of Non-Conforming Uses

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A non-conforming use existing lawfully at the time of enactment of this chapter may be continued, except as restricted in this chapter.

- a. Repairs, alterations.
 - i. Nothing in this chapter shall be interpreted to prevent normal or maintenance of any building occupied by a non- conforming use.
 - ii. Alterations may be made in such a building when necessary in the interest of public health or safety or appearance.
- b. Extension, enlargement or relocation.
- c. 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.

2. Changes to Other Uses

- a. A non-conforming use may be changed to any conforming use.
- b. A non-conforming use may be changed to a non-conforming use; provided, the new use is less non-conforming than the original use.
 - i. 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.
 - ii. Any change to another, less non-conforming use must be approved by the Board of Zoning Adjustments.
 - iii. In considering changes to a 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.

3. Cessation

If, for a continuous period of six (6) 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 [Section 13.08.A.2. Changes to Other Uses](#) of these provisions, unless an extension has been granted by the Board of Zoning Adjustments.

4. 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.

5. Amortization of Land and Structures

The non-conforming use of land where no building is involved shall be discontinued within five years from the date of adoption of these regulations, except where farming is the primary use lawfully existing at the time this subchapter became effective.

B. Non-Conforming 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 chapter or as a result of any subsequent amendments to this subchapter shall be subject to the provisions of this subchapter.

1. Continuance of Non-Complying Structures.

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13.08. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

The use of a non-complying structure may be continued subject to provisions of this subchapter.

a. **Maintenance, Repairs.**

Nothing in this subchapter 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:

- i. Create a new non-compliance; or
- ii. Increase the degree of non-compliance with respect to bulk regulations and off-street parking requirements.

c. **Ground and Pole Signs (Freestanding Signs):**

Freestanding signs that are non-conforming due to the size, height, or location shall adhere to subsections 1.a. and 1.b. above, with the following exception:

- i. The cabinet frame that holds the sign panel is not considered part of the structural integrity of the sign and therefore, may be removed and/or replaced with a new cabinet provided it does not increase the applicable non-conforming element of height, size or location of the sign. These cabinets may be altered to reduce the non-conformity by reducing the size, changing the shape, or may be identical to the previous cabinet.

d. **Replacing Damage Buildings.**

Any non-complying building or structure damaged more than 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 60%, it may be reconstructed as before; provided that, a building permit is issued within six months.

e. **Exceptions**

This section does not apply to a sign cabinet/frame for freestanding signs, see [13.08.B.1.c. Ground and Pole Signs \(Freestanding Signs\)](#) above

C. Non-Conforming Lots of Record

1. 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; and
- b. Dimensional requirements of the lot, other than those applying to area and/or frontage shall conform to the regulations of the zone or district in which such lot is located, with the following exception:
 - i. Any such lot may have reduced side yard requirements as follows:

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Table 13.08-1: Non-Conforming Lots Allowable Setback Reduction	
BASE DISTRICT SIDE YARD SETBACK MINIMUM OF...	MAY BE REDUCED TO A MINIMUM OF...
6'	4'
8'	5'
10'	6'

- ii. In any non-residential district, the side yard setback may be reduced to half of the minimum side yard setback requirement.

2. 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 or amendment of these zoning regulations 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 code.

3. 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 chapter.

D. Conditional Uses Not Non-Conforming Uses

Any existing principal permitted use at the date of the adoption or amendment of this chapter, 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.

13.09. ADMINISTRATION AND ENFORCEMENT

A. Administration and Enforcement

The Planning Director and/or Zoning Enforcement Officer shall administer and enforce this Development Code except as otherwise provided herein.

1. The Planning Director and/or the Zoning Officer shall promptly investigate complaints of violations and report their findings and actions to complainants. They shall use best efforts to prevent violations and to detect and secure the correction of violations.
2. If they shall find any of the provisions of this Development Code are being violated, they shall notify in writing, the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it.
3. The following orders may be issued:
 - a. Discontinuance of Illegal use of land, buildings, or structures;
 - b. Removal of illegal buildings or structures or of illegal additions, alterations, or structural changes;
 - c. Discontinuance of any illegal work being done.
4. They shall take or cause to be taken any other action authorized by this Article to ensure compliance with, and prevent violations of, the provisions thereof, including the assessment of civil penalties and fines as prescribed by Section 13.09.G. Penalty.

B. Building Permit Required

1. General

- a. 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 therefor issued by the Building Inspector having properly vested authority under the

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Kentucky Building Code and this chapter. No building permit shall be issued by him or her, except in conformity with the provisions of this chapter unless he or she has a written order from the Board of Zoning Adjustments in the form of an administrative review decision, a conditional use permit or dimensional variance.

- b. 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 the county may require zoning permits or other instruments to ensure the building activities compliance with the entirety of this chapter.

2. Application for Building Permits

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale and showing:

- a. The actual shape and dimensions of the lot to be built upon;
- b. The exact size and location on the lot of any existing principle buildings and accessory buildings;
- c. The lines within which the proposed building or structure is to be erected or altered;
- d. The proposed height;
- e. The existing and intended use of each building or part of building and the number of families or housekeeping units the building is designed to accommodate; and
- f. 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.

3. Copy of Plans

One copy of the plans shall be returned to the applicant by the Building Inspector, after he or she shall have marked such copy either as "Approved" or "Disapproved" and attested to same by signature on such copy. The original, similarly marked, shall be retained by the Building Inspector.

C. Certificate of Occupancy Required

1. General

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 moved, 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. 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.

2. Temporary Certificates of Occupancy

Temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion

3. 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 chapter or that a legal non-conformity exists as specified in the certificate.

4. Structures and Uses to be Provided in Building Permits, Plans and Certificates of Occupancy

- a. 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 forth in such permits, plans and certificates and no other.
- b. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this Development Code.

D. Reconstruction of Unsafe Walls

Nothing in this article shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshal.

E. Enforcement

All departments, officials, and public employees of the city and county which are vested with the duty or authority to review, and issue permits or licenses shall do so in conformance with the provisions of these regulations. Any permit or license issued for any use, building or purpose which is in conflict with the regulations shall be considered null and void.

F. Interpretation

In interpreting and applying the provisions of this Development Code, 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 its agent is responsible for all interpretations. Whenever this code 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 chapter shall govern.

G. Penalty

Violation of the provisions of this Development Code or failure to comply with any of requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute:

1. Within the City of Franklin

A misdemeanor, and each day such violation or non-compliance continues shall be a separate offense.

- a. Any person who so violates this Development Code or fails to comply with any of its requirements except as provided in [Section 13.09.1.1.b](#) herein ([below](#)) shall upon conviction thereof be fined not less than Ten Dollars (\$10.00) but no more than Five Hundred Dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.
- b. Any person shall upon conviction be fined not less than One Hundred Dollars (\$100.00) but no more than Five Hundred Dollars (\$500.00) for each lot or parcel which was the subject of sale or transfer, or contract therefor, which constitutes a violation of this Development Code.

2. Within Franklin County

- a. A violation punishable by a fine not to exceed \$250 and each day such violation or non-compliance continues shall be a separate offense.
- b. Violation of the provisions of [Section 155.295 through 155.317 \(Flood Damage Prevention\)](#) of the Franklin County Code of Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in

ARTICLE 13. ADMINISTRATION AND PROCEDURES

13.09. ADMINISTRATION AND ENFORCEMENT

connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates [Section 155.295 through 155.317 \(Flood Damage Prevention\)](#) of the Franklin County Code of Ordinance chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$100 or imprisoned for not more than one 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

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ARTICLE 14. SUBDIVISION REGULATIONS

14.01. GENERAL PROVISIONS

A. Title

These regulations shall be known and may be cited as the Frankfort and Franklin County Subdivision and Development Plan Regulations.

B. Purpose

The Frankfort and Franklin County Subdivision and Development Plan Regulations are intended to guide the design and development of land for residential, commercial, industrial, and civic purposes. These regulations are intended to ensure: the proper arrangement of streets; safe, convenient, and efficient traffic circulation; adequate and convenient open spaces and recreation areas; protection of environmentally sensitive areas; minimization of fire hazards; adequate light and air; mitigation of flood hazards; provision of potable water, sewage treatment, drainage facilities, and other utilities, facilities, and services; and enhancement of the unique character and aesthetics of the City, County, individual communities, and neighborhoods. It is further intended that these regulations provide guidelines for development in the City, County, individual communities, and neighborhoods in a manner that is consistent with the Comprehensive Plan for Frankfort and Franklin County.

C. Legislative Authority

The Frankfort and Franklin County Subdivision and Development Plan Regulations are adopted under authority granted by the Kentucky Revised Statutes (KRS), [Chapter 100.273](#).

D. Applicability

The provisions of the Frankfort and Franklin County Subdivision and Development Plan Regulations shall apply to all lands within the municipal limits of the City of Frankfort, Kentucky, and within the boundaries of Franklin County, Kentucky.

E. Effect on Previously Approved Plats and Development Plans

The design and construction requirements of the Frankfort and Franklin County Subdivision and Development Plan Regulations shall not apply to:

1. Subdivisions that have previously received Preliminary Plan approval, provided that such approvals have not expired at the time of adoption of the Frankfort and Franklin County Subdivision and Development Plan Regulations;
2. Subdivisions that have received a Preliminary Plan review by the Technical Review Team, provided that the Preliminary Plan is approved by the Planning Commission within six (6) months of the effective date of these regulations;
3. Subdivisions within the municipal boundaries of the City of Frankfort and were approved by the Planning Commission prior to **July 12, 1983**, provided that such approval has not expired at the time of adoption of these regulations; and
4. Subdivisions within the jurisdiction of Franklin County and were approved by the Planning Commission prior to **December 7, 1987**, provided that such approval has not expired at the time of adoption of these regulations.
5. Development Plans approved by the Planning Commission prior to the effective date of these regulations.

F. Exemptions

Pursuant to [KRS Chapter 100.111\(22\)](#), the division of land for Agricultural Use and not involving a new street is exempt from the regulations of this Article.

ARTICLE 14. SUBDIVISION REGULATIONS

14.01. GENERAL PROVISIONS

G. Map of Urban, Suburban, and Rural Areas

[Map 2-1: Community Character Designations](#) depicts the location and extent of designated Urban, Suburban, and Rural areas. When a property is located in more than one area type, the following rules shall apply:

1. For a property located in an Urban and Suburban Area, the requirements of [Section 14.02](#) shall apply to the entire property;
2. For a property located in a Suburban and Rural Area, the requirements of [Section 14.02](#) shall apply to the entire property; and
3. For a property located in an Urban, Suburban and Rural area, the Planning Commission shall determine which area requirements shall apply.

H. Interpretation of Boundaries

Where uncertainty exists as to the boundaries of Urban, Suburban and Rural areas shown on [Map 2-1: Community Character Designations](#), the rules established in [Section 2.03.B. Interpretation of Boundaries](#) shall apply.

I. Administration of Regulations

The Frankfort and Franklin County Planning Commission, and its designees, shall administer these regulations. All applications, fees, maps, and documents relative to plan approval shall be submitted to the Commission. The City of Frankfort and Franklin County shall designate appropriate and sufficient staff to handle the daily administration of these regulations on behalf of the Planning Commission. The Planning Commission is empowered to appoint a subdivision committee, composed of members of the Commission, to study proposed subdivisions and site developments. However, no plan may be approved except by official action of the Planning Commission or its duly authorized designee. The administration of these regulations shall be carried out in conformance with the requirements of [Section 14.05. Administrative Procedures](#) of these regulations.

J. Planning Commission Action on Variances to these Regulations

The Planning Commission is hereby empowered to do all things necessary and proper to administer and enforce these regulations, including, but not limited to, the power to hear and finally decide applications for variances when a proposed development involves a subdivision and one or more variances from the dimensional requirements of these regulations. In considering applications for variances under these regulations, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Zoning Adjustment pursuant to [KRS 100.231](#) through [100.251](#). The applicant for the subdivision, at the time of filing of the application for the subdivision, may elect to have a variance for the same development to be heard and finally decided by the Planning Commission, or by the Board of Zoning Adjustment as otherwise provided by [KRS 100](#).

K. Subdivision Requires a Plat

No person shall subdivide land without the approval and recording of a Major or Minor Record Plat in accordance with the requirements of these regulations. In the event that any unapproved plat has been recorded, land has been sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, then the requirements of [KRS 100.292](#) shall apply.

L. Status of Lots Created in Violation of the Provisions of this Article

No building permit or certificate of occupancy shall be issued for any structure on any parcel or lot that was created in violation of these regulations.

M. Minimum Standards

In their interpretation and application, the provisions of these regulations shall be held to these minimum requirements, adopted for the promotion of the public health, safety, and general welfare. All

developers should consider developing their subdivisions at higher standards. The Planning Commission may require standards above the minimum contained herein whenever it finds that public health, safety, and welfare purposes justify such increases. Whenever the provisions of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the provisions that is more restrictive or imposes a higher standard or requirement shall govern.

N. Severability of Regulations

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

O. Amendment of Regulations

These regulations may be amended from time to time as provided by law, and in accordance with the provisions of [Section 14.05.L. Amendment of Regulations](#).

P. Rules of Interpretation

1. Generally

For the purposes of these regulations, certain terms, words and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

- a. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- b. Tense: Words used in the present tense include the future.
- c. Number: Words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.
- d. Gender: Words in the masculine gender include the feminine, and neuter, and vice-versa.
- e. Shall, Should, May, Includes – The word "shall" is mandatory; the word "should" is directive but not mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- f. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- g. The word "lot" includes the words "plat" or "parcel."
- h. Measurement of Distances: Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- i. Interpretation of Undefined Terms: Terms not otherwise defined in [Article 15. Definitions](#) shall be interpreted first by reference to the adopted Comprehensive Plan or Zoning Regulations, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other practices; and otherwise according to common usage, unless the context clearly indicates otherwise.

2. Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, design standards, construction and improvement standards, other criteria, definitions, procedures, or any other provisions of the Frankfort and Franklin County Subdivision and Development Plan Regulations, the Planning Director, or duly authorized designee, shall, on behalf of the Planning Commission, be responsible for interpretation.

ARTICLE 14. SUBDIVISION REGULATIONS

14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

3. Computation of Time

The time within which an act must be done shall be computed by counting working days, excluding the first and including the last day. Saturdays, Sundays, and legal holidays shall be excluded from the computation. The Planning Commission shall determine and cause to be published a list of legal holidays applicable to the computation of time prior to the beginning of each calendar year.

14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

A. Intent

The requirements of [Section 14.02. Urban and Suburban Area Subdivision and Development Requirements](#) are provided to ensure that the subdivisions and development plans within the Urban and Suburban Area are consistent with the predominant characteristics of urban or suburban types of development. It is the intent of the Planning Commission that land proposed to be subdivided shall be suitable for development, including consideration of flood hazards; geologic hazards; availability of adequate water supply, sewage disposal, storm water facilities, transportation facilities, and schools; or consideration of other such conditions as may endanger the health, life, or property of the citizens of Frankfort and Franklin County.

B. Applicability

Subdivisions and development plans within the boundaries of the Urban and Suburban Areas, as depicted on the Map of Urban, Suburban, and Rural Areas ([Map 14-1](#)) shall comply with the requirements of this Section. (See [Section 14.01.H. Interpretation of Boundaries](#) for the rule applicable to properties located in more than one type of area.)

C. Standards for Lot Layout and Development Design

1. Compliance with Zoning District Regulations

Subdivisions and development plans within the Urban and Suburban Areas shall comply with the requirements of the zoning district in which the subdivision or site is proposed. Zoning district regulations govern building placement, density and intensity of use.

2. Lot and Block Design Requirements

- a. Lot area and dimensions shall conform to the applicable zoning district standards as established by [Article 4. Dimensional and Design Standards](#), except as otherwise provided herein.
- b. Lot depth to width ratio standards will be based on the type of access. Where access to a lot is from a frontage street, the lot depth to width ratio should not exceed 2.5:1 (See [Figure 14-1](#)). Where access is located at the rear of a lot, either by alley, street or easement, the lot depth to width ratio shall not exceed 5:1 or a maximum depth of 200 feet (See [Figure 14-2](#)).

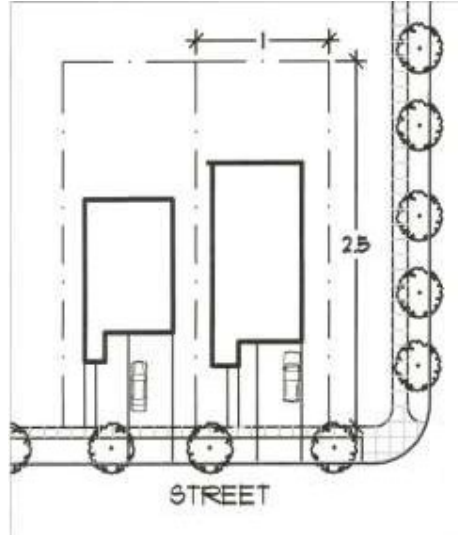


Figure 14-1: Front Access Lot – 2.5 : 1 Ratio

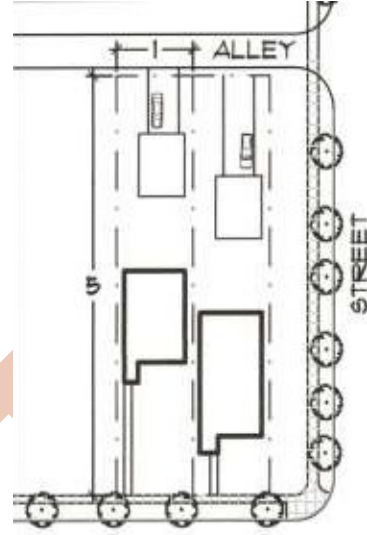


Figure 14-2: Rear Access Lot – 5 : 1 Ratio

- c. Lots shall be configured so that side lot lines are at right angles to the lot frontage or street frontage whenever practical (See [Figure 14-3](#)). Lots fronting on the turnaround portion of a cul-de-sac street present one situation where it may not be practical for side lot lines to form right angle with Lot or street frontage (See [Figure 14-4](#)).

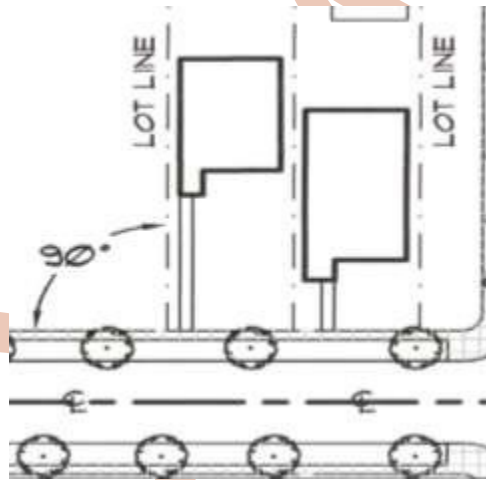


Figure 14-3: Lot Line at Right Angle to Street

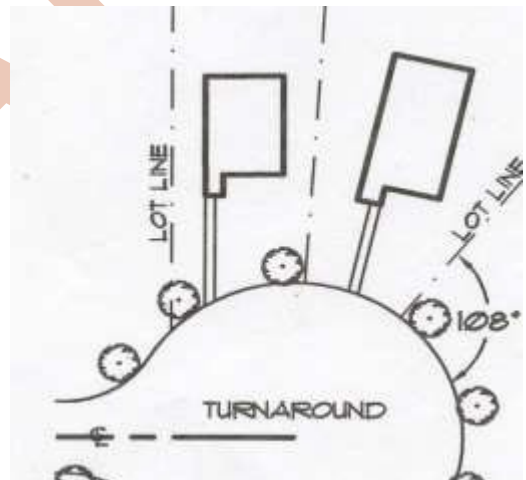


Figure 14-4: Lot Line Not at Right Angle to Street

- d. Subdivisions should not be configured with double frontage or reverse frontage lots unless the configuration is needed to provide for the separation of residential development from:
- i. Major transportation thoroughfares;
 - ii. Lots developed or zoned for commercial use;
 - iii. Lots developed or zoned for industrial use; or
 - iv. Lots developed or zoned as Planned Developments (PD).
- e. Corner lots shall have sufficient frontage on the two abutting streets to ensure that all building placement standards are met.
- f. The length of blocks along the primary street frontage shall be consistent with the

ARTICLE 14. SUBDIVISION REGULATIONS

14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

average block length of the neighborhood but shall not be less than 400 feet or more than 1,500 feet. Block length shall be measured from the centerline of intersecting streets that establish the block. The determination of the primary street frontage shall be based on highest functional classification. Where all streets that form the block are of the same functional classification, the primary street frontage shall be determined from the longest street.

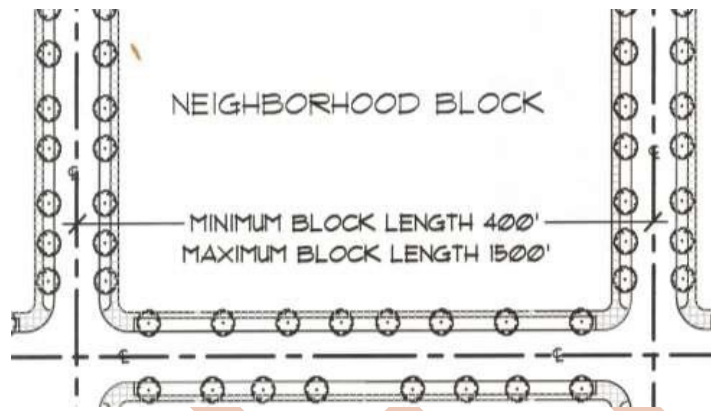


Figure 14-5: Block Design Standards

- g. Blocks should be configured to accommodate two (2) rows of lots. An exception may be granted where double frontage lots or reverse frontage lots are allowed, pursuant to [Section 2.03.B.5](#).
- h. Flag lots shall not be permitted in the Urban or Suburban Areas. For the purposes of this provision, lots with a frontage less than which is required by [Article 4. Dimensional & Design Standards](#) in the Development Code shall constitute as a flag lot.

D. Transportation System Requirements

1. Street System Classification

The proposed street system of the subdivision or site shall conform to the system of thoroughfares and neighborhood streets established in the Urban and Suburban Areas. Extensions and connections of new thoroughfares and streets to existing thoroughfares and street shall be required to continue the transportation system and pattern of the Urban Area. The proposed transportation system shall provide for adequate and safe on and off-street parking, and adequate and safe loading and unloading of goods and equipment.

2. Thoroughfare and Neighborhood Streets Standards

- a. The minimum right-of-way width, as measured from lot line to lot line, shall be as provided in the Major Street Plan, but shall not be less than the standards shown below in [Table 14.02-1: Minimum Right-of-Way Requirements – Urban and Suburban Areas](#).

Table 14.02-1: Minimum Right-of-Way Requirements – Urban and Suburban Areas				
Urban and Suburban Area Street Type Classification	Minimum ROW (feet) No On-Street Parking CG Section ^[1]		Minimum ROW (feet) with On-Street Parking One or Both Sides CG Section ^[1]	
	3 lanes	5 lanes	3 lanes	5 lanes
Thoroughfares				
Arterial	80	104	96	NA
Collector	70/80 ^[3]	94/104 ^[3]	86/96 ^[3]	110/120 ^[3]
Marginal/Frontage	50	NA	NA	NA

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14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

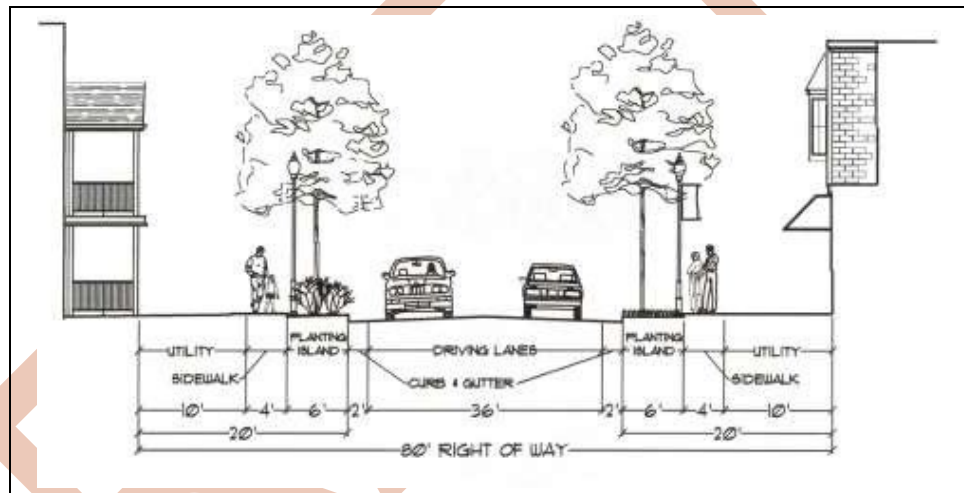
Neighborhood Streets	2 lanes	3 lanes	2 lanes	3 lanes
Major	60	71	76/87 ^[3]	87/97 ^[3]
Minor	40	NA	50 ^[5]	NA
Alley/Common Drive ^[2]	30 ^[4]	NA	NA	NA

[1] A CG section includes the curb and gutter along both sides of the street as well as raised medians.
 [2] Curbs and gutters are required for the alley/common drive unless waived by the applicable engineering official..
 [3] The additional 10 feet of right-of-way may be required for the purpose of increasing the width of sidewalks when the Major Thoroughfare provides access to commercial properties.
 [4] The minimum right-of-way may be increased to provide for drainage facilities, and a portion of the required right-of-way may be provided in a utility easement.
 [5] On-street parking is only permitted along one side of the street opposite to side containing fire hydrants and potable water lines. Where on-street parking is provided the curb shall be painted and a sign placed at the entrance to the subdivision to denote where on-street parking is permitted.

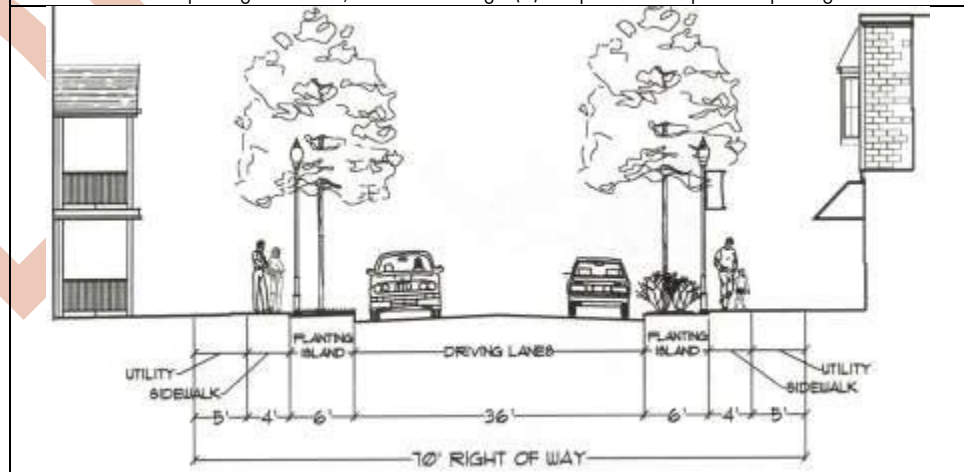
Note: The references to 3 and 5 lanes for street types are based on two or four travel lanes and one left turn lane.
 Note: The right-of-way standards assume that left turn lanes are painted to separate movements. If a raised median is planned, the right-of-way requirements will be increased to accommodate the additional curb and gutter.

b. Cross-Sections and Requirements for Thoroughfare and Neighborhood Streets

The following Figures contain all right-of-way and design requirements that shall be applicable for these classifications.



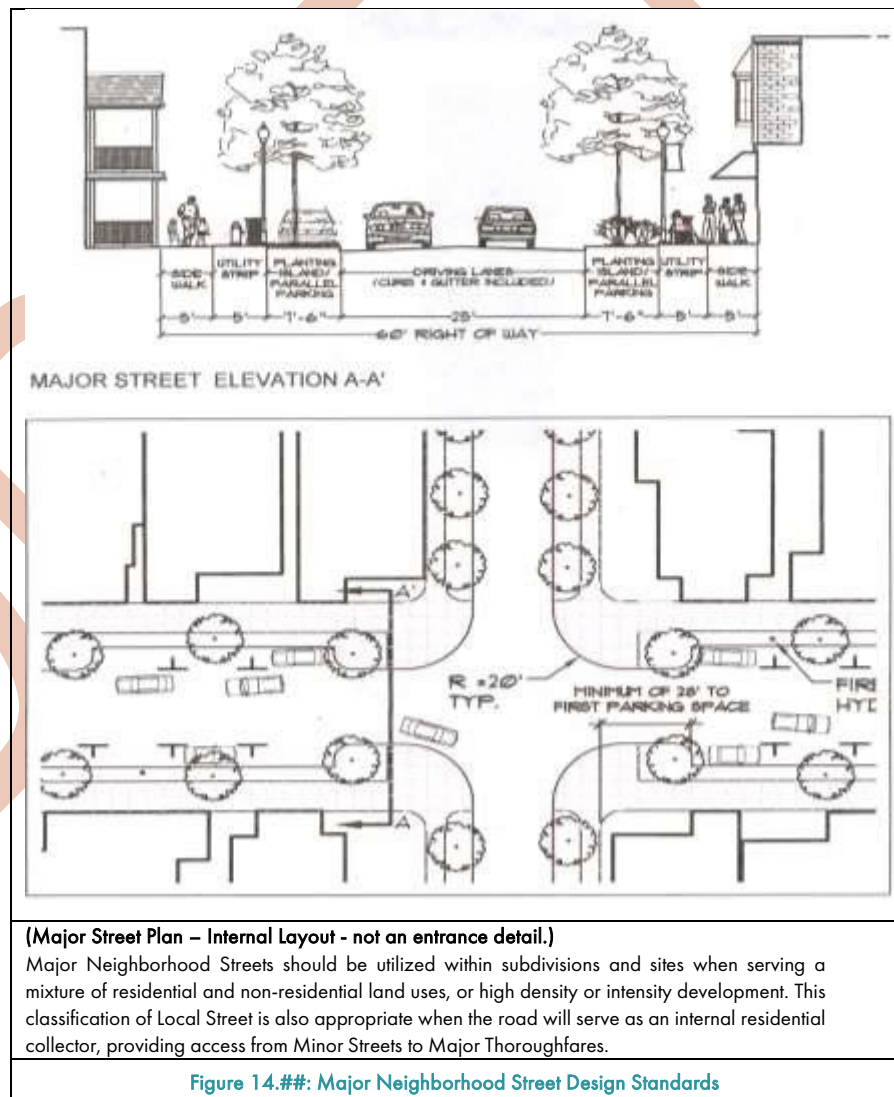
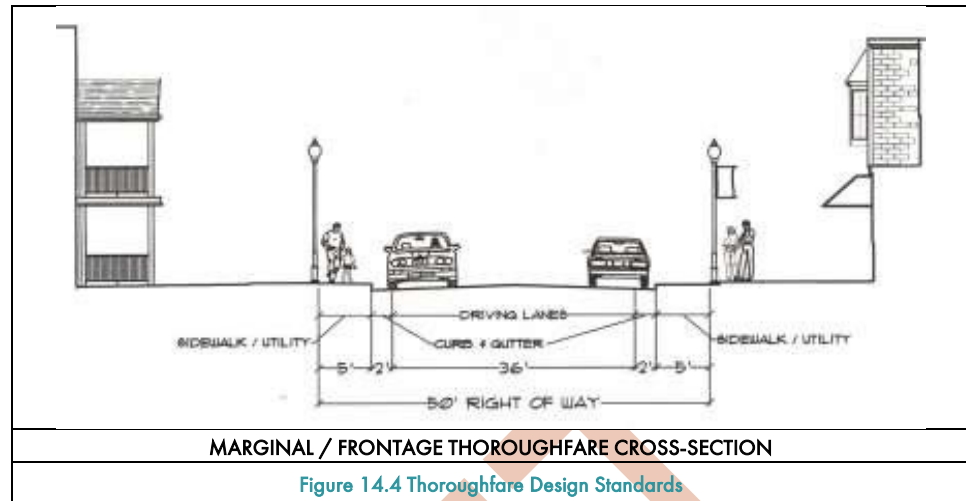
If on-street parking is included, an additional eight (8) feet per side is required for parking lanes



If on-street parking is included, an additional eight (8) feet per side is required for parking lane

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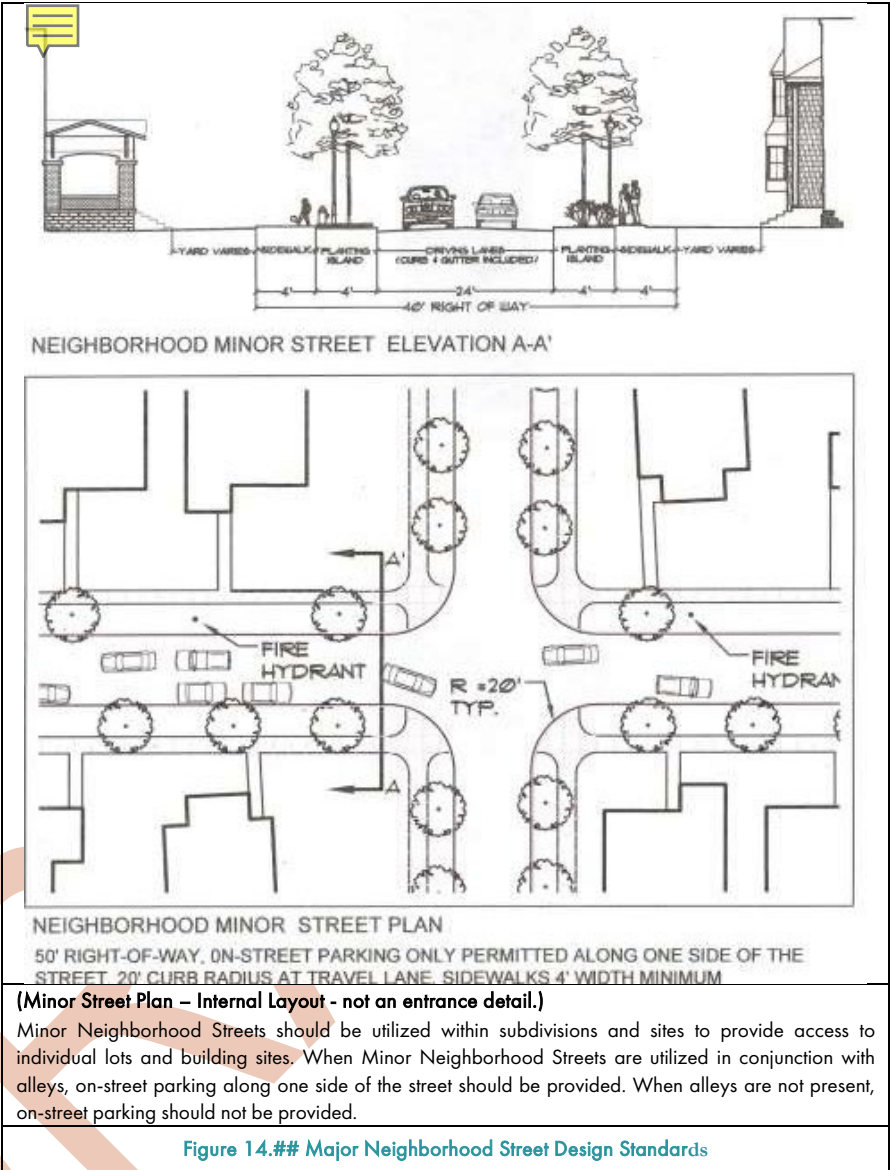


Figure 14.## Major Neighborhood Street Design Standards

14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS



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- e. Where T-type intersections are permitted, the following minimum offsets set forth in [Table 14.02-2: Minimum Offset Requirements for T-Type Intersections](#) shall be required.

Table 14.02-2: Minimum Offset Requirements for T-Type Intersections	
INTERSECTION TYPE	OFFSET BETWEEN CENTERLINES (min)(feet)
Arterial with Arterial	600'
Arterial with Collector or Frontage	
Arterial with Major Neighborhood St.	
Arterial with Minor Neighborhood St.	
Collector with Collector	400'
Collector with Frontage	
Collector with Major Neighborhood St.	
Collector with Minor Neighborhood St.	
Major Neighborhood St. with Minor or Alley/Common Dr.	250'

- f. Intersections shall not be designed with more than four (4) approaches. This design requirement shall not be construed to prohibit merging lanes, deceleration lanes, or traffic circles.
- g. The highest classification of thoroughfare or neighborhood street shall be considered the through street when intersecting with any other classification of thoroughfare or neighborhood street.
- h. The minimum and maximum grades for all classified streets is shown in the following table:

Table 14.02-3: Minimum and Maximum Grades		
STREET TYPE	GRADES	
	MINIMUM	MAXIMUM
Arterial	0.5%	5%
Collector/Frontage	0.5%	8%
Major/Minor/Alley	0.8%	8-12% ^[1]

[1] The grade may not exceed eight percent (8%) unless specifically authorized by the applicable engineering official and provided that additional landing area is provided where the street intersects with another street.

- i. Where the grade of any thoroughfare or neighborhood street at the approach to an intersection exceeds three percent (3%), a leveling area shall be provided, having a grade not greater than three percent (3%) for a distance of 50 feet back from the edge of the right-of-way of the intersecting street.
- j. A change in grade shall be connected by a vertical curve that provides a minimum sight distance equal to:
- The distance an automobile will travel in six (6) seconds at the design speed of the road; or
 - 220 feet at 25 MPH, 310 feet at 35 MPH, 400 feet at 45 MPH, 500 feet at 55 MPH.

This standard may be reduced at the discretion of the applicable engineering official in order to preserve scenic, cultural or historic resources.

- k. The minimum horizontal curve radius for thoroughfares shall be 600 feet and 100 feet for neighborhood streets unless an alternative is approved by the applicable

ARTICLE 14. SUBDIVISION REGULATIONS

14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

engineering official.

- l. The minimum radius for thoroughfare curb intersections shall be 35 feet. The minimum radius for neighborhood street curb intersections shall be 20 feet. All measurements shall be from the pavement edge.
- m. Dead-end neighborhood streets shall not be included in subdivisions proposed in the Urban or Suburban Areas, unless topography or the existing street pattern requires a dead-end street. When a dead-end street is proposed, the street shall meet the following standards:
 - i. The street shall be designed as a permanent dead-end street.
 - ii. The dead-end street shall not be longer than 500 feet.
 - iii. The street shall be designed with a closed end with a turn-around at a minimum centerline radius of 50 feet.
- n. Thoroughfare and neighborhood street names shall meet the following standards as well as those in [Section 14.07. Street Naming, Closing and Site Addressing Procedures](#).
 - i. Thoroughfare and neighborhood street extensions shall bear the same name as the existing street.
 - ii. Thoroughfare and neighborhood streets that align with existing street shall bear the same name as the existing street.
- o. There shall be no private thoroughfares or neighborhood streets in Urban and Suburban area subdivisions, except that dedication to the public of a cross-access easement for alleys is acceptable.
- p. Within the Urban Areas, blocks over 800 feet in length, the Planning Commission may require one (1) or more publicly accessible pedestrian and/or bike paths ten (10) feet in width to extend approximately from the midpoint of one (1) block face to the midpoint of the opposing block face.
- q. Within the Suburban Areas, blocks over 1,000 feet in length, the Planning Commission may require one (1) or more publicly accessible pedestrian and/or bike paths ten (10) feet in width to extend approximately from the midpoint of one (1) block face to the midpoint of the opposing block face.

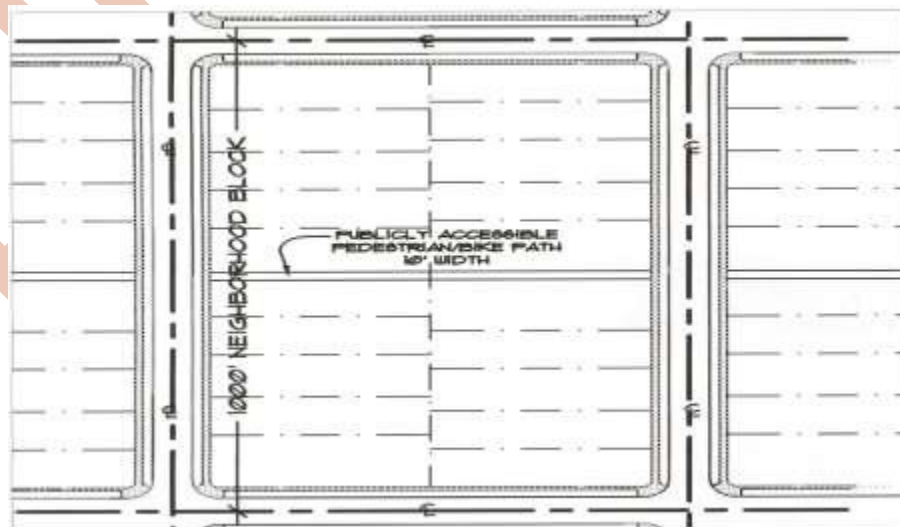


Figure 14.8: Location of Publicly Accessible Pedestrian / Bike Path

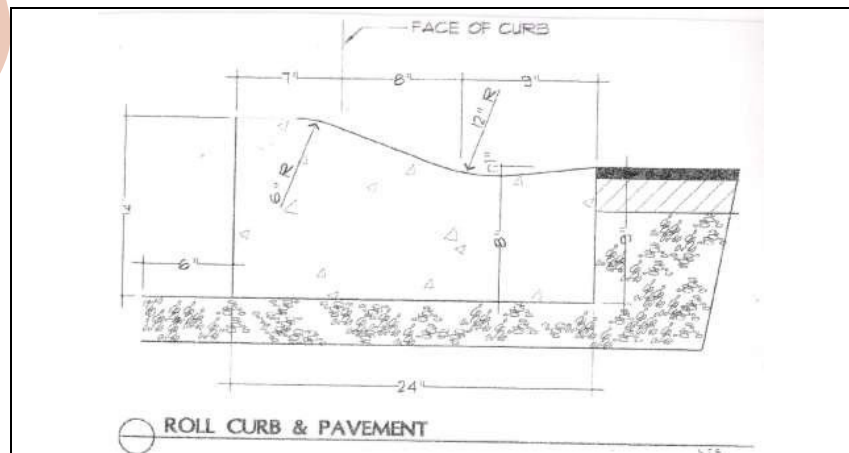
ARTICLE 14. SUBDIVISION REGULATIONS

14.02. URBAN AND SUBURBAN AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

- r. Thoroughfare and neighborhood street pavement design and construction standards are shown in [Table 14.02-4: Pavement Design and Construction Standards](#).
- i. Pavement Base shall consist of not less than two (2) courses (five-inch (5") maximum per lift) of dense graded aggregate laid and rolled separately to at least 95 percent maximum density, totaling the required number of inches based on street type for the full width of pavement and including any proposed shoulder/curb. Sub-grade shall have been graded and rolled to 95 percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point as required for the applicable street type. A surface or wearing course of Asphalt Concrete, Class I, Type "A", or the equivalent shall be applied, with a thickness at the thinnest point of one and one-half (1.5) inches.

Table 14.02-4: Pavement Design and Construction Standards			
Type	Compacted DGA Base (inches)	Bituminous Asphalt Base (inches)	Finish Grade Bituminous Asphalt (inches)
Arterial	12	4	1.5
Collector	10	4	
Neighborhood Streets	10	3	

- s. Straight battered Portland cement box type, or Portland cement roll type, concrete curbs and gutters shall be designed in accordance with current Kentucky Bureau of Highways or AASHTO standards. The box type curb and gutter section shall be required for use on all Thoroughfares and the cur or roll type sections may be constructed in conjunction with a Neighborhood Street in the Urban and Suburban Areas. This standard shall not be modified. In addition, the following is required when box or roll type curb and gutter sections are planned and constructed:
- i. Cut-outs and repair of straight or roll type curb and gutter sections to accommodate driveways, alleys or other forms of access shall be completed prior to the issuance of a certificate of occupancy for any principal structure on the building site served by the driveway, alley or other form of access.
- ii. Developers may install all driveway aprons at time of installation of the curbs to avoid the costs associated with removing such curbs at time of installing a driveway connection onto the new road system.



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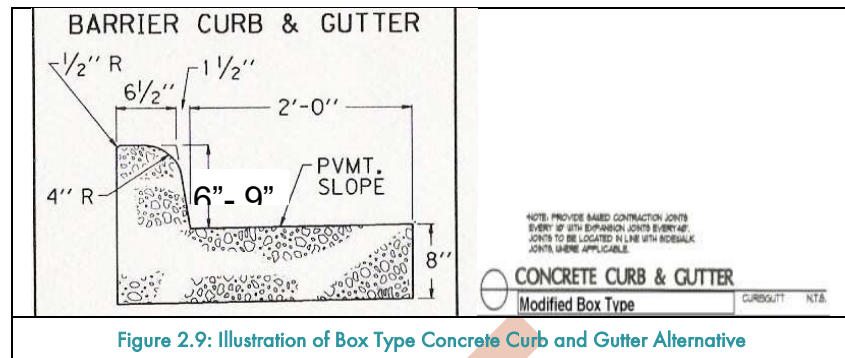


Figure 2.9: Illustration of Box Type Concrete Curb and Gutter Alternative

t. Alternative to Design Standards

Any applicant with a project that requires the installation of public infrastructure may submit a written request to the appropriate Engineering Official that their proposed development utilize design practices that are consistent with A Policy on Geometric Design of Highways and Streets (current edition) published by the American Association of State Highway and Transportation Officials (AASHTO). Such request shall specify the section(s) to which the AASHTO guidelines are to be applied. Approval by the appropriate Engineering Official of a portion or all of the request may be authorized without the need of Planning Commission review.

When the Engineering Official has determined that the request is consistent with the AASHTO standards, such designs may be authorized without the need of Planning Commission review.

3. Street Drainage Standards

All streets shall be designed in accordance with the applicable storm water management and design guidelines for the City of Frankfort or Franklin County.

4. Street Signs Standards

Developers of subdivisions and sites are responsible for placement of street signs in accord with the following requirements:

- The developer shall place at least two street name signs at each four-way street intersection and one at each "T" intersection;
- Street signs shall be installed within the parkway, free of visual obstruction, and easily legible;
- All street signs must be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards (<http://mutcd.fhwa.dot.gov/12.28.01.htm>) and shall be metal with reflective lettering; and,
- The developer, or successor in interest, will be responsible for the maintenance and replacement, when necessary, of any aspect of a required street sign that exceeds the minimum requirements of the MUTCD and has been approved by the applicable Engineering Official. This would include decorative features associated with the signage.

5. Street Connectivity Standards

Wherever a proposed subdivision or site abuts unplatted land or a future development phase of the same development, street stubs shall be installed to allow access to abutting properties or to logically extend the street system into the surrounding area.

6. Sidewalks Standards

- All sidewalks shall be constructed of Portland Cement concrete, or other material

acceptable to the applicable engineering official, with a minimum 3,500 pounds per square inch Class A concrete and shall have a minimum thickness of four inches (4") and contain fiber reinforced mesh.

- b. Sidewalks shall be constructed on thoroughly compacted sub grade and shall conform in width to the requirements for specific thoroughfare or neighborhood street classifications.
- c. Sidewalks shall be scored in squares, with the minimum spacing based on one (1) foot per foot of sidewalk width. Expansion joints shall be placed at 32-foot intervals, or where necessary based on the grade, location of driveways, and other features of the sidewalk corridor. Sidewalk slope toward the curb shall be one-quarter (1/4) of an inch to the foot.
- d. Sidewalks shall be located not less than six inches (6") from the property line in residential areas to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.
- e. Sidewalks shall be designed to connect to and extend existing sidewalks.
- f. Ramps at intersections shall be provided to comply with the design requirements of the Americans with Disabilities Act (ADA).
- g. Sidewalks should properly connect with pedestrian crosswalks, and part of the responsibility of the developer for the installation of sidewalks will include the delineation of pedestrian crosswalks on the surface of the street consistent with the requirements of the applicable engineering official.
- h. Sidewalks are required along both sides of a street as depicted in [Section 14.02.D.2. Design Standards – Thoroughfares and Neighborhood Streets](#).

7. **Emergency Vehicle Access Standards**

- a. Subdivisions or sites shall provide for emergency vehicle access consistent with the type and density or intensity of use.
- b. For proposed development of 50 or fewer residential lots or 30,000 square feet or less of gross floor area of non-residential use (Type A Development) a single two (2) lane, two-way access from the subdivision or site to the transportation system shall be sufficient for emergency access. A single one-way lane may be permitted as an alternative to the standard above with the written approval of the applicable engineering official.
- c. For proposed developments with 51 – 100 residential lots or 30,001 – 150,000 square feet of gross floor area of non-residential use (Type B Development), a single lane ingress and a two (2) lane egress access divided by a raised median shall be sufficient for emergency access. The length of this divided access, measured from the centerline of the connecting thoroughfare or street, shall be determined from [Table 14.02-5: Length of Access Based on Street Classification](#) below. The width of the median is provided in [Section 14.02.D.9. Design Standards – Access and Driveway Connections](#).
- d. For proposed developments with more than 100 residential lots or 150,001 or more square feet of gross floor area of non-residential use (Type C Development), a minimum of two (2) separate access streets or driveways to the abutting transportation system shall be provided. If a development site fronts on two roadways (other than I-64), then a driveway on each shall be required. The type and design requirements for both of these access streets or both driveways should be separated with a raised median as shown in [Figure 2.10](#) below unless otherwise

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determined in writing by the engineering official upon recommendation of both the applicable Fire Chief and Planning Director.

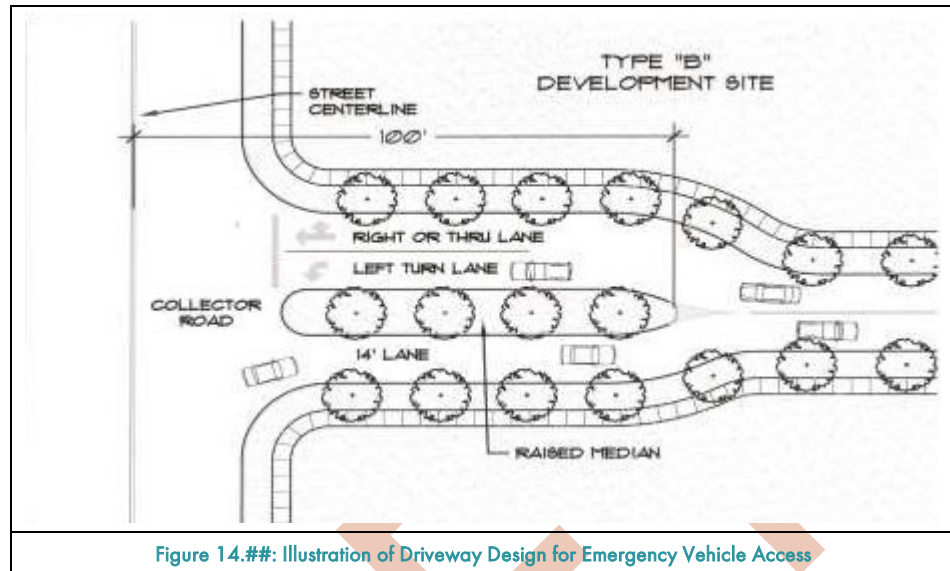


Figure 14.##: Illustration of Driveway Design for Emergency Vehicle Access

Table 14.02-5: Length of Access Based on Street Classification

Roadway Type	Type A Development	Type B Development	Type C Development
Arterial	100 ft.	120 ft.	160 ft.
Collector	80 ft.	100 ft.	140 ft.
Neighborhood Streets	60 ft.	100 ft.	120 ft.

8. Access from Residential Lots to Thoroughfares

Access from residential lots to thoroughfares shall be prohibited in the Urban and Suburban Areas except where the provision of access is determined by the Planning Commission to be an important element in the preservation of the scenic or historic character of the thoroughfare or street. Where such access is allowed, the spacing of such access locations shall conform to the general pattern of lot access driveways along the roadway.

9. Access Connection and Driveway Standards

Driveways from individual lots or building sites or development sites to thoroughfares or neighborhood streets shall be designed in accordance with the standards below:

- a. Driveway width shall be determined by the following requirements:
 - i. If the driveway is a one-way in or one-way out drive, then the driveway shall be a maximum width of 16 feet and shall designate the driveway as a one-way connection.
 - ii. For two-way access, each lane shall have a minimum width of twelve (12) feet. Whenever more than two (2) lanes are proposed, entrance and exit lanes shall be divided by a raised median. The median shall be not less than four (4) feet wide or 13 feet wide if five (5) or more lanes are proposed. An exception to this median design is if the access is on a state right-of-way and the KYTC will not approve this design with the minimum median size. The applicant must provide written documentation to the Planning Director that KYTC will not approve such a design and what alternative design closest to the requirement will be acceptable to KYTC.

- iii. NOTE: Nothing in this section shall prevent the applicable Engineering Official to allow the median to be tapered or striped for safety purposes.
- iv. Driveways that enter the major thoroughfares or neighborhood street at traffic signals must have at least two outbound lanes (one (1) for each turning direction) of a least 12 feet in width, and one inbound lane with a 14 foot width, unless otherwise authorized by the applicable Engineering Official.
- b. On-street parking shall be prohibited within the entire length of the access driveway as determined from [Table 14.02-5: Length of Access Based on Street Classification](#).
- c. Driveway grades shall conform to the requirements of the Kentucky Transportation Cabinet Standard Index, Roadways and Traffic Design Standard Indices, latest edition, but in no case shall a driveway grade exceed 12 percent.
- d. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is not permitted.

E. Public Facility and Service Requirements

1. Required Facilities and Services

Subdivisions and development plans proposed within the Urban and Suburban Area shall provide for the following facilities and services: potable water, sanitary sewer, flood hazard protection, storm water management, gas, electricity, cable, and telephone.

2. Water and Fire Protection Standards

All Urban and Suburban Area subdivisions and sites are required to have adequate potable water service from a public utility provider for drinking water and fire protection. All subdivisions and sites shall comply with the design standards below and, where applicable, those standards adopted by the Frankfort Plant Board. Where standards contained herein are determined to conflict with the standards adopted by the Frankfort Plant Board or other potable water provider, the more stringent standard shall apply. The applicable Engineering Official shall consult with the utility service provider and make the final determination that standards are in conflict, and which standard is more stringent.

a. Urban Areas

Water mains shall be not less than six inches (6") in diameter, including fire hydrant branch connections. Larger mains may be required when warranted by service or topographic conditions.

b. Suburban Areas

- i. Water mains shall be not less than six inches (6") in diameter. Larger mains may be required when warranted by service or topographic conditions.
- ii. Four inch (4") water mains may be considered by the applicable Engineering Official, but only for mains which do not serve as a fire hydrant branch. Blow-offs shall be installed as necessary and pursuant to Engineering Official requirements.
- c. Dead end water service to a subdivision or development site should not be permitted. Water service mains should connect to the distribution system at a minimum of two (2) points to avoid interruption of service should one (1) main be out of service. A single point of connection to the public distribution system may be permitted when it is determined that a second connection is not feasible due to the physical limitations of the site.

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- d. Water mains should be so arranged that the distance between intersecting mains does not exceed 800 feet. If intersecting mains are at a distance in excess of this standard, eight inch (8") or larger mains must be used.
- e. The distribution system for subdivision and sites shall be equipped with a sufficient number of valves located in a manner such that breakage or other interruption will not cause the shutdown of any portion of a main greater than 800 feet.
- f. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the public water service provider.
- g. Fire hydrants shall be able to deliver a minimum of 500 gallons per minute or other rate of water flow as determined by the applicable Fire Department Official, for firefighting purposes. Friction loss between the main and the hydrant should be minimized to ensure that the hydrant can deliver the specified flow of water.
- h. Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½) inch outlets and one (1) four and one-half (4 ½) inch main steamer or pumper outlet and an isolation valve must be installed between the street main and the hydrant.
- i. Hydrant spacing shall be determined by the fire flow demand standards below or as determined for a specific site by the applicable Fire Department Official:
 - i. Higher density residential and commercial areas, where the proposed density is greater than three (3) dwelling units per net acre or greater than a 0.15 floor area ratio, shall have hydrants located as to keep hose lines at a maximum of 500 feet. At a minimum, there shall be enough hydrants appropriately spaced within the subdivision or site to make two (2) streams of water available at every part of the interior and exterior of each building not covered by standpipe protection. Private hydrant design and installation (private hydrants are those located on private property and not within a public right-of-way or easement) may also be required to comply with the standard to make available two (2) streams of water at every part of the interior and exterior of each building not covered by standpipe protection.
 - ii. For lower density or intensity residential or commercial areas, hydrant spacing shall not exceed 800 feet between hydrants. In higher density residential and commercial developments, hydrant spacing shall not exceed 500 feet between hydrants, nor shall any portion of a building be further than 500 feet from a hydrant installed to protect it.
 - iii. Fire hydrants shall be located as close to a street intersection as possible with intermediate hydrants along the street or on the site of the premises so as to meet area requirements. Hydrants should be located in designated street tree planting areas or other portion of the right-of-way designated for utilities.
 - iv. Measurements for distances referenced above shall be made along an all-weather road (never measured through or across yards, fields, woods, creeks, or other avenues not accessible to fire apparatus) for laying hose lines.
- j. All fire hydrants shall be placed a minimum of 50 feet from the exterior wall of any building to be protected. When such placement is impossible, hydrants shall be placed where the chance of injury by falling walls is minimized and where firefighters are not likely to be driven away by smoke or heat. The height of

proposed buildings shall be considered for minimum distance when the 50 foot distance is not possible.

3. Sanitary Sewer Standards

All Urban Area and Suburban subdivisions and sites are required to have adequate sanitary sewer service from a public utility provider. All subdivisions and sites shall comply with the design standards adopted by the public utility provider as well as those listed below:

- a. The maximum length of sanitary sewer pipe between manholes is 350 feet.
- b. For Suburban Area subdivisions, the following shall apply:
 - i. All Suburban Area subdivision and sites are required to have adequate sanitary sewer service from either a public utility provider or by an on-site system approved by the Franklin County Health Department. All subdivisions and sites shall comply with the design standards adopted by the public utility provider or administered by the Franklin County Health Department. In addition, the following standards are applicable:
 - ii. Residential lots served by an on-site sanitary sewer system shall be a minimum of 200 feet wide as measured at the building line, and one-half (1/2) acre in area. A greater area than specified may be required for residential lots if, in the opinion of the County Health Officer, there are factors of drainage or soil condition to cause potential health hazards.

4. Flood Hazard Protection Standards

All subdivisions and sites shall be designed to conform to the requirements of all applicable Flood Damage Prevention Regulations as established by [Article 12. Flood Damage Prevention](#).

5. Storm Water Management Standards

All subdivisions and sites shall be designed to conform to all applicable stormwater management standards as established by the appropriate engineering authority.

6. Gas, Electricity, Cable, and Telephone Services Standards

Except as provided in [subsection 14.02.E.6.a.](#) or [6.b.](#) below, all gas, electricity, cable, telephone, and similar utilities provided to new subdivisions and building and development sites shall be placed underground in rights-of-way or easements as required. Above-ground utility service facilities, other than junction boxes, transformers and related ground-mounted equipment, are prohibited except as provided in accordance with [6.a.](#) or [6.b.](#) below. All permitted above ground service facilities shall be appropriately placed in or near front, side, or rear yard setbacks and should not be placed any closer than two (2) feet to the front or rear property line.

- a. Subdivision or sites, wherein more than seventy-five percent of the total number of residential units qualify as affordable housing, will be permitted to be serviced by above ground electric and telephone utility service facilities. In order to qualify for this provision, the developer of the subdivision or site shall provide to the Planning Commission a written statement justifying and certifying that the requisite number of residential units will be sold at a price consistent with the definition of "affordable" as described in the commentary below or as may be determined by policy of the Planning Commission from time to time. Also, the developer's certification statement shall also describe a binding method of enforcement to ensure that the requisite number of affordable dwelling units will be achieved over the life of the project, and the actions that the developer will take to ensure enforcement.

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- b. Above ground electric service may be provided to a subdivision or site when it is determined by the applicable Planning Director or more of the following conditions exist:
 - i. the subdivision or site is located in an area where adjoining developed subdivisions or sites are served from above ground facilities; and/or
 - ii. the subdivision or site can be served from existing overhead electric facilities without the need to construct new overhead facilities.
- c. For all commercial and multi-tenant residential developments, a minimum three-inch (3") ID, Schedule 40 PVC conduit will be provided to the Service Demarcation Point for Frankfort Plant Board Cable/Telecommunication facilities. The Demarcation Point is within a six-foot (6') radius of the electric meter for external building terminations, or the mechanical room (wiring closet) near the electric service panel for terminations inside a building. A pull box is required for conduit runs having more than two (2) sweeping, 90 degree bends between the Frankfort Plant Board cable/telecommunication access point and the Service Demarcation Point.

7. Public Transit Standards

- a. All non-residential developments with more than 100,000 square feet of gross floor area shall be required to conform to the following public transit standards:
 - i. Provide a transit shelter in a location as determined appropriate by the public transit authority, if the location is not identified in the long-range plan for transit facilities.
 - ii. Provide a publicly accessible sidewalk from the transit shelter to the principal entrance to the development. The principal entrance for a multi-tenant structure shall be the entrance for the principal tenant, or the tenant with the largest amount of gross floor area.
- b. Residential subdivisions are encouraged, but not required, to construct a multi-purpose pedestrian shelter(s) in common open space areas within in the development to provide a covered waiting area for school children and transit-riders.

F. Erosion and Sedimentation Control Measures

- 1. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching and/or seeding to prevent erosion. To protect ditches and other areas from erosion, the following protective measures shall be required for all subdivisions and sites:

Table 14.02-6: Erosion Control Measures	
Grade of Ditch	Required Protection
Less than 1%	Seed and fertilize entire ditch and slope
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slop.
5.01% to 7%	Paved invert, and paved slope to six inches (6") above maximum flow depth, with four-inch (4") thick reinforced concrete. Seed all other areas not paved in the right-of-way.
Greater than 7.01%	Seeded and pave as above, but with alternate side diagonal baffles approximately three- to four feet (3' – 4') on center to retard flow.

2. All seeding and fertilization shall be done in conformance with the guidelines established by the Franklin County Conservation District. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, the contractor will correct it immediately, to the satisfaction of the applicable Engineering Official.



Figure 2.12: Illustration of a 4:1 Slope Ratio

3. Effective sediment control measures shall be incorporated in the planning and construction of subdivisions and sites. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb one (1) or more acres. The permit shall be obtained from the Division of Water, the Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. Practical combinations of the following technical principles shall be applied:
 - a. The smallest practical area of land shall be exposed at any one (1) time during development.
 - b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 - c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 - d. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
 - e. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 - f. The permanent final vegetation and structures shall be installed as soon as practical in the development.
 - g. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
 - h. Wherever feasible, natural non-invasive vegetation shall be retained and protected.

G. Dedication of Easements

Where appropriate and to the fullest extent possible, easements required by these regulations shall be located and of sufficient width and extent as to provide for the installation and ongoing maintenance of the facilities or service installed within the easement, without creating a conflict with the application of other subdivision or zoning regulations. Easements shall be fully indicated on the record plat or development plan.

1. The Planning Commission may require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed easements at least 12 feet in width. The Commission may require a paved sidewalk for pedestrian safety within such an easement.

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2. Where a subdivision or site borders on a watercourse in an area designated in the Comprehensive Plan for public recreational use, the Planning Commission may require easements to be reserved for public access to the water.
3. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements of sufficient width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.
4. Where a subdivision or site is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the applicable Engineering Official to permit the construction of improvements designed to restrict flooding on adjoining properties. Parallel streets or medians may be required.

H. Streetscape, Landscape, Lighting, and Open Space Standards

1. Public Open Space Required

- a. Any subdivision, condominium, or development proposing a residential land use of 26 lots/units or more shall provide public open space based on the following design standards:
 - i. 1,089 sq. ft. of platted open space area per lot or unit OR 5% of the gross acreage of the original parent tract, whichever is less.
 - ii. Platted open space shall be maintained by the homeowners association of the development/subdivision/condominium. Alternative to maintenance:
 - (A). The Developer may choose not to provide the required homeowners association for the development and dedicate the required open space area to an accepted land trust provided the land trust is willing to accept the dedication and the Planning Commission approves this alternative method.
 - iii. Platted open space areas shall be allowed to contain common amenities such as pavilions, playgrounds, accessory structures, walkways, bike paths, trails, and the like. These areas may also consist of natural preserved scenic corridors, steep slopes, retention basins, and golf courses; however, rights-of-way, driveways, parking for residential uses and areas from the top of rim to the lowest elevation of detention basins or sink holes shall not be credited as open space area. The required open space areas should be properly designed to provide a functional purpose within the development or to other public open spaces outside of the development boundaries. The developer shall adequately demonstrate how the development and/or open space areas will protect ecologically sensitive areas, preserve natural or cultural features of the site, and preserve viewsheds or scenic vistas.
 - iv. Developers of a new development that is located equal to or less than 2,640 feet (half-mile) from an existing and accepted public open space may request to the Planning Commission to be exempt from the above requirements, provided they submit the following minimum justification:
 - (A). Verification that the subject property is equal to or less than 2,640 feet from an existing public open space – measured from the parent tract boundaries and along the existing public rights-

of-way or other acceptable access ways to the existing open space;

- (B). How they have attempted to provided connections to nearby parks, greenways, public buildings, schools, or the like; and
- (C). Adequately demonstrate how the development will protect ecologically sensitive areas, preserve natural or cultural features of the site, and preserve viewsheds or scenic vistas.

2. Streetscape Requirements

Street trees shall be planted along a street tree alignment line at an average spacing not greater than 30 feet on center. Street trees shall be at least 2.0 inch caliper and should be 12 feet overall height at time of installation in -S, Suburban Areas and six (6) feet in overall height at time of installation in -U, Urban Areas. The following list contains all species approved for use as street trees. It contains native species or adapted non-native trees or species. When the primary access to lots and building sites is from the frontage street (as opposed to from a rear alley), the average spacing standard may be modified by the applicable Planning Director to accommodate driveways.

Table 14.02-7: Canopy and Understory Trees	
LATIN NAME	COMMON NAME
<i>Acer rubrum</i>	Red Maple *
<i>Acer buergerianum</i>	Trident Maple
<i>Acer griseum</i>	Hedge Maple
<i>Acer tartaricum</i>	Tartarian Maple
<i>Acer saccharum</i>	Sugar Maple *
<i>Acer truncatum</i>	Shantung Maple
<i>Aesculus pavia</i>	Red Buckeye
<i>Amelanchier arborea</i>	Downey Serviceberry
<i>Amelanchier canadensis</i>	Shadblow Serviceberry
<i>Amelanchier laevis</i>	Allegheny Serviceberry
<i>Betula Nigra</i>	River Birch
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Catalpa speciosa</i>	Northern Catalpa *
<i>Celtis laevigata</i>	Sugar Hackberry *
<i>Celtis occidentalis</i>	Hackberry *
<i>Cercis Canadensis</i>	Redbud
<i>Cercidiphyllum japonicum</i>	Katsura Tree
<i>Chionanthus virginicus</i>	Fringetree
<i>Cornus florida</i>	Flowering Dogwood
<i>Cornus kousa</i>	Kousa Dogwood
<i>Cornus mas</i>	Corneliancherry Dogwood
<i>Cotinus obovatus</i>	American Smoketree
<i>Cotinus coggygria</i>	Smokebush
<i>Cladrastis kentuckea</i>	Yellowwood
<i>Crataegis crusgalli inermis</i>	Thornless Cockspur
<i>Crataegis phaenopyrum</i>	Washington Hawthorn (these contain thorns)
<i>Crategis punctata var. inermis</i>	Thornless Hawthorne 'Ohio Pioneer'
<i>Crategis viridis</i>	Green Hawthorne (these contain thorns)
<i>Fraxinus americana</i>	White Ash *
<i>Fraxinus pennsylvanica</i>	Green Ash *
<i>Fraxinus pennsylvaiica</i>	Johnson' Leprechaun Ash
<i>Fraxinus quadrangulata</i>	Blue Ash *
<i>Ginkgo biloba</i>	Ginkgo (male only) *
<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree (male only) *

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Koelreutaria paniculata	Golden Raintree
Liquidambar styracifolia	Sweetgum *
Liriodendron tulipifera	Tulip Poplar *
Maackia amurensis	Amur maackia
Magnolia virginiana	Sweetbay Magnolia
Malus spp	Crabapples
Nyssa sylvatica	Tupelo Black Gum
Ostrya virginiana	Hophornbeam
Parrotia persica	Persian Parrotia
Platanus x acerifolia	London Planetree *
Platanus occidentalis	Sycamore *
Prunus spp.	Plums, Cherries
Quercus acutissima	Sawtooth Oak *
Quercus alba	White Oak *
Quercus bicolor	Swamp White Oak *
Quercus borealis	Northern Red Oak *
Quercus coccinea	Scarlet Oak *
Quercus imbricaria	Shingle Oak *
Quercus macrocarpa	Bur Oak *
Quercus muchlenbergii	Chinkapin Oak *
Quercus nigra	Water Oak *
Quercus phellos	Willow Oak *
Quercus robur	English Oak *
Quercus rubra	Red Oak *
Quercus shumardii	Shumard Oak *
Sophora japonica	Japanese Pagoda
Syringa pekinensis	Pekin Lilac
Syringa reticulata	Japanese Tree Lilac
Taxodium distichum	Bald Cypress *
Tilia tomentosa	Silver Linden
Ulmus parvifolia	Chinese Elm *
Ulmus americana	American Elm *
Viburnum prunifolium	Blackhaw Viburnum
Viburnum rufidulum	Southern Blackhaw Viburnum
Zelkova serrata	Japanese Zelkoba *
NOTE: (1) The species listed above that contain an asterisk (*) require a tree lawn of six (6) feet or more. (2) The list of species above may not be suitable for all sites, soils, or other conditions that may exist on a development streetscape. Consulting with an arborist is recommended prior to final approval. (3) Other species may be deemed acceptable by the City Arborist.	

I. Lighting Required

1. Street lighting shall be required for all thoroughfare and street classifications in the Urban and Suburban Areas.
2. Lighting fixtures shall be placed within the street right-of-way, alternating along both sides of the street with a minimum spacing as determined by appropriate design standards of the utility provider. Lighting fixtures should be placed at the intersection of major streets serving the subdivision or site.
3. Lighting fixtures shall have a maximum height of 18 feet above the grade of the sidewalk, and a minimum clearance above the grade of the street of not less than fifteen feet. All fixtures shall be of an appropriate design to shed light downward and away from residential structures to the rear of the fixture. The height of street lights to be placed in State or Federal rights-of-way may vary from the standards in order to maintain conformance with State or Federal lighting standards.

J. Community Facilities

The Planning Commission may require the reservation of lands for community facilities as a condition of preliminary subdivision plan, plat, or development plan approval. Community facilities for which a reservation of land may be required include community parks, schools, and other public uses. Reservations are subject to the following criteria:

1. The maximum period of time that land shall be reserved, unless voluntarily extended by the property owner, will be two years. This period shall begin with the date that the record plat containing the reservation is officially recorded by the Clerk of Franklin County or upon approval of a development plan.
2. The reservation will be deemed to be extended beyond the two (2) year period if a public agency or organization, such as a Board of Education, has made a bona fide offer for the purchase of the reserved land. The extension will be null and void if the property owner formally rejects the offer.
3. The property owner may elect to voluntarily reserve the lands beyond the two (2) year period, but such reservation shall be made in writing to the Planning Commission.

14.03. RURAL AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

A. Intent

The requirements of [Section 14.03. Rural Area Subdivision and Development Requirements](#) are provided to ensure that subdivisions and development plans within the Rural Area are consistent with the predominant characteristics of rural types of development. It is the intent of the Planning Commission that land proposed to be subdivided shall be suitable for development, including consideration of flood hazards; geologic hazards; availability of adequate water supply, sewage disposal, storm water facilities, transportation facilities, and schools; or consideration of other such conditions as may endanger the health, life, or property of the citizens of Frankfort and Franklin County.

B. Applicability

Subdivision and Development Plans within the boundaries of the Rural Area, as depicted on the Map of Urban, Suburban, and Rural Areas ([Map 14-1](#)), shall comply with the requirements of this Article. (See [Section 14.01.H. Interpretation of Boundaries](#) for the rule applicable to properties located in more than one type of area.)

C. Standards for Lot Layout and Site Design

1. Compliance with Zoning District Requirements

Subdivisions and development plans within the Rural Area shall comply with the requirements of the zoning district in which the subdivision or site is proposed. Zoning district regulations govern building placement, density, and intensity of use.

2. Conventional Rural Lot Design Requirements

a. Lot Shape and Geometry Standards:

i. Compactness:

Lots shall be designed with relatively regular and symmetrical shapes. Irregular lot shapes, such as L-shaped, T-shaped, or ribbon lots designed solely to satisfy minimum area or frontage requirements, are prohibited.

ii. Width-to-Depth Ratio:

To prevent excessively long and narrow lots, the depth of any conventional rural lot shall not exceed three (3) times its average width (1:3 ratio).

iii. Strip Projections:

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Narrow projections, appendages, or stems created primarily to connect isolated buildable area to a public or private street are prohibited (excluding approved flag lots per subsection *e* below).

b. Lot Frontage and Orientation:

- i.** Lot frontage on a public or private street for subdivisions in the Rural Area shall maintain an average frontage of 200 feet across the development. Frontage may be along a classified public thoroughfare, neighborhood street, or private access easement.
- ii.** Lots shall be configured so that side lot lines are at right angles to straight street lines or radial to curved street lines where practical (see Figures 14.X and 14.Y).

c. Double and Reverse Frontage

Subdivisions shall not be configured with double frontage or reverse frontage lots. An exception may be granted where configuration is necessary to separate residential development from major arterial thoroughfares or adjacent commercial/industrial districts. Planned Developments (PD) are exempt from this requirement.

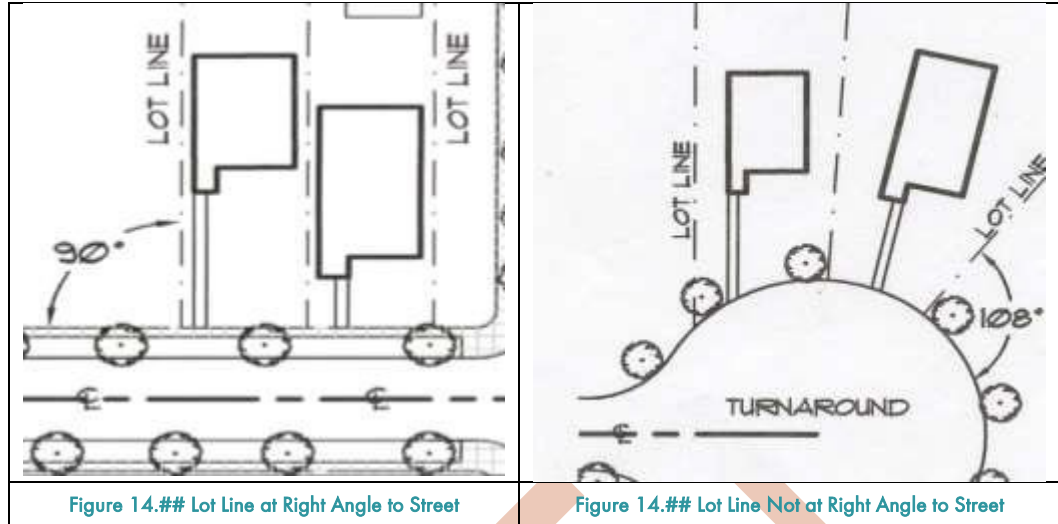
d. Corner Lots

Corner lots shall have sufficient width along both street frontages to accommodate required front yard set-backs from both streets.

e. Flag Lot Standards

Flag lots may be permitted only when necessary to overcome unique topographical or boundary constraints, subject to the following:

- i.** A flag lot shall not be created where principal access is directly onto a classified public thoroughfare; primary access must be onto a neighborhood street.
- ii.** The flag stem/access easement shall have a minimum width of 20 feet and a maximum width of 50 feet.
- iii.** Flag lots shall not constitute more than ten percent (10%) of the total number of lots proposed within the plat, or a maximum of three (3) lots, whichever is greater.
- iv.** The acreage contained within the flag stem/access driveway shall not be counted toward meeting the minimum lot area requirement.



3. Rural Cluster Subdivision Lot Design Requirements

a. Applicability

The Rural Cluster option is permitted as a development alternative within the -R, Rural District. It is intended to preserve rural open space, agricultural lands, and sensitive environmental features in the Rural Area without increasing overall gross density.

b. Lot Area and Density Mechanics:

i. Base Standards

Conventional lots within the -R District shall meet the baseline lot size requirement of one and one-half (1.5) acres.

ii. Clustered Reduction:

Individual lot areas within an approved Rural Cluster subdivision may be reduced to a minimum of **one-half (0.5) acre**, provided that the remaining acreage difference—a minimum of **one (1) acre per clustered lot**—is set aside and preserved as contiguous, permanent open space or conservation land via a recorded conservation easement.

c. Cluster Lot Dimensional Standards:

i. Minimum Lot Frontage:

Lot frontage for clustered lots in the -R District shall be an average of 100 feet across the cluster portion of the development. Frontage may be provided via a public thoroughfare, neighborhood street, or private access easement.

ii. Minimum Lot Depth:

The minimum lot depth for clustered lots shall be 100 feet.

iii. Compactness & Geometry:

Clustered lots remain subject to the shape and geometry requirements of Section 2.a (prohibition of irregular appendages and 1:3 width-to-depth ratios).

D. Transportation System Requirements

1. Street System Classification

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- a. The proposed street system of the subdivision or site shall conform to the system of thoroughfares and neighborhood streets established in the Rural Area. Extensions and connections of new thoroughfares and streets to existing thoroughfares and streets shall be required to continue the transportation system and pattern of the Rural Area. The proposed transportation system shall provide for adequate and safe on and off-street parking, and adequate and safe loading and unloading of goods and equipment.
- b. The proposed street system of the subdivision or site shall conform to the Major Street Plan. (See Transportation Plan contained in the Frankfort and Franklin County Comprehensive Plan.)

2. **Thoroughfare and Neighborhood Streets**

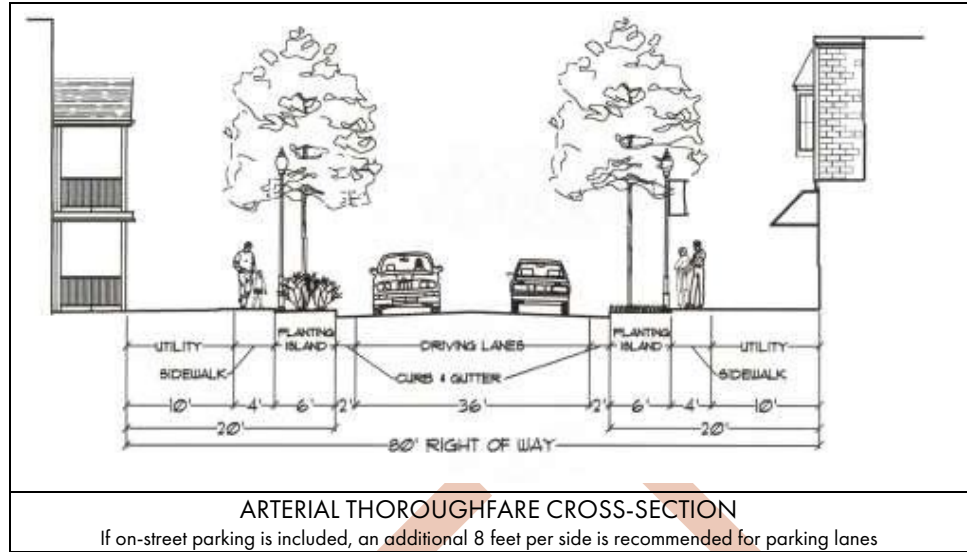
- a. The minimum right-of-way width, as measured from lot line to lot line, shall be as provided in the Major Street Plan, but shall not be less than the standards shown below in [Table 14.03-1: Rural Area Minimum Right-of-Way Requirements](#).

Table 14.03-1: Rural Area Minimum Right-of-Way Requirements				
Rural Area Street Type Classification	Minimum ROW (feet) No On-Street Parking		Minimum ROW (feet) with On-Street Parking One or Both Sides	
Thoroughfares				
Street Type	3 lanes	5 lanes	3 lanes	5 lanes
Arterial	80	104	96	NA
Collector	70	94	86	110
Marginal/Frontage		NA	NA	
Neighborhood Streets ^[2]				
Street Type	2 lanes	3 lanes	2 lanes	3 lanes
Major	60 ^[3]	71	76/87 ^[3]	87/97 ^[3]
Minor / Common Drive	40 ^[3]	NA	50 ^[5]	NA
County Road	40 ^[3]	NA	NA	NA
[1] A CG section is required and includes the curb and gutter along both sides of .. street and painted medians. The right-of-way requirements shown are for curb and gutter section, however, these requirements may be increased or decreased to incorporate an open drainage system as approved by the applicable Engineering Official. See Section 2.04.B.18 for curb and gutter design alternative and standards applicable when a curb and gutter section is required or provided. [2] Curbs and gutters are required for the Alley/Common Drive unless waived by the applicable Engineering Official. Curbs and gutters are not required for neighborhood streets. [3] The minimum right-of-way is based on a nine foot (9') parkway along both sides of the pavement to provide for drainage of the roadway. This is a minimum and may be increased based on more specific design requirements. Note: The references to 3 and 5 lanes for street types are based on two or four travel lanes and one left turn lane. Note: The right-of-way standards assume that left turn lanes are painted to separate movements. If a raised median is planned, the right-of-way requirements will be increased to accommodate the additional curb and gutter.				

b. **Typical Cross-Sections and Requirements for Thoroughfare and Neighborhood Streets**

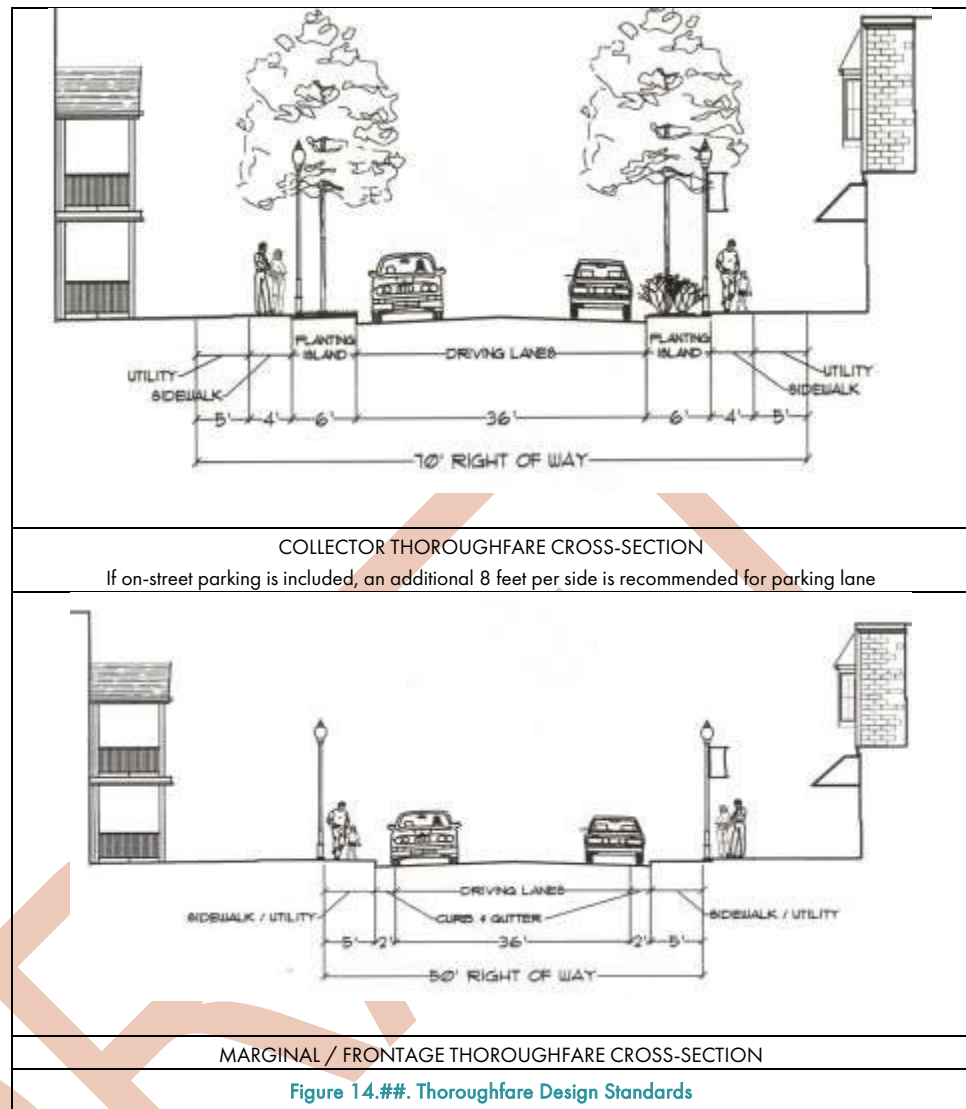
The following Figures contain all right-of-way and design requirements that shall be applicable for these classifications.

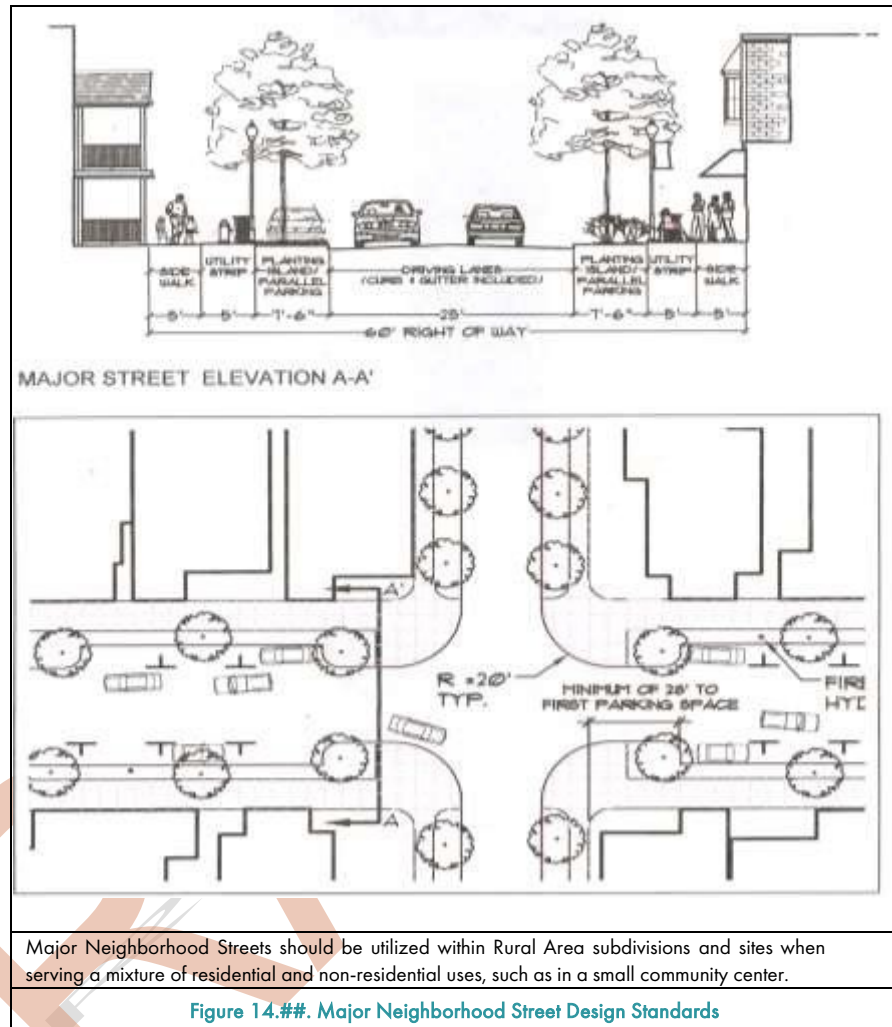
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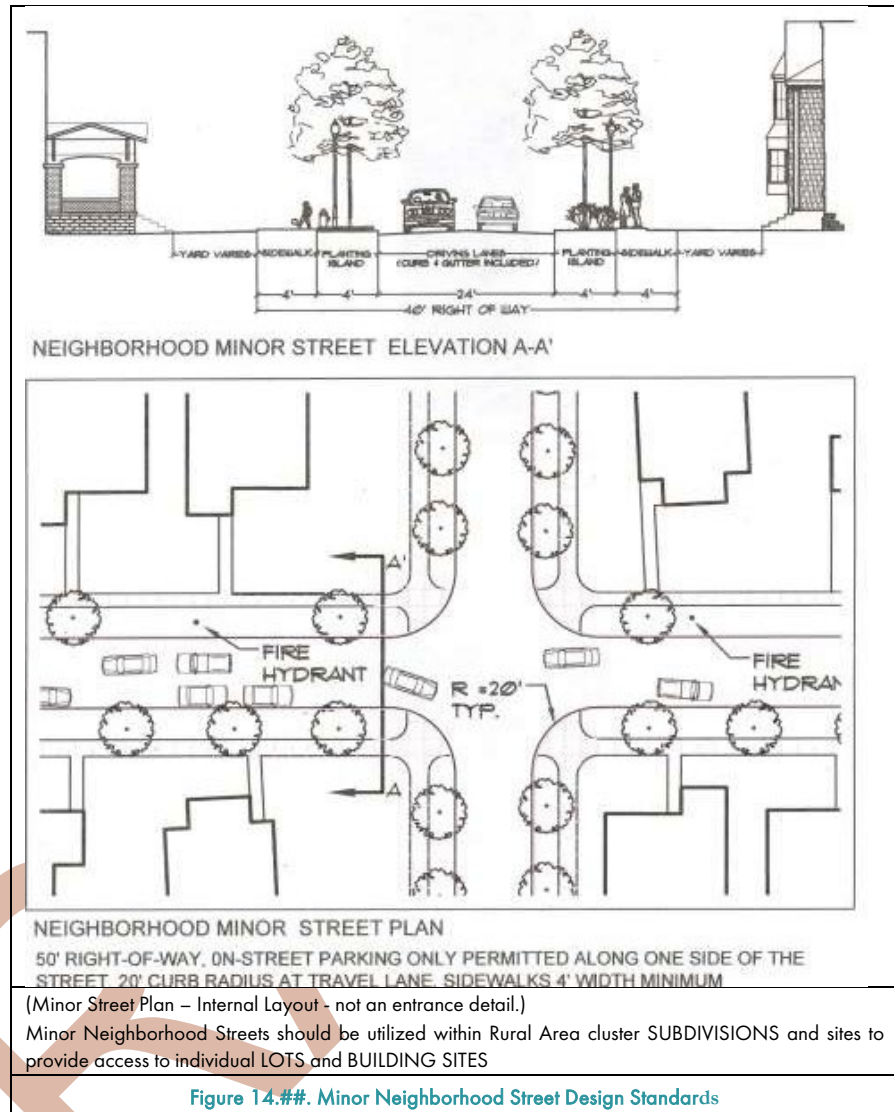
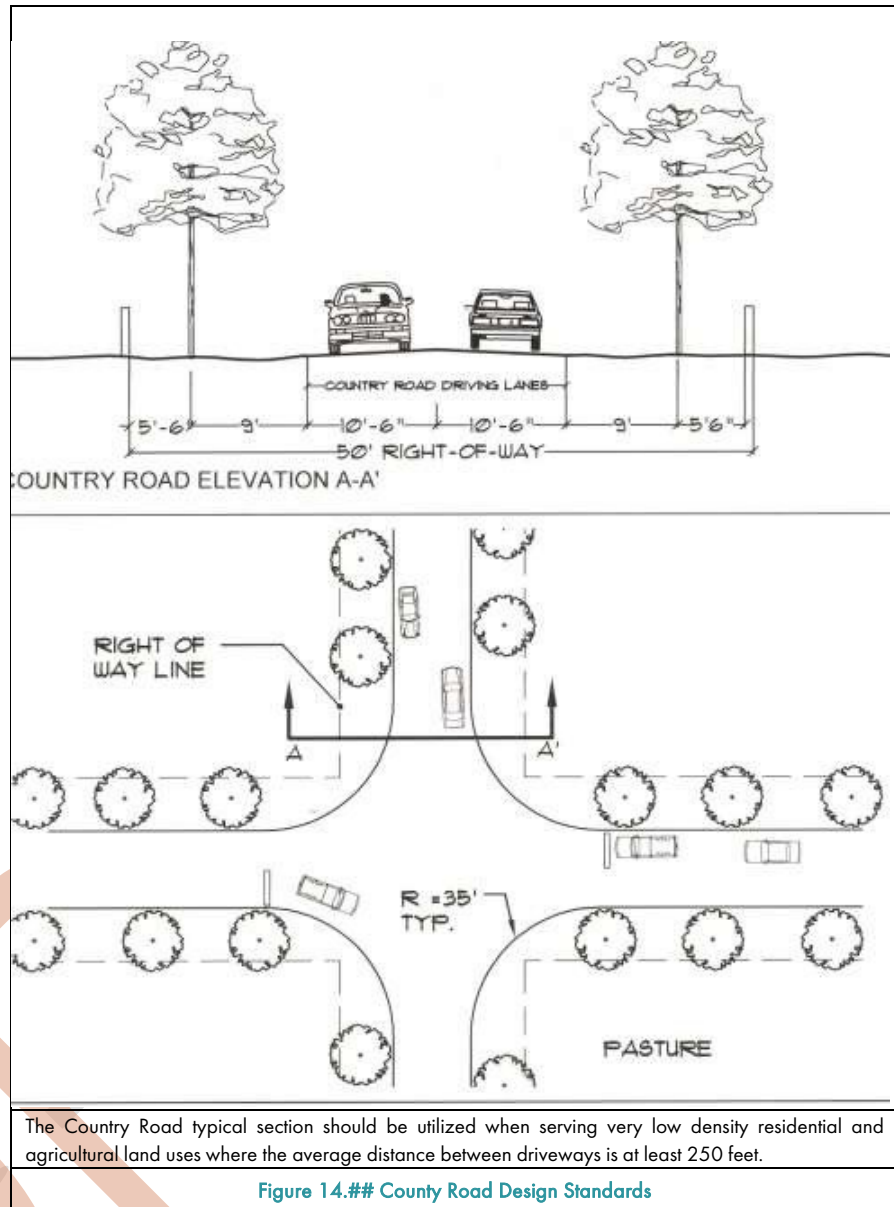


Figure 14.##. Minor Neighborhood Street Design Standards



- c. Subdivisions that are platted or sites proposed for development along existing thoroughfares and streets that do not meet the standards of [Section 3.04.B.1](#) shall provide additional right-of-way sufficient to meet the minimum standards.
 - i. Where the subdivision or site is located on one side of the existing street that does not meet the minimum right-of-way standards, one-half (1/2) of the needed right-of-way shall be provided. The required right-of-way shall be based on a measurement from the centerline of the existing street.
 - ii. Where the subdivision or site is located along both sides of an existing street that does not meet the minimum right-of-way standard, all additional right-of-way shall be provided.
 - iii. The minimum pavement width for thoroughfares and streets shall be as indicated in the cross sections for thoroughfares and streets.
- d. The centerline of all thoroughfares and streets shall intersect as nearly at a 90 degree angle as possible for a tangent distance of at least 100 feet, but in no case

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shall the angle of intersection be less than 75 degrees or greater than 105 degrees.

- e. Where T-type intersections are permitted, the following minimum offsets set forth in [Table 14.03-2. Minimum Offset Requirements for T-Type Intersections](#) shall be required.

Table 14.03-2: Minimum Offset Requirements for T-Type Intersections	
INTERSECTION TYPE	OFFSET BETWEEN CENTERLINES (min)/(feet)
Arterial with Arterial	600'
Arterial with Collector or Frontage	
Arterial with Major Neighborhood St.	
Arterial with Minor Neighborhood St.	
Collector with Collector	400'
Collector with Frontage	
Collector with Major Neighborhood St.	
Collector with Minor Neighborhood St.	
Major Neighborhood St. with Minor or Alley/Common Dr.	150'

- f. Intersections shall not be designed with more than four (4) approaches. This design requirement shall not be construed to prohibit merging lanes, deceleration lanes, or traffic circles.
- g. The highest classification of thoroughfare or neighborhood street shall be considered the through street when intersecting with any other classification of thoroughfare or neighborhood street.
- h. The minimum and maximum grades for all classified streets is shown in the following table:

Table 14.03-3: Minimum and Maximum Grades		
THOROUGHFARE OR NEIGHBORHOOD STREET TYPE	GRADES	
	MINIMUM	MAXIMUM
Arterial	0.5%	5%
Collector/Frontage	0.5%	8%
Major Neighborhood	0.5%	10%
Minor/Common Drive/Country Road	0.5%	8-12% ^[1]
[1] The GRADE may not exceed 8% unless specifically authorized by the applicable ENGINEERING OFFICIAL and provided that additional landing area is provided where the STREET intersects with another STREET.		

- i. Where the grade of any thoroughfare or neighborhood street at the approach to an intersection exceeds three (3) percent, a leveling area shall be provided, having a grade not greater than three (3) percent for a distance of 50 feet back from the edge of the right-of-way of the intersecting street.
- j. A change in grade shall be connected by a vertical curve that provides a minimum sight distance equal to the distance an automobile will travel in six (6) seconds at the design speed of the road. This standard may be reduced at the discretion of the applicable Engineering Official in order to preserve scenic, cultural or historic resources.
- k. The minimum horizontal curve radius for thoroughfares shall be 600 feet and 100 feet for neighborhood streets unless an alternative is approved by the applicable Engineering Official.
- l. The minimum radius for thoroughfare curb intersections shall be 35 feet. The

minimum radius for neighborhood street curb intersections shall be 20 feet. All measurements shall be from the pavement edge.

- m. Dead-end neighborhood streets shall not be included in subdivisions proposed in the Rural Area, unless topography or the existing street pattern requires a dead-end street. When a dead-end street is proposed, the street shall meet the following standards: The street shall be designed as a permanent dead-end street.
 - i. The dead-end street shall not be longer than 500 feet.
 - ii. The street shall be designed with a closed end with a turn-around having a radius at the outside of the pavement of 45 feet, and a radius at the outside of the right-of-way of at least 50 feet.
- n. Thoroughfare and neighborhood street names shall meet the following standards as well as those in [Article 14.07. Street Naming, Closing and Site Addressing Procedures](#).
 - i. Thoroughfare and neighborhood street extensions shall bear the same name as the existing street.
 - ii. Thoroughfare and neighborhood streets that align with existing streets shall bear the same name as the existing street.
- o. There shall be no private thoroughfares or Major Neighborhood Streets in Rural Area subdivisions, however, dedication to the public of a cross-access easement to create a Minor/Common Drive or Country Road is acceptable.
- p. Thoroughfare and Neighborhood Street Pavement design and construction standards are shown in [Table 14.03-4: Pavement Design and Construction Standards](#). Pavement base shall consist of not less than two courses (five-inch (5") maximum per lift) of dense graded aggregate laid and rolled separately to at least 90 percent maximum density, totaling the required number of inches based on street type for the full width of pavement and including any proposed shoulder. Sub-grade shall have been graded and rolled to 90 percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point as required for the applicable street type. A surface or wearing course of Asphalt Concrete, Class I, Type "A", or the equivalent shall be applied, with a thickness at the thinnest point of one and one-half (1.5) inches.

Type	Compacted DGA Base (inches)	Bituminous Asphalt Base (inches)	Finish Grade Bituminous Asphalt (inches)
Arterial	12	4	1.5
Collector	10	4	1.5
Neighborhood Streets/Country Road	10	3	1.5

q. **Alternative to Design Standards**

Any applicant with a project that requires the installation of public infrastructure may submit a written request to the appropriate Engineering Official that their proposed development utilize design practices that are consistent with A Policy on Geometric Design of Highways and Streets (current edition) published by the American Association of State Highway and Transportation Officials (AASHTO). Such request shall specify the section(s) to which the AASHTO guidelines are to be applied. Approval by the appropriate Engineering Official of a portion or all of the request may be authorized without the need of Planning Commission review.

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3. Street Drainage

All streets shall be designed in accordance with the applicable storm water management and design guidelines for the City of Frankfort or Franklin County.

4. Street Signs

Developers of subdivisions and sites are responsible for placement of street signs in accord with the following requirements:

- a. The developer shall place at least two street name signs at each four-way street intersection and one at each "T" intersection;
- b. Where street lighting is provided, signs shall be installed under light standards, free of visual obstruction, and easily legible;
- c. All street signs must be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and shall be metal with reflective lettering; and,
- d. The developer, or successor in interest, will be responsible for the maintenance and replacement, when necessary, of any aspect of a required street sign that exceeds the minimum requirements of the MUTCD and has been approved by the applicable Engineering Official. This would include decorative features associated with the signage.

5. Street Connectivity

- a. Wherever a proposed subdivision or site abuts unplatted land or a future development phase of the same development, street stubs shall be installed to allow access to abutting properties or to logically extend the street system into the surrounding area.
- b. All street stubs shall be installed with a turn-around having a radius at the outside of the pavement of 45 feet, and a radius at the outside of the right-of-way of at least 50 feet.

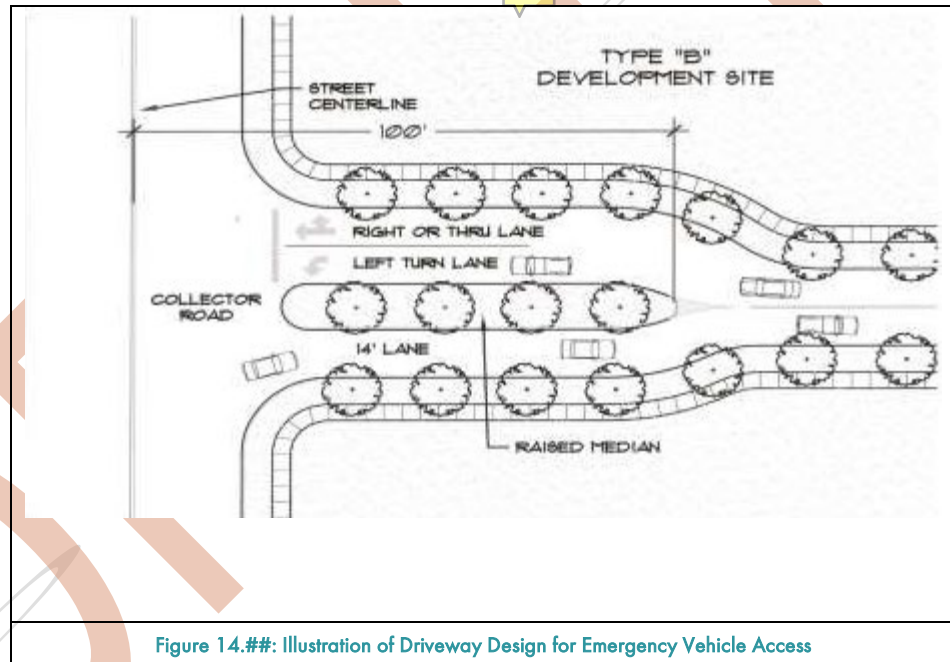
6. Sidewalks

- a. Where provided, all sidewalks shall be constructed of Portland Cement concrete, or other material acceptable to the applicable Engineering Official, with a minimum 3,500 pounds per square inch Class A concrete, and contain fiber reinforced mesh.
- b. Sidewalks shall be constructed on thoroughly compacted sub-grade and shall be a minimum of four feet (4') in width.
- c. Sidewalks shall be scored in squares, with the minimum spacing based on one (1) foot per foot of sidewalk width. Expansion joints shall be placed at 32 foot intervals, or where necessary based on the grade, location of driveways, and other features of the sidewalk corridor. sidewalk slope toward the curb shall be one-quarter (1/4) of an inch to the foot.
- d. Sidewalks shall be located not less than six inches (6") from the property line in residential areas to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.
- e. Sidewalks shall be designed to connect to and extend existing sidewalks.
- f. Ramps at intersections shall be provided to comply with the design requirements of the Americans with Disabilities Act.
- g. Sidewalks should properly connect with pedestrian crosswalks, and part of the responsibility of the developer for the installation of sidewalks will include the delineation of pedestrian crosswalks on the surface of the street consistent with the

requirements of the applicable Engineering Official.

7. Emergency Vehicle Access

- a. Subdivisions or sites shall provide for emergency vehicle access consistent with the type and density or intensity of use.
- b. For proposed developments of 50 or fewer residential lots or 30,000 square feet or less of gross floor area of non-residential use (Type A Development) a single two (2) lane, two-way access from the subdivision or site to the transportation system shall be sufficient for emergency access. A single one-way lane may be permitted as an alternative to the standard above with the written approval of the applicable Engineering Official.
- c. For proposed developments with 51 – 100 residential lots or 30,001 – 150,000 square feet of gross floor area of non-residential use (Type B Development), a four (4) lane, two-way access divided by a raised median shall be sufficient for emergency access. The length of the four (4) lane two way divided access, as measured from the centerline of the connecting thoroughfare or street shall be determined from [Table 14.03-6. Length of Access Based on Street Classification](#). The width of the median is provided in [3.03.09](#).



- d. For proposed developments with more than 100 residential lots or 150,001 or more square feet of gross floor area of non-residential use (Type C Development), a minimum of two (2) separate access streets or driveways to the abutting transportation system shall be provided. If a development site fronts on two (2) roadways, then a driveway on each shall be required. The type and design requirements for both of these access streets or both driveways should be as determined by the Engineering Official upon recommendation of both the applicable Fire Chief and Planning Director.

Table 14.03-6: Length of Access Based on Street Classification			
Roadway Type	Type A Development	Type B Development	Type C Development
Arterial	100 ft.	120 ft.	160 ft.
Collector	80 ft.	100 ft.	140 ft.

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Neighborhood Streets	60 ft.	100 ft.	120 ft.
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8. Access from Residential Lots to Thoroughfares

Access from residential lots to thoroughfares shall be prohibited in the Rural Area except where the provision of access is determined by the Planning Commission to be an important element in the preservation of the scenic or historic character of the thoroughfare or street. Where such access is allowed, the spacing of such access locations shall conform to the general pattern of LOT access driveways along the roadway.

9. Access Connection and Driveways

Driveways from individual non-residential lots or building sites to thoroughfares or neighborhood streets shall be designed in accordance with the standards below:

- a. Driveway width shall be determined by the following requirements:
 - i. If the driveway is a one-way in or one-way out drive, then the driveway shall be a maximum width of 16 feet and shall designate the driveway as a one-way connection.
 - ii. For two-way access, each lane shall have a minimum width of 12 feet, and a maximum of four (4) lanes shall be allowed. Whenever more than two (2) lanes are proposed, entrance and exit lanes shall be divided by a raised median. The median shall be not less than four (4) feet wide or 13 feet wide if five (5) or more lanes are proposed. An exception to this median design is if the access is on a state right-of-way and the KYTC will not approve this design with the minimum median size. The applicant must provide written documentation to the Planning Director that KYTC will not approve such a design and what alternative design closest to the requirement will be acceptable. to KYTC.
 - iii. NOTE: Nothing in this section shall prevent the applicable Engineering Official to allow the median to be tapered or striped for safety purposes
 - iv. Driveways that enter the major thoroughfare or neighborhood street at traffic signals must have at least two outbound lanes (one (1) for each turning direction) of a least 12 feet in width, and one inbound lane with a 14 foot width unless otherwise authorized by the applicable Engineering Official.
- b. On-street parking shall be prohibited within the entire length of the access driveway as determined from [Table 3.5 \(Length of Access Based on Street Classification\)](#).
- c. Driveway grades shall conform to the requirements of the Kentucky Transportation Cabinet Standard Index, Roadways and Traffic Design Standard Indices, latest edition, but in no case shall a driveway grade exceed 12 percent.
- d. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is not permitted.

E. Public Facility and Service Requirements

1. Required Facilities and Services

Subdivision and development plans proposed within the Rural Area shall provide for the following facilities and services: potable water, sanitary sewer, flood hazard protection, storm water management, gas, electricity, cable, and telephone.

2. Water Systems and Fire Protection

All Rural Area subdivisions and development plans are required to have adequate potable water service from a public utility provider, or a properly permitted private well, for drinking water and fire protection. All subdivision and sites shall comply with the design standards below and those standards adopted by the Frankfort Plant Board. Where standards contained herein are determined to conflict with standards adopted by the Frankfort Plant Board or other potable water provider, the more stringent standard shall apply. The applicable Engineering Official shall consult with the utility service provider and make the final determination that standards are in conflict, and which standard is more stringent.

- a. Water mains shall be not less than six (6) inches in diameter. Larger mains may be required when warranted by service or topographic conditions. Four (4) inch water mains may be considered by the applicable Engineering Official, but only for mains which do not serve as a fire hydrant branch. Blow-off's shall be installed as necessary and pursuant to Engineering requirements.
- b. Dead end water service to a subdivision or development site should not be permitted. Water service mains should connect to the distribution system at a minimum of two (2) points to avoid interruption of service should one main be out of service. A single point of connection to the public distribution system may be permitted when it is determined that a second connection is not feasible due to the physical limitations of the site.
- c. Water mains should be so arranged that the distance between intersecting mains does not exceed 800 feet. If intersecting mains are at a distance in excess of this standard, eight (8) inch or larger mains must be used.
- d. The distribution system for subdivisions and sites shall be equipped with a sufficient number of valves located in a manner such that breakage or other interruption will not cause the shutdown of any portion of a main greater than 800 feet.
- e. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the public water service provider.
- f. Fire hydrants shall be able to deliver a minimum of 500 gallons per minute or other rate of water flow as determined by the applicable Fire Department Official, for firefighting purposes. Friction loss between the main and the hydrant should be minimized to ensure that the hydrant can deliver the specified flow of water.
- g. Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½) inch outlets and one (1) four and one-half (4 ½) inch main steamer or pumper outlet and an isolation valve must be between the street main and the hydrant.
- h. Hydrant spacing shall be determined by the fire flow demand standards below or as determined for specific site by the applicable Fire Department Official:
 - i. Higher density residential and commercial areas, where the proposed density is greater than three (3) dwelling units per net acre or greater than a 0.15 floor area ratio, shall have hydrants located as to keep hose lines at a maximum of 500 feet. At a minimum, there shall be enough hydrants appropriately spaced within the subdivision or site to make two (2) streams of water available at every part of the interior and exterior of each building not covered by standpipe protection. Private hydrant design and installation (private hydrants are those located on private property and not within a public right-of-way or easement) may also be required to comply with the standard to make available two (2) streams of water at every part of the interior and exterior of each building not covered by standpipe protection.

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- ii. For lower density or intensity residential or commercial areas, hydrant spacing shall not exceed 800 feet between hydrants. In higher density residential and commercial developments, hydrant spacing shall not exceed 500 feet between hydrants, nor shall any portion of a building be further than 500 feet from a hydrant installed to protect it.
- iii. Fire hydrants shall be located as close to a street intersection as possible with intermediate hydrants along the street or on the site of the premises so as to meet area requirements. Hydrants should be located in designated street tree planting or other portion of the right-of-way designated for utilities.
- iv. Measurements for distances referenced above shall be made along an all-weather road (never measured through or across yards, fields, woods, creeks, or other avenues not accessible to fire apparatus) for laying hose lines.
- i. All fire hydrants shall be placed a minimum of 50 feet from the exterior wall of any building to be protected. When such placement is impossible, hydrants shall be placed where the chance of injury by falling walls is minimized and where firefighters are not likely to be driven away by smoke or heat. The height of proposed buildings shall be considered for minimum distance when the 50 foot distance is not possible.

3. Sanitary Sewer Systems

All Rural Area subdivisions and sites are required to have adequate sanitary sewer service from either a public utility provider or by an on-site system approved by the Franklin County Health Department. All subdivisions and sites shall comply with the design standards adopted by the public utility provider or administered by the Franklin County Health Department. In addition, the following standards are applicable:

- a. The maximum length of sanitary sewer pipe between manholes is 350 feet;
- b. Residential lots served by an on-site sanitary sewer system shall be a minimum of 200 feet wide as measured at the building line, and one-half (1/2) acre in area. If a rural cluster subdivision is requested, the minimum lot frontage shall be an average of 100 feet wide. A greater area than specified may be required for residential lots if, in the opinion of the County Health Officer, there are factors of drainage or soil condition to cause potential health hazards.

4. Flood Hazard Protection

Any land lying below the intermediate regional flood elevation as designated by the U.S. Army Corps of Engineers or 507 feet above mean sea level (MSL) as determined from the published data and maps of the U. S. Geological Survey (USGS) shall be considered as subject to repeated flooding unless the land is rendered flood free by a flood protection facility. Land that is subject to repeated flooding or is deemed to be topographically unsuitable for any residential use shall not be approved for subdivision or site development, nor for any other use that may create danger to the public health, life, or property or aggravate erosion or flood hazards. All subdivisions and sites shall be designed to conform to the requirements of any applicable Floodplain Zone (See Article 8 of the Frankfort and Franklin County Zoning Regulations).

5. Storm Water Management

All Rural Area SUBDIVISIONS and sites are required to have adequate storm water management facilities to limit the post development peak runoff from a subdivision or site to

the predeveloped value for the ten (10) year, one (1) hour and one-hundred (100) year, six (6) hour storm events. Additionally, such facilities shall be capable of conveying the one hundred (100) year, twenty four (24) hour peak flow rate assuming the principle spillway is fully clogged. All subdivisions and sites shall comply with the storm water standards for Frankfort and Franklin County.

6. Gas, Electricity, Cable, and Telephone Services

All gas, electric, cable, telephone, and similar utilities provided to new subdivisions and development plans shall be placed above ground or underground in rights-of-way or easements as required. All permitted above ground service facilities shall be appropriately placed in or near front, side, or rear yard setbacks and should not be placed any closer than two (2) feet to the front or rear property line.

- a. For all commercial and multi-tenant residential developments, a minimum three (3) inch ID, Schedule 40 PVC conduit will be provided to the service demarcation point for Frankfort Plant board Cable/Telecommunication facilities. The demarcation point is within a six (6) foot radius of the electric meter for external building terminations, or the mechanical room (wiring closet) near the electric service panel for terminations inside a building. A pull box is required for conduit runs having more than two (2) sweeping, ninety (90) degree bends between the Frankfort Plant board Cable/Telecommunication access point and the service demarcation point.

7. Public Transit

- a. All non-residential developments with more than 100,000 square feet of gross floor area shall be required to conform to the following public transit standards:
 - i. Provide a transit shelter in a location as determined appropriate by the public transit authority, if the location is identified in the long-range plan for transit facilities.
 - ii. Provide a publicly accessible sidewalk from the transit shelter to the principal entrance to the development. The principal entrance for a multi-tenant structure shall be the entrance for the principal tenant, or the tenant with the largest amount of gross floor area.
- b. Residential subdivisions are encouraged, but not required, to construct a multi-purpose pedestrian shelter(s) in common open space areas within in the development to provide a covered waiting area for school children and transit-riders.

F. Erosion and Sedimentation Control

1. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching and/or seeding to prevent erosion. To protect ditches and other areas from erosion, the following protective measures shall be required for all subdivisions and building sites:

Table 14.03-7: Erosion and Sedimentation Control Grading and Required Protection	
GRADE OF DITCH	REQUIRED PROTECTION
Less than 1%	Seed and fertilize entire ditch and slope
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slop.
5.01% to 7%	Paved invert, and paved slope to six (6) inches above maximum flow depth, with four (4) inch thick reinforced concrete. Seed all other areas not paved in the right-of-way.
Greater than 7.01%	Seeded and pave as above, but with alternate side diagonal baffles approximately three (3) to four (4) feet on center to retard flow.

ARTICLE 14. SUBDIVISION REGULATIONS

14.03. RURAL AREA SUBDIVISION AND DEVELOPMENT REQUIREMENTS

2. All seeding and fertilization shall be done in conformance with the guidelines established by the Franklin County Conservation District. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, the contractor will correct it immediately, to the satisfaction of the applicable Engineering Official.

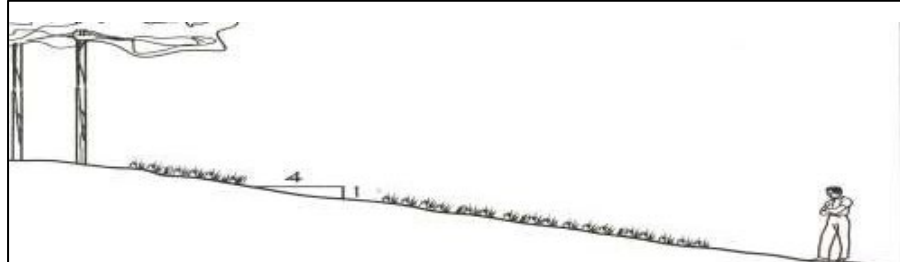


Figure 14.##: Illustration of a 4:1 Slope Ratio

3. Effective sediment control measures shall be incorporated in the planning and construction of Rural Area subdivisions and sites. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb one (1) or more acres. The permit shall be obtained from the Division of Water, the Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. Practical combinations of the following technical principles shall be applied:
 - a. The smallest practical area of land shall be exposed at any one (1) time during development.
 - b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 - c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 - d. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
 - e. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 - f. The permanent final vegetation and structures shall be installed as soon as practical in the development.
 - g. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
 - h. Wherever feasible, natural non-invasive vegetation shall be retained and protected.

G. Dedication of Easements

Where appropriate and to the fullest extent possible, easements required by these regulations should be located and of sufficient width and extent as to provide for the installation and ongoing maintenance of the facilities or service installed within the easement, without creating a conflict with the application of other subdivision or zoning regulations. easements shall be fully indicated on the record plat and development plan.

1. The Planning Commission may require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed easements at least 12 feet in width. The Commission may require a paved sidewalk for pedestrian safety within such an easement.
2. Where a subdivision borders on a watercourse in an area designated in the Comprehensive Plan for public recreational use, the Planning Commission may require easements to be reserved for public access to the water.
3. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements of sufficient width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.
4. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the applicable Engineering Official to permit the construction of improvements designed to restrict flooding on adjoining properties. Parallel streets or medians may be required.

H. Community Facilities

The Planning Commission may require the reservation of lands for community facilities as a condition of preliminary plan or development plan approval. Community facilities for which a reservation of land may be required include community parks, schools, and other public uses. Reservations are subject to the following criteria:

1. The maximum period of time that land shall be reserved, unless voluntarily extended by the property owner, will be two years. This period shall begin with the date that the Record Plat containing the reservation is officially recorded by the Clerk of Franklin County.
2. The reservation will be deemed to be extended beyond the two (2) year period if a public agency or organization, such as a Board of Education, has made a bona fide offer for the purchase of the reserved land. The extension will be null and void if the property owner formally rejects the offer.
3. The property owner may elect to voluntarily reserve the lands beyond the two (2) year period, but such reservation shall be made in writing to the Planning Commission.

14.04. ADEQUATE PUBLIC FACILITIES AND SERVICE REVIEW

A. Purpose

1. An Adequate Public Facilities and Services (APFS) Review shall be required for all Major Subdivisions and development plans identified in this Article. This review shall be conducted concurrently with any Preliminary Plat or Development Plan review process.
2. The purpose of this review is to determine whether APFS are or will be available to serve the proposed development. The public facilities and services to be included in the review are:
 - a. Thoroughfare and neighborhood streets under the administrative control of Franklin County or the City of Frankfort (Local Roads);
 - b. Thoroughfares under the administrative control of the state or federal government (State Roads);
 - c. Sanitary Sewer/Septic Tanks;
 - d. Potable Water;
 - e. Public Schools; and
 - f. Fire Protection.

ARTICLE 14. SUBDIVISION REGULATIONS

14.04. ADEQUATE PUBLIC FACILITIES AND SERVICE REVIEW

B. Applicability

The following thresholds determine when major subdivisions and development plan proposals are not subject to the APFS review requirement. See [Figure 1.1 \(Article 1. General Provisions\)](#) for a geographic description of the Urban, Suburban, and Rural Areas. All other proposals shall be required to satisfy the APFS requirements.

1. Within the Urban Area

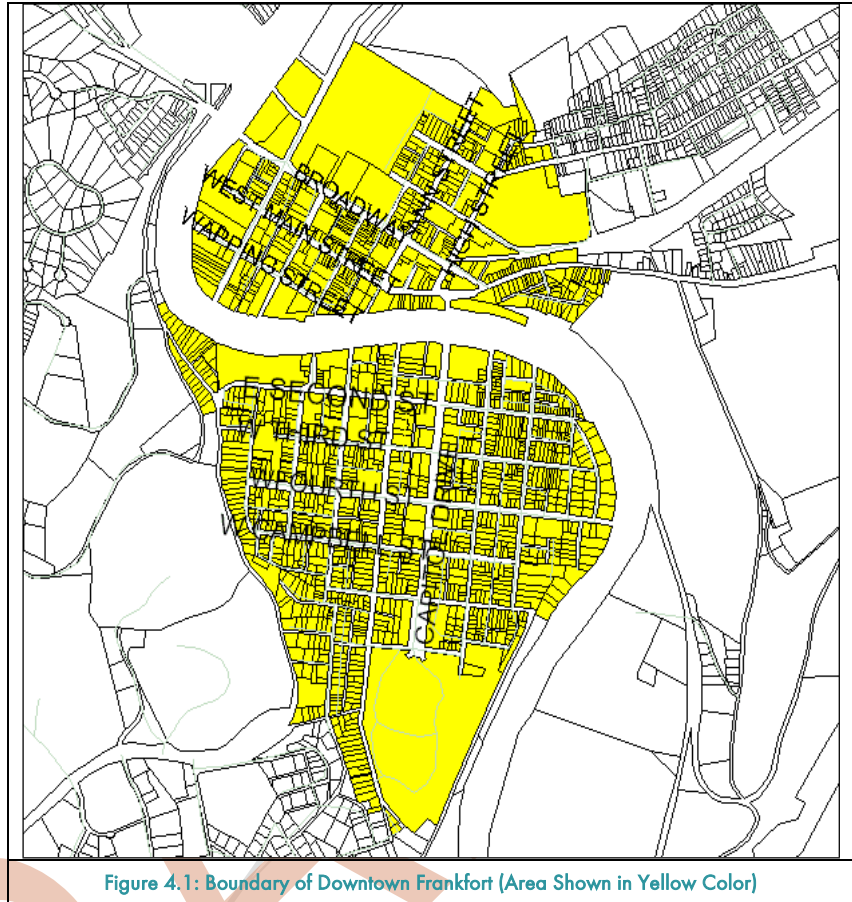
- a. Major subdivisions and building sites within the area of Downtown Frankfort are exempt from the APFS review requirement. [Figure 4.1](#) depicts the physical boundaries for Downtown Frankfort.
- b. Minor plats are exempt from the APFS review.
- c. Major subdivisions with more than five (5) and less than 20 lots or units, and development plans for non-residential uses of less than 10,000 square feet of gross floor area, are not required to undergo an APFS review.
- d. Any minor plat or development plan for a lot or lots that were part of a major subdivision or development plan for which an APFS review was completed are exempt from further review.
- e. Substantial reconstruction or redevelopment of existing structures and sites are exempt from APFS review to the extent of the service capacity utilized by the prior land use.

2. Within the Suburban Area

- a. Minor plats are exempt from the APFS review requirement.
- b. Major subdivisions with more than five (5) and less than 20 lots or units, and development plans for non-residential uses of less than 5,000 square feet of gross floor area, are not required to undergo an APFS review.
- c. Any minor plat or development plan that were part of a major subdivision or development plan for which an APFS review was completed are exempt from further review.
- d. Substantial reconstruction or redevelopment of existing structures and sites are exempt from APFS review to the extent of the service requirements of the prior land use.

3. Within the Rural Area

- a. Minor plats are exempt from the APFS review requirement.
- b. In-Family Conveyances are exempt from APFS review.
- c. Any minor plat or development plan for a lot or lots that were part of a major subdivision or development plan for which an APFS review was completed are exempt from further review.
- d. Substantial reconstruction or redevelopment of existing structures and sites are exempt from APFS review to the extent of the service requirements of the prior land use.



C. Review Process

1. Determination of Adequate Public Facilities and Services (APFS)

- a. The APFS review is not required for proposals that are exempt as determined from [Section 4.02 \(Applicability\)](#).
- b. The APFS review process consists of two (2) steps.
 - i. First, the applicant for subdivision or development plan review is required to submit either:
 - (A). a certificate from the applicable facilities and services agency that the service is or will be available and adequate for the development; or
 - (B). an APFS assessment study that provides all necessary information for the Planning Commission to determine whether APFS are available to serve the project. The information and analysis requirements for assessment studies are provided in [Section 4.04 \(Assessment Studies\)](#).
 - ii. The second step in the review process is for the Planning Commission to determine whether all APFS applicable for the application are adequate and available to serve the project. The criteria for such a determination are provided in [Sections 5.08.06](#) through [5.08.10](#).

2. Submittals

Figure 1: Boundary of Downtown Frankfort (Area shown in yellow color)

ARTICLE 14. SUBDIVISION REGULATIONS

14.04. ADEQUATE PUBLIC FACILITIES AND SERVICE REVIEW

- a. Certificates or APFS assessment studies shall be submitted with an application for preliminary subdivisions or site plan approval. The Planning Director may determine that a certificate(s) or assessment study is required in conjunction with an application for a zone map amendment or revision to an approved development plan. Certificates for public facilities and services listed in [Section 4.01 \(Purpose\)](#) can be obtained from the following agencies:

CERTIFICATE FOR:	AUTHORIZING AGENCY	STANDARDS
Local Roads	Applicable Engineering Official	Section 4.04.A
State Roads	Kentucky Transportation Cabinet / Planning Commission	
Public Schools	Franklin County Board of Education or Applicable Independent School District	Section 4.04.B
Sanitary Sewer	City of Frankfort Sewer Department	Section 4.04.C
Septic Tank and Other Types of On-Site Sewer Treatment Systems	Franklin County Board of Health	
Potable Water	Frankfort Plant Board	Section 4.04.D
Fire Protection	Frankfort and Franklin County Fire Departments/Districts	Section 4.04.E

- b. Certificates will be effective for one (1) year from the date of issuance unless specifically reauthorized by the applicable agency, or by the approval of the Planning Commission of an extension to the time required for recording a major plat or issuance of a certificate of completion for the site.
- c. When a major subdivision plat has been recorded or a certificate of completion has been issued in conjunction with a development, the project will not be subject to further review under the provisions of this Article.
- d. The information and analysis requirements for APFS assessment studies are the minimum necessary and the Planning Commission may impose additional information requirements in order to address special circumstances or the goals and objectives of the Comprehensive Plan.

D. Assessment Studies

1. Local and State Roads

The assessment study for Local or State Roads shall be based on accepted transportation planning and engineering procedures and analytical methods (trip generation, distribution, and assignment). These procedures and methods shall be documented as part of the study. The assessment study shall include the following information for all roadway segments and intersections within the primary impact area:

- Existing Average Daily Trips ("ADT"), Peak Hour Traffic ("PMT"), and Level of Service ("LOS").
- Existing traffic for each intersection approach and turning movement and the overall LOS for the intersection.
- An estimate of existing ADT/PMT traffic, plus traffic from committed development projects/growth in background traffic for the projected build-out year of the proposed subdivision or development plan proposal. The build-out year for the proposal is the year that all units, whether residential, or non-residential are expected to be completed and occupied.
- The number of project-related ADT and PMT, at project build-out, and the LOS with project-related traffic.
- An analysis of improvements, including cost, that would mitigate for any roadway segment or intersection where the LOS with existing, committed, and project-related

traffic would be less than “D” during the PM Peak Hour.

- f. A description of any committed improvement project that would serve to mitigate any identified LOS deficiency identified in [Section 4.04.A.5](#).
- g. A “committed” development project (referenced in [Section 4.04.A \(Local and State Roads\)](#)) is one that has received a Preliminary Plat, Minor Plat, Record Plat, or Development Plan approval from the Planning Commission.
- h. The “growth in background traffic” (referenced in [4.04.A.3](#)) must be based on verifiable historical growth rates within the primary impact area. Verifiable data can include any recent published transportation plan applicable to the primary impact area, or factors commonly used by the Kentucky Transportation Cabinet.
- i. The “primary impact area” for any project is dependent on the total number of ADT generated by the project at build-out. For a project in which the total project related ADT is less than or equal to 2,000, the primary impact area will include all roadway segments providing direct access to the project (primary segments). Where the project related ADT is more than 2000, the primary impact area will be defined as all primary segments as well as the next succeeding segment to all primary segments.

2. Public Schools

The assessment study for Public Schools shall be based on accepted planning procedures and analytical methods relative to Public Schools (elementary, middle, and high schools). The assessment study shall only be required for residential proposals. These procedures and methods shall be documented as part of the study. The assessment shall include the following information:

- a. The estimated number of students, by type of school (elementary, middle, and high), that are expected to reside within the proposed subdivision or development plan. This estimate shall be based on a district-wide rate for pupils per household, unless it can be clearly demonstrated that this rate is not applicable because of the characteristics of the proposal.
- b. Capacity available in the specific school to which pupils generated by this project would be assigned.
- c. The accepted or adopted level of service standard for the district or type of school affected by the proposed subdivision or development plan, and the impact of the proposal on the accepted or adopted level of service.
- d. Information in subsections [4.04B.5](#) and [4.04.B.6](#) (below) will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.
- e. An analysis of improvements, including cost, that would mitigate the project-related need to replace, augment, or provide necessary public school facilities and services.
- f. A description of any committed improvement project that would serve to mitigate any project related deficiency.

3. Sanitary Sewer / Septic Tank or Other On-Site System

The assessment study for Sanitary Sewer/Septic Tank services shall be based on accepted planning and engineering procedures and analytical methods relative to Sanitary Sewer service (generation and treatment). These procedures and methods shall be documented as part of the study. The assessment study shall include the following information:

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14.04. ADEQUATE PUBLIC FACILITIES AND SERVICE REVIEW

- a. Amount of wastewater generated by the proposal when all units and uses, residential or non-residential, are completed and occupied.
- b. Capacity available in the system for transmitting wastewater to treatment facility.
- c. Capacity available to effectively treat the wastewater flow from the proposed subdivision or development plan.
- d. The accepted or adopted level of service standard for wastewater services and facilities affected by the proposed subdivision or development plan, and the impact of the proposal on the accepted or adopted level of service.
- e. Information in subsections [4.04.C.6](#) and [4.04.C.7](#) (below) will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.
- f. An analysis of improvements, including cost that would mitigate the need to replace, augment, or provide sanitary sewer transmission, pumping, or treatment facilities for the sole purpose of providing service to the proposed subdivision or development plan. Any capacity created by such improvements not necessary to serve the proposed project shall be documented in the assessment.
- g. A description of any committed improvement project that would serve to mitigate any service deficiency that would be created by the proposal.
- h. For septic tank or other type of on-site sewage disposal system, the applicant shall submit a site evaluation report that has been approved by the Board of Health, indicating the site or sites are suitable for use of the proposed type of on-site sewage disposal system.

4. Potable Water

The assessment study for potable water service shall be based on accepted planning and engineering procedures and analytical methods relative to potable water service (production, treatment, and transmission). These procedures and methods shall be documented as part of the study. The assessment study shall include the following information:

- a. Amount of potable water required for the proposed subdivision or development plan.
- b. Capacity available in system for producing and transmitting potable water to the project site.
- c. The accepted or adopted level of service standard for the potable water services and facilities affected by the proposed subdivision or development plan, and the impact of the proposal on the accepted or adopted level of service.
- d. Information in subsections [4.04.D.5](#) and [4.04.D.6](#) (below) will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.
- e. An analysis of improvements, including cost, that would mitigate the need to replace, augment, or provide potable water production, transmission, pumping, or treatment facilities for the sole purpose of providing service to the proposed subdivision or development plan. Any capacity created by such improvements not necessary to serve the proposed project shall be documented in the assessment.
- f. A description of any committed improvement project that would serve to mitigate any project related deficiency.

5. Fire Protection

The assessment study for fire protection service shall be based on accepted planning and public safety procedures and analytical methods relative to this type of service. These procedures and methods shall be documented as part of the study. The assessment study shall include the following information:

- a. The fire district or station that would serve the proposed subdivision or development plan, the adopted level of service for the district or station area.
- b. The current level of service for the district in which the proposed subdivision or development plan is located. Level of service may be defined in terms of minutes of response time to a call for service, and/or availability of adequate water pressure and fire hydrants to provide adequate fire fighting capabilities.
- c. Information in subsections [4.04.E.4](#) and [4.04.E.5](#) (below) will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.
- d. An analysis of improvements, including cost, that would mitigate the need to replace, augment, or provide fire protection facilities and/or equipment for the sole purpose of providing service to the proposed subdivision or development plan. Any capacity created by such improvements not necessary to serve the proposed project shall be documented in the assessment.
- e. A description of any committed improvement project that would serve to mitigate any project related deficiency.

E. Plan Approvals

1. Conditions of Subdivision or Development Plan Approval

The Planning Commission shall determine whether the information submitted for any assessment study is complete and if the specific service is adequate to serve the proposed project. The Planning Commission may establish conditions of approval to ensure that adequate services are maintained, including conditions that require project phasing or funding of necessary improvements. If the Commission conditions a proposal on the provision of funding for an improvement, the condition must be related to and commensurate with the impact of the proposal.

2. Plan Revisions

Any revision to an approved development plan or Preliminary Plat, that would result in an increase in the services required for the subdivision or development plan shall require the submission, review, and approval of a new certificate or assessment study based on the revised plan.

- a. If the revision would result in an increase in service requirements that is less than or equal to 115 percent of the services required for the original proposal, the applicable Planning Director shall be authorized to take Commission action with regard to a determination that the service or services are adequate.
- b. A revision that would result in service requirements that are more than 115 percent of the original proposal must be reviewed and acted upon by the Planning Commission.
- c. Multiple revisions that would require an increase in service shall be reviewed and acted upon by the Planning Commission regardless of whether the revisions collectively would exceed the 115 percent threshold for Planning Commission review.

3. Status of Approval

ARTICLE 14. SUBDIVISION REGULATIONS

14.05. ADMINISTRATION & PROCEDURES

An APFS determination is non-transferable to lands that were not a part of the proposal for which the determination was made.

- a. Any unused portion of an APFS determination or certificate will automatically revert to an “uncommitted” status when it has been determined by the applicable Planning Director that the original Preliminary Plat or Development Plan approval has expired or that the project has been completed and the amount of development actually built is less than what was included in the original and approved proposal.
- b. Any residual capacity not utilized for an approved proposal shall not be construed as dedicated to the original applicant or successor in title, or to the land that was subject to the original proposal.

14.05. ADMINISTRATION & PROCEDURES

A. Purpose

The purpose of this Article is to provide all of the administrative procedures for the submittal and formal review of applications for major and minor subdivisions, development plans, construction plans, modification of non-dimensional standards, and variances from dimensional standards.

B. Relationship to Other Requirements

The requirements of this Article are in addition to the requirements of the adopted Zoning Regulations as well as the Building Code of Frankfort and Franklin County. Where the standards and requirements of this Article are in conflict with the requirements and standards of the Zoning Regulations or Building Code, the most restrictive standard will take precedence.

C. Boards and Agencies

1. Elected Bodies

The City of Frankfort Commission and the Franklin County Fiscal Court are the legislative members of the Joint Planning Unit designated pursuant to [KRS 100.113](#).

2. Planning Commission

Pursuant to [Chapter 100.121](#) of the Kentucky Revised Statutes, a Joint Planning Unit has been established for Franklin County, and the City of Frankfort. The Agreement establishing the planning unit is contained in the Appendix. The Agreement authorizes the legislative authorities to establish a Planning Commission consistent with the provisions of [KRS 100.133](#). An 11 member Frankfort and Franklin County Planning Commission has been established. The Planning Commission operates under a set of adopted bylaws relating to its specific functions, procedures and policies.

3. Technical Review Team

There is hereby established a Technical Review Team (“TRT” or “Team”). The structure, membership, and duties will be established and may be modified by the Planning Commission. The composition of the Committee is described below.

- a. The Team shall be composed of a Core Group and an Advisory Group representing departments and agencies responsible for reviewing land development proposals, including but not limited to the following:
 - i. Core Members
Frankfort Planning and Building Codes Department, Franklin County Planning and Building Codes Department, Frankfort Plant Board, Frankfort Sewer Department, Frankfort and Franklin County Engineers, Franklin County Board of Health, Frankfort and Franklin County Fire Departments,

Franklin County Sheriff's Department, Frankfort Police Department, Franklin County Board of Education, Other Utility Providers.

ii. Advisory Members

Kentucky Department of Transportation, Frankfort Historic Preservation/Architectural Review Board, Frankfort Main Street Organization, the City Arborist, and the Kentucky Division of Water.

iii. Officers and Committees

The Co-Chairpersons of the Team shall be the Planning Directors of Frankfort and Franklin County Planning and Building Codes Departments.

- b. The Team may review applications and make recommendations to appropriate reviewing authorities or take final action regarding approval, denial and, where applicable, conditions and safeguards to be placed upon the approval of applications including, but not limited to the following:
 - i. Preliminary subdivision plats;
 - ii. Review and Recommendation Only (to Planning Commission) for Conditional Uses (when subject to review by the Planning Commission under the provision of [KRS 100.202](#));
 - iii. Development plans;
 - iv. Street Abandonment and Street Name Changes; and
 - v. Other Applications Referred to the Team by the Planning Director or Engineering Official only when the Planning Commission has specifically authorized the Planning Director or Engineering Official to forward the specific application to the TRT.
- c. The authority of the Team to take final action regarding approval, approval with conditions or denial of an application is limited to strict conformity with the regulations established by this Article. In cases where such conformity is unclear due to the nature of proposal or the application of the standards/requirements contained herein, the application should be referred to the Planning Commission for review and action.

4. Construction Review Team

There is hereby established a Construction Review Team ("CRT") comprised of the Planning Directors or their designees, a representative of the Frankfort Plant Board, representative(s) of other utility providers, a representative of the Frankfort Sewer Department, and the City and County Engineering Officials.

- a. The role and responsibility of the Construction Review Team shall be to review applications and make recommendations to appropriate reviewing authorities regarding approval, denial and, where applicable, conditions and safeguards to be placed upon the approval of applications required by these regulations including, but not limited to the following:
 - i. Record Plats;
 - ii. Construction drawings;
 - iii. Performance guarantees; and
 - iv. Defect security.
- b. The Construction Review Team shall also be responsible for the organization, coordination and management of the construction review, testing and certification

ARTICLE 14. SUBDIVISION REGULATIONS
14.05. ADMINISTRATION & PROCEDURES

process for public improvements associated with any of the types of applications referenced in [Subsection 6.03.D.1](#) above.

- c. The Engineering Officials for the City and County shall be the permanent chairperson's of the CRT.

5. Planning Directors and Engineering Officials

It shall be the duty of the Frankfort and Franklin County Planning Directors, in coordination with the Frankfort and Franklin County Engineering Officials, to serve as the principal administrative officials for the implementation of the regulations and procedures contained in this Article. However, the applicable Engineering Official, in coordination with the Planning Directors, will serve as the principal administrative officials relative to the review, approval, inspection, coordination and other administrative duties associated with construction plans and performance guarantees.

- a. In the performance of his or her duties, the Planning Director / Engineering Official may request and shall be provided with assistance of such other persons as the City Commission or Fiscal Court may direct. The Planning Director / Engineering Official is authorized to act through designated aides and assistants.
- b. The Planning Director / Engineering Official shall order inspections of property in an effort to obtain information relating to violations and in other instances where inspections are necessary in order to insure compliance with regulations contained in this Article.
- c. The Planning Director / Engineering Official, in the performance of his or her duties, may enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.
- d. The Planning Director / Engineering Official shall order prompt investigation of complaints and violations, and shall endeavor to prevent violations or detect and secure the corrections of violations. He or she shall also initiate lawful action necessary to insure compliance with or prevent violation of regulations contained in this Article.
- e. The Planning Director / Engineering Official shall maintain written records of all official actions with relation to administration, and of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases; and the same shall be a public record. The Planning Director and Engineering Official shall insure that a copy of the written records for which they are responsible are made available to each other.
- f. The Planning Directors shall ensure that copies of this Article are available to the public through multiple methods, which may include paper copies, computer disks, and files, that may be downloaded from a city or county website.

D. Sketch Plan Review

1. Applicability

- a. Prior to formal application for a preliminary subdivision plat, minor subdivision plat or development plan review, the applicant may present for discussion a sketch plan depicting the proposed site and elements of the plan of development known. The applicant or property owner or their agent, or the Planning Director, may request a conference to discuss the information and review requirements of the Commission and other public agencies, the improvements and uses of the subdivision or development plan and any potential problems involved in the proposal. This conference may be with Commission staff, the Technical Review Team or the

Planning Commission. Any part of the pre-application conference shall be non-binding on all parties involved.

- b. For this review, the Applicant shall contact the Planning Director to set a meeting date to discuss intentions as they relate to the sketch plan review. The pre-application meeting does not require formal application/fee.

E. Application Submittal Requirements

1. Preliminary Plat

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The Planning Director is authorized to waive information requirements when deemed appropriate.

a. General Information

- i. Numbers of copies as determined by the Planning Director. The applicant shall also submit the Preliminary Plat (inclusive of all application materials) in digital form and format determined by the Planning Director. The Engineering Official or Surveyor shall also certify that the coordinate geometry of the survey has been checked and found to close.

ii. Legend, including:

- (A). Name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision;
- (B). Legal description of the property (may be submitted on a separate sheet with the application form);
- (C). Acreage of the property;
- (D). Scale (Not more than 1" = 100');
- (E). North Arrow;
- (F). Existing zoning on the property, including any overlay districts;
- (G). Number of LOTS proposed (for subdivision); and
- (H). Date of preparation and space for revision dates.

- iii. All Preliminary Subdivision Plats shall give reference to and be tied to at least two (2) Frankfort Plant Board Geographic Information System monuments. The preliminary plat shall show said monuments described with name, number and State Plane Coordinate Values, and its bearing structure must be based on the State Plane Coordinate system from the information provided by these monuments.

iv. Vicinity Map

- v. Name(s), Address(es), Phone Number(s), and Email Address(es) of:

- (A). Property owner(s);
- (B). Developer(s) or Subdivider(s);
- (C). Engineer(s);
- (D). Surveyor(s);
- (E). Architect(s) or Landscape Architect(s); and
- (F). Agent(s) of property owner or others involved in the proposal.

vi. Abutting land, including:

- (A). Names of abutting subdivisions; and

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- (B).** Names of recorded owners of all abutting lots and parcels, including addresses.

b. Existing Conditions

- i.** Existing streets, both on and within 500 feet of the proposed subdivision, including:
 - (A).** Street names;
 - (B).** Location of each street;
 - (C).** Right-of-way and paving width (inclusive of curbs/gutters of all streets;
 - (D).** Driveway Approach locations and proximity to proposed subdivision entrance(s);
 - (E).** Sidewalk locations;
 - (F).** Median locations; and
 - (G).** Any other improvements in the right-of-way.
- ii.** Existing lot lines and easements on the property, indicating the purpose of each easement.
- iii.** Existing utility and drainage infrastructure, including , but not limited to, the location and size of:
 - (A).** Sanitary Sewers;
 - (B).** Storm Sewers;
 - (C).** Culverts;
 - (D).** Water Mains; and
 - (E).** Fire Hydrants (within 500 feet of every boundary of the site).
 - (F).** Utility poles, overhead power lines, gas lines, cable & phone equipment, pad mount transformers, junctions, and switches.
- iv.** Existing buildings, structures, railroads, cemeteries, urban service boundaries, scenic corridor boundaries, governmental boundaries and emergency service district boundaries on or abutting the property. Any buildings, structures, or land areas that have been designated as local landmarks, or are listed on the National Register of Historic Places, should be specifically noted.
- v.** A topographic map showing existing contours at two- foot intervals, where data is available from the Frankfort Plant Board Geographic Information System,, or at five-foot intervals where two (2) foot contour data is not available. Contour lines shall be shown 100 feet beyond the subdivision boundary at ten-foot intervals.
- vi.** A soils report showing subsurface soil, rock and groundwater conditions, and including:
 - (A).** Soil classifications as identified by the U.S.D.A. Soil Conservation Service;
 - (B).** Letter of written recommendation as to load bearing capacity and suitability for development prepared by a licensed civic engineer based on soil test(s); and
 - (C).** If individual wells and/or septic tanks are proposed, show

location and results of soil percolation tests in accordance with the specifications of the State and County Department of Health. Due regard shall be given to the effects of cut and fill which may make such data obsolete. Anticipated areas of cut and fill shall be noted upon the plan.

- vii. The 100-year flood elevation, minimum habitable floor elevation and limits of the 100-year floodplain and floodway (if applicable).
- viii. A surface drainage report showing direction and flow and methods of storm water retention and detention.
- ix. Existing surface water bodies, wetlands, streams and canals, both on and within 50 feet of the proposed subdivision, including:
 - (A). Normal high water elevation or boundary;
 - (B). Attendant drainage areas for each; and
 - (C). Area, extent and type of wetlands
- x. A tree and woodlands survey.
- xi. Existing designated historic sites, structures or resources.

c. Proposed Development

- i. Lot or site layout, including:
 - (A). Lot lines;
 - (B). Scaled dimensions;
 - (C). Lot numbers, and block numbers where applicable;
 - (D). Building placement lines, scaled for each lot;
 - (E). Type of intended use for each lot or site;
 - (F). Tracts to be held in common ownership for such purposes as recreation, storm water management, conservation, recreation/open space or other public use;
- ii. Proposed Street System or Access Requirements, including:
 - (A). Street names;
 - (B). Location and type of each street and/or site access location (include all streets shown on the adopted *Transportation Plan - Major Thoroughfare System*);
 - (C). Right-of-way width for each street;
 - (D). Sidewalk locations;
 - (E). Median locations;
 - (F). Approximate elevations at the centerline of the street shall be shown at the beginning and end of each street, and at street intersections;
 - (G). Any other proposed improvements in the rights-of-way; and
 - (H). All roadway grades including details of vertical and horizontal curb radius.
- iii. Location and scaled dimensions of all parcels of land proposed for public uses other than streets, including:
 - (A). Easements for drainage, utilities, storm water management,

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- pedestrian pathways, sidewalks, bike paths, parks/open space, etc.; and
- (B).** Land dedications for parks/open space, schools, public facilities, storm water management, etc.
- iv.** Proposed utility and drainage infrastructure, including the location of:
- (A).** Sanitary sewers;
- (B).** Storm water management facilities;
- (C).** Culverts;
- (D).** Water mains;
- (E).** Fire hydrants; and
- (F).** Electric, gas, telephone, cable, and other utilities and easements.
- v.** The nature, location and scaled dimension of any buffer or transition areas.
- vi.** Proposed provision of fire protection, street lighting, street signs and other proposed improvements or services.
- vii.** A preliminary tree protection, streetscape, and open space plan. This plan may also include any measures for the preservation and protection of historic sites, buildings, structures or resources.
- viii.** Information concerning any private street(s) proposed to be included in the development (when approved by a modification of standards by the Planning Commission), including:
- (A).** Copy of deed or legal instrument that grants or provides the legal right to use the private street to property owners within the subdivision; and
- (B).** Copy of written notification to be provided at time of sale to all property owners having beneficial use of the private street, concerning their responsibilities in maintaining the street in safe operating condition.
- ix.** A paving, grading, drainage plan.
- x.** An erosion and sedimentation control plan.
- xi.** The location and extent of areas within and abutting the site with topographic slopes of 12-18% and 18.01% or greater shown in a manner to be distinguishable from one another.
- xii.** Gross and net acreage, density expressed as units per acre or non-residential intensity expressed as a floor area ratio.

2. Record Plat

- a.** The original plat with four (4) paper copies and a digital copy of all record plat information in digital form according to specifications provided by the Planning Director and prepared and certified by a land surveyor. If more than one sheet is required, a key plat shall be shown on all sheets. No sheet of the record plat may exceed 17 inches by 22 inches unless the County Clerk has agreed in writing to record it, if approved by the Planning Director. A two-inch by three-inch space shall be reserved in the lower left hand corner for the County Clerk's stamp. All distances and angles shall be drawn large enough to be legible after photo- reduction of the plat by 50%.
- b.** The record plat shall be in conformance with the approved Preliminary Plat,

depicting the following information and utilizing the same graphic lines and symbols as utilized for the Preliminary Plat.

- i. The boundaries of the property including all bearings and dimensions as determined by an accurate survey in the field, the name(s) of property owner(s) and the tax block(s) and lot number(s) for all parcels contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.
 - ii. The names and widths of all adjoining streets and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. An owner's name and a deed book and page number or an owner's name and plat book and page number shall identify ownership.
 - iii. Lot numbers, lot lines, appropriate building placement or setback lines, all fully dimensioned, bearings and distances of non-parallel lot lines, and square footage of each lot.
 - iv. The location, description and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines. All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information.
 - v. The limits of the 100-year floodplain and floodway, if any, and the applicable map numbers.
 - vi. A key map, showing the relative location of the proposed subdivision to the nearest existing Major Thoroughfare intersection.
 - vii. Landscape buffer areas, conservation easements, tree protection areas and any other area to be set aside or dedicated pursuant to these regulations or by conditions of approval of the Preliminary Plat.
 - viii. A title block, in the lower right hand corner of the plat depicting the title of the subdivision, the name and address of the owner, the name and address of the subdivider or developer, the name and address of the land surveyor preparing the plat, the date of preparation, and the scale.
 - ix. Deed book and page number of the deed of restrictions applicable to the subdivision, if any.
- c. The record plat shall also contain the following certificates or notices in a form or format as specified by the Planning Director;
- i. A certificate of ownership and dedication, and an accompanying certificate of acknowledgment;
 - ii. A land surveyor's certificate;
 - iii. Certificates of reservation;
 - iv. A certificate of approval;
 - v. Notice of the Property Owner's obligation with the following language:
"Property Owner's Obligation
Certain improvements in this subdivision are required by the Subdivision Regulations as specified by an approved construction plan on file in the office of the Engineering Official. It is the obligation of every property

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owner in the subdivision not to damage, alter or destroy those improvements and not to allow any condition or activity on his property that will impair the proper functioning of those improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violation that may be enforced in the same manner that mortgages are enforced, and persons responsible shall be subject to fine."

- vi.** Notice of Bond Requirement with the following language; and

"Notice of Performance Guarantee Requirement

After construction approval and release of the subdivider's bond, the owner of any lot may be required to post a performance guarantee as a condition of obtaining a building permit."

- vii.** Notice of the builder's obligation with the following language.

"Builders Obligation

The builder of each lot in this subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in easement or right-of-way."

3. Construction Plans / Drawings

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The Construction Review Team and/or Engineering Official shall be authorized to waive individual informational requirements where deemed appropriate and the number of copies of the construction plan package shall be as determined by the engineering official. The construction plan package shall include, at a minimum, the following information relative to all improvements to be constructed for public use and/or maintenance:

a. Cover Sheet(s)

i. General information

- (A).** Name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision;
- (B).** Legal description of the property (may be submitted on a separate sheet with the application form);
- (C).** Acreage of the property;
- (D).** Scale (Not more than 1" = 100');
- (E).** North Arrow;
- (F).** Date of preparation and space for revision dates;
- (G).** Vicinity Map; and
- (H).** Name, Address, Phone Number and Email Address of Property Owner(s); Developer(s) or Subdivider(s); Engineer(s); Surveyor(s); Architect(s) or Landscape Architect(s); and Agent(s) of property owner or others involved in the proposal.

ii. Project Approval Information

A separate sheet shall be provided that contains a depiction of the record plat, minor plat, site plan or development plan that is the basis for the construction plan package and has been approved by the Planning

Commission or its designee. In addition, all conditions of approval and a listing of the permits required to construct the improvements shall be shown on the same sheet.

b. Paving, Grading, and Drainage Construction Plan(s)

A separate sheet or sheets shall be included to fully depict all planned improvements, construction details, cross-sections and elevations, construction specifications, and other information necessary for the Engineering Official to determine that the proposed plans comply with all requirements of this [Article](#), the Zoning Ordinance and other applicable ordinances and design criteria of the City of Frankfort and/or Franklin County.

c. Utilities Construction Plan(s)

A separate sheet or sheets shall be included to fully depict all planned utility improvements, including electric, gas, sewer, potable water, telephone, cable, and other utilities as may be applicable. Construction details, cross sections and elevations, specifications and other information necessary for the Engineering Official OFFICIAL to determine that the proposed plans comply with all requirements of this [Article](#), the Zoning Ordinance and other applicable ordinance sand design criteria of the City of Frankfort and/or Franklin County, the Frankfort Plan Board or any other utility to place improvements within the property affected by the Construction Plan package.

d. Streetscape, Landscape, and Tree Protection Plan(s)

A separate sheet or sheets shall be included to fully depict all planned street trees, landscape and hardscape improvements or protection measures within the area of the public improvements. Hardscape elements would include such items as fountains, water features, plaza's, civic structures, recreational facilities and similar features. Construction and installation details, cross-section, specifications, and other information necessary for the Engineering Official and/or the applicable Planning Director to determine that the proposed plans comply with all requirements of this Article, the Zoning Ordinance and other applicable ordinances and design criteria of the City of Frankfort and/or Franklin County. See [Section 6.09. Landscape Plan Submission Requirements](#).

e. Erosion and Sedimentation Control Plan (s)

A separate sheet or sheets shall be included to fully depict all required and provided erosion and sedimentation control measures that will be employed during construction of the public improvements.

f. Other Plans and Information Not Addressed Above

Such plans may include Maintenance of Traffic, Construction Plans for Off-Site Improvements, Site Evaluations related to the use of on-site sewer treatment systems, Geotechnical and/or Structural Engineer Reports, Evaluations and Engineering data related to the presence of sinkholes, springs, steep slopes or other natural features of the site. Environmental analyses and permit applications may also be required where construction is proposed in wetlands, floodplains and floodways, or areas determined to contain threatened or endangered wildlife.

4. Minor Plats (and In-Family Conveyances)

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The Planning Director shall be authorized to waive these informational requirements where deemed appropriate.

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- a. All information requirements contained in [Section 6.05.B \(Record Plat Submittal Requirements\)](#) as applicable.
- b. Boundaries of property being subdivided and of all resulting LOTS showing all bearings or interior angles and distances as determined by an accurate survey in the field. All bearings and distances on the perimeter of the entire site shall follow in order. All resulting lots shall bear a tract or lot enumeration.
- c. The location and description of all permanent monuments set at all points of change in direction of all boundary lines of all lots. Monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots in the minor subdivision correctly by referring to the plat alone without any additional information.
- d. The plat shall include a certificate of ownership and dedication, a certificate of acknowledgement, a land surveyor's certificate, a certificate of approval, a zoning conformance certificate, certificates reserving easements for utilities if applicable, residual land certificates if applicable, certificates of sewer extension if applicable, and a recorder's certificate reserved for the County Clerk. The Planning Director and the Commission's legal counsel shall determine the form and content of all certificates. The land surveyor's signature and seal on the plat shall apply to all certificates and/or statements (except the Certificate of Approval) on the face of the plat.
- e. For minor plats of consolidation the parcel to be transferred shall be labeled as Parcel 1; the recipient parcel as Parcel 2; and the remaining portion of the original parcel after consolidation shall be labeled as Parcel 3. The acreage and/or square footage of each parcel shall be shown. A notation shall be added, "Parcel 1 shall be sold or transferred only to Parcel 2 for consolidation purposes". For multiple consolidations, the developer shall consult with the Planning Director to determine appropriate parcel labeling and the wording of consolidation note(s).
- f. For Minor Amendments to Existing Plats - All minor amended subdivision plats shall contain a note identifying the specific amendment(s) and its' purpose. Only such changes as are contained in this note shall be considered as approved. LOT layout information shall be as required for the original final plan. Additional requirements specific to each plan type shall be as follow: Easement Minor Amendment - the developer shall be required to submit a written statement from a properly designated representative of any beneficiary of the easement proposed to be modified stating that the beneficiary approves of the addition, release or modification being made.

5. Development Plan

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The Planning Director shall be authorized to waive these informational requirements where deemed appropriate. These submittal requirements are applicable for any platted lot or tract that is proposed for one (1) or more development or building sites involving residential, commercial or mixed uses for which a building permit is required. (See [Article 5 of the Zoning Ordinance for plans required in association with a zone map amendment application.](#)) This Development Plan submittal requirement does not apply to individual single family or duplex dwelling units on platted lots, or for multi family developments up to and including 20 dwelling units. (Condominium projects of more than 20 units are required to file a Development Plan.)

a. General Information

- i. Number of copies as determined by the Planning Director. The applicant shall also submit the development plan (inclusive of all application materials) in digital form and format determined by the Planning Director. The applicant shall also certify that the coordinate geometry of the survey has been checked and found to close.
 - (A). Legend, including;
 - (B). Name of proposed development;
 - (C). Legal description of the property;
 - (D). Acreage of the property;
 - (E). Scale (Not more than 1" = 100');
 - (F). North Arrow;
 - (G). Existing zoning on the property, including any overlay districts;
 - (H). Number of development and/or building sites proposed; and
 - (I). Date of preparation and space for revision dates.
- ii. Name(s), Address(es), Phone Number(s) and Email Address(es) of:
 - (A). Property Owner(s);
 - (B). Developer(s);
 - (C). Engineer(s);
 - (D). Surveyor(s);
 - (E). Architect(s) and/or Landscape Architect(s); and
 - (F). Agent(s) of property owner or others involved in the proposal.
- iii. Information about abutting lands, including:
 - (A). Names of abutting subdivisions;
 - (B). Names of recorded owners of all abutting lots and parcels; and
 - (C). Existing zoning, including any overlay districts.

b. Existing Conditions

- i. Existing streets, both on and within 500 feet (100 feet for minor/infill projects) of the proposed building or development site, including:
 - (A). Street names;
 - (B). Location of each street;
 - (C). Right-of-way and paving width (inclusive of curbs/gutters);
 - (D). Driveway approach locations and proximity to other driveways and entrance(s) along the same side of streets that abut the site;
 - (E). Sidewalk locations;
 - (F). Median locations;
 - (G). Any other improvements in the right-of-way; and
 - (H). Existing lot lines and easements on the property, indicating the purpose of each easement.
- ii. Existing utility and drainage infrastructure, including location, materials and size of:
 - (A). Sanitary Sewers;
 - (B). Storm Sewers;

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- (C). Culverts;
 - (D). Water Mains;
 - (E). Utility poles, overhead power lines, pad mount transformers, junctions, and switches; and
 - (F). Fire Hydrants (within 500 ft. of all site boundaries).
 - iii. Existing buildings, structures, railroads, cemeteries, urban/suburban or rural service boundaries, scenic corridor boundaries, governmental boundaries and emergency service district boundaries on or abutting the property. Any buildings or land areas that have been designated as local landmarks, or are listed on the National Register of Historic Places, should be specifically noted.
 - iv. A topographic map showing existing contours at two- foot intervals, where data is available from the Frankfort Plant Board Geographic Information System, or at five-foot intervals, if two foot contour information is not available. Contour lines shall be shown 100 feet beyond the development or building site boundary at ten-foot intervals.
 - v. A soils report showing subsurface soil, rock and groundwater conditions, and including:
 - (A). Soil classifications as identified by the U.S.D.A. Soil Conservation Service;
 - (B). Letter of written recommendation as to load bearing capacity and suitability for development prepared by a licensed civic engineer based on soil test(s); and
 - (C). If individual wells and/or septic tanks are proposed, show location and results of soil percolation tests in accordance with the specifications of the County Board of Health. Due regard shall be given to the effects of cut and fill which may make such data obsolete. Anticipated areas of cut and fill shall be noted upon the plan.
 - vi. The 100-year flood elevation, minimum habitable floor elevation and limits of the 100-year floodplain.
 - vii. A surface drainage report showing direction and flow and methods of storm water retention and detention.
 - viii. Existing surface water bodies, wetlands, streams and canals, both on and within 50 feet of the proposed site, including:
 - (A). Normal high water elevation or boundary;
 - (B). Attendant drainage areas for each; and
 - (C). Area, extent and type of wetlands.
 - ix. Location of existing trees and/or tree canopies.
 - x. The precise location of any Frankfort Plant Board geodetic information system monument(s), whose coordinate values have been determined, which are within the proposed development site and/or within the 300 foot area surrounding it.
- c. Proposed Development
- i. Building or development site layout, including:

- (A). Building or development site lines;
 - (B). Scaled dimensions;
 - (C). Lot numbers, and block numbers where applicable;
 - (D). Building placement lines, scaled for each site;
 - (E). Type of intended use for each site;
 - (F). Areas to be held in common ownership for such purposes as recreation, storm water management, conservation, recreation/open space or other public use;
 - (G). Gross and net acreage.; and
 - (H). Landscape Plan in accordance with [Section 6.09. Landscape Plan Submission Requirements](#).
- ii. Delineation and description of the number, type and density and/or gross floor area and floor area ratio of Residential, Commercial, Office, Civic, Industrial or other proposed uses including:
- (A). Architectural and Landscape plans;
 - (B). Mix of proposed uses;
 - (C). Phasing of proposed uses;
 - (D). Other information to determine compliance with any architectural or historic preservation standards and guidelines.
- iii. Proposed Street System or Access Requirements, including:
- (A). Street names;
 - (B). Location and type of each street and/or site access location (include all Thoroughfare and Neighborhood Streets);
 - (C). Right-of-way width for each street;
 - (D). Sidewalk locations;
 - (E). Median locations;
 - (F). Approximate elevations at the centerline of the street shall be shown at the beginning and end of each street, and at street intersections;
 - (G). Any other proposed improvements in the rights-of-way, including those related to the traffic study; and
 - (H). All roadway grades.
- iv. Location and scaled dimensions of all parcels of land proposed for public uses other than streets, including:
- (A). Easements for drainage, utilities, storm water management, pedestrian pathways, sidewalks, bike paths, parks/open space, etc; and
 - (B). Land dedications for parks/open space, schools, public facilities, storm water management, etc.
 - (C). Proposed utility and drainage infrastructure, including the location, materials and size of:
 - (D). Sanitary sewers;
 - (E). Storm water management facilities;

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- (F).** Culverts;
- (G).** Water mains;
- (H).** Fire hydrants; and
- (I).** Electric, gas, cable, telephone and other utilities and easements.
- v.** The nature, location and scaled dimension of any buffer or transition areas.
- vi.** Proposed provision of fire protection, street lighting, street signs and other proposed improvements or services.
- vii.** A tree protection plan, when required by the Planning Director.
- viii.** Information concerning any private street(s) proposed to be included in the development, including:
 - (A).** Copy of deed or Legal Instrument that grants or provides the legal right to use the private street to property owners within the development.
 - (B).** Copy of written notification to be provided at time of sale to all property owners having beneficial use of the private street, concerning their responsibilities in maintaining the street in safe operating condition.
- ix.** A paving, grading, drainage plan.
- x.** An erosion and sedimentation control plan
- xi.** The location and extent of areas within and abutting the site with slopes of 12-18% or 18.01% and greater.
- xii.** A traffic report that addresses at least the existing traffic conditions, summary of proposed development, estimated trip generation, trip distribution, traffic assignment, analysis of future traffic conditions – with and without the proposed development to include level of service, identification of traffic impacts, conclusions and recommendations – mitigation.

F. Preliminary Plat Review

1. Purpose

The purpose of preliminary plat review for major plats is to ensure that the proposed plan has been designed in accordance with the requirements of these regulations as well as the provisions of the applicable zoning district, without the need for detailed plans for the construction of public improvements.

2. Applicability

Preliminary Plat review shall be required for all subdivisions not eligible for minor plat review. The creation of six (6) or more lots constitutes a major plat, therefore requiring Preliminary Plat review.

3. Submittal of Application

- a.** The subdivider shall file a formal application for preliminary plat review on a form supplied by the Planning Director and shall submit therewith a preliminary plat for the proposed subdivision prepared in conformance with the requirements of this Article. No application shall be accepted for review unless all required information has been provided and the application is accompanied by the appropriate review fee. The accuracy and sufficiency of the information provided with the application will be determined by the Technical Review Team. The Planning Director may require

submission of information, material and documents beyond that required in this Article as necessary to determine compliance with these regulations.

- b. Upon receipt and acceptance for review of the Preliminary Plat Application, the Planning Director shall submit copies to interested public agencies and utility companies and obtain a written report or approval on the plan from each such agency or company.

4. Review Process

Preliminary Plat review is intended to provide for a complete review of technical data and preliminary engineering plans for proposed major subdivisions. The review should evaluate potential impacts to both the site and surrounding areas, and resolve planning, engineering and other technical issues so that development may proceed. The staff of the Planning Commission shall review the plat and shall forward the application documents upon determining they are sufficient for review to the Technical Review Team (TRT) for comments to resolve any technical issues raised by the proposed subdivision. The Planning Director or any authorized staff member of the Planning Commission may take Commission action if the plat or subsequent revisions complies with the applicable provisions of these regulations and when all TRT members have indicated their approval or no comment. No TRT member shall approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations. Items which are not appropriate for administrative approval shall be submitted to the Planning Commission in accordance with the provisions of this Article.

- a. Applicants or TRT members may request Planning Commission review of an application to resolve any outstanding issues/conflicts between the plat and the regulations. The request shall set out the item(s) for which the affected party is seeking Planning Commission review. The request will be considered for review at the first Planning Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant.
- b. Planning Commission review of TRT recommendations shall address only specific items of the Preliminary Plat proposal that:
 - i. Do not receive a consensus recommendation through the TRT process;
 - ii. Are set out in a request for review by the applicant;
 - iii. Are set out in a request for review by an adjoining property owner; or
 - iv. Are requested as a modification of standards per [Section 6.11 \(Modification of Standards\)](#).
- c. The proposed preliminary plat shall be reviewed and the TRT recommendation made within 90 days of a determination by the TRT that the application and associated information is sufficient and complete, unless this time limit is waived, in writing, by the applicant or the plat requires a modification as described herein. The TRT may find that the Preliminary Plat should be modified prior to granting a final approval. The TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified Preliminary Plat, to complete its' review.
- d. The Frankfort Plant Board, as a core member of the Technical Review Team, will have the ability to review and comment upon the utility plans and information submitted with a Preliminary Plat for property that is not included within its service area.

5. Conditions of Approval

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When an application for Preliminary Plat review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Article, including any of the following. Violation of such conditions and safeguards, when made a part of the terms under which the Preliminary Plat is approved shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

- a. Establish a special yard or other open space or lot area.
- b. Designate the size, number, location or nature of vehicle and pedestrian access points.
- c. Require the dedication of additional street right-of-way or any easements necessary to meet the standards of an in accordance with these regulations.
- d. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- e. Specify other conditions to permit development of the City and/or County in accordance with the intent and purpose of this Article and the adopted Comprehensive Plan.

6. Effect of Approval

Approval of the Preliminary Plat shall give the applicant authority to submit a record plat and a construction plan / drawing package to the Planning Director, applicable Engineering Official and other appropriate agencies. All record plats and construction drawings must conform to an approved Preliminary Plat and any conditions that may have been established for its' approval. The applicable Planning Director and Engineering Official shall jointly determine that the submittal conforms to the approved Preliminary Plat, or requires major or minor modifications of the Preliminary Plat. Where it is determined that major modifications are required, the submittal shall be referred to the Technical Review Team for review of the proposed major modifications. The Engineering Official may authorize minor modifications and adjustments to the construction drawings without requiring additional Preliminary Plat review. Approval of the preliminary plat shall not authorize recording of the plat nor constitute the acceptance of any land or improvements proposed to be dedicated.

7. Minor Modifications to an Approved Preliminary Plat

- a. Minor modifications to a Preliminary Plat may include any of the following:
 - i. a change in the location of a lot line so long as the number of lots is not increased or decreased;
 - ii. a change in the location of any utility service or utility easement that is required by the utility provider; changes in the size or configuration of storm water retention/detention facilities, but not location; and,
 - iii. a change in the phasing of development/construction of the subdivision that is not addressed by a condition of approval.
- b. All other modifications shall be determined to be major modifications subject to further review and approval by the Technical Review Team.

8. Expiration

- a. Construction drawings for a minimum of the first construction stage of the subdivision must be submitted within one (1) year of Preliminary Plat approval or the Preliminary Plat shall expire. One or more extensions for an additional one-year each may be granted by the Planning Commission if it finds that the subdivider has diligently pursued the preparation of a record plat and construction plans or the construction of improvements. The developer shall submit in writing to the Planning Director a

letter requesting and justifying an extension.

- b. In the case of subdivisions being developed by sections, for the period within five (5) years of original approval of the Preliminary Plat, extensions of approval shall be automatic for all sections so long as construction is in progress in any section. Beyond this five (5) year period, an extension in accordance with the provisions above shall be required.

9. Appeal of Planning Commission Decision

A decision of the Planning Commission may be appealed to the Circuit Court of Franklin County. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Planning Commission's action. Such petition must be filed with the Circuit Court of Franklin County within thirty days (30) after the date of such decision.

G. Construction Plan / Drawing Review

1. Purpose

Subdivision Construction Review is intended to provide detailed technical information for all proposed public improvements prior to actual construction to ensure that development will be in conformance with all regulations and any conditions of the approval. In addition, this review includes securing adequate and timely performance guarantees, permits and other approvals necessary to ensure the construction, inspection and proper operation of the public improvements to be constructed.

2. Submittal of Application

Following the approval of a Preliminary Plat, the applicant shall submit construction drawings (see [Section 6.05.C](#) for submittal requirements) to the applicable Engineering Official for required improvements. The applicant may apply for record plat approval simultaneously with submittal of the construction drawings.

3. Permits Required

All required permits and Adequate Public Facilities and Services certificates shall be submitted concurrently with the construction drawings– if not previously submitted. Construction drawing review will not begin until such permits or certificates have been received and determined by the Engineering Official to be sufficient. Permits that may be required include such as:

- a. Right-of-way encroachment/construction or driveway approvals from the Kentucky Transportation Cabinet;
- b. Permits for construction in a floodplain from the Kentucky Division of Water; or
- c. Wetland determinations and construction approval provided by the Army Corps of Engineers.

4. Review Process

The applicable Engineering Official shall forward the construction drawings to all members of the Construction Review Team (CRT), as well as any other affected agencies, for review. Within 30 days of the acceptance of the Drawings for processing and review, the Construction Review Team shall determine if the Drawings are or are not approvable and will notify the applicant of its' findings. The CRT may find that the construction drawings should be modified prior to final approval. The CRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified construction drawings, to perform its review of drawings that have been modified pursuant to a prior CRT review finding.

5. Review Standards

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Construction drawings shall conform to the approved preliminary plat, including any conditions, and shall also conform to all other City or County regulations in effect and applicable to the proposed development.

6. Effect of Construction Drawings Approval

Approval of subdivision construction drawings shall give the applicant authority to submit a record plat application. Approval shall not authorize recording of the record plat nor constitute acceptance of any land or improvements proposed to be dedicated to the City or County. Construction Drawing plan approval shall authorize the developer to begin site preparation and/or installation of improvements, provided any required permit identified in [Section 6.05.C \(Construction Plans/Drawings\)](#) has been received and approved.

7. Authorization to Begin Construction

- a. Issuance of a building permit or site construction permit through the applicable Engineering Official or Planning Director will serve to authorize the construction of public improvements addressed in the construction drawings.
- b. Individual building permits will not be approved or issued until the Record Plat has been recorded and the following items are completed:
 - i. asphalt base of the street is acceptable to the Engineering Official; and
 - ii. the required fire hydrants are installed with adequate water flow; and
 - iii. installation of erosion control/stormwater features and street signs/traffic control devices.
- c. Certificates of occupancy may be issued prior to the completion of certain improvements as identified in [Section 7.17 \(Issuance of Building Permits Prior to Completion of Public Improvements\)](#).

H. Record Plat Review

1. Purpose

Before transferring title to any portion of a subdivision or accepting a performance guarantee for improvements and reservations, a record plat must be reviewed and approved. The subdivider shall obtain the approval of the Planning Commission or Construction Review Team to be shown on the record plat prior to its recording.

2. Submittal of Application

Simultaneously with or following the acceptance for processing and review of all construction drawings, the applicant shall submit to the Planning Director an application for record plat which conforms to the submittal requirements of [Section 6.05.B](#). No application will be deemed accepted unless it is complete.

3. Review Process

Upon acceptance of the application, the Planning Director shall review the record plat for conformance with the review standards below. Following this review, he or she shall forward the application to the applicable Engineering Official and Construction Review Team. The applicable members of the CRT shall review the record plat application based on the standards set forth below, and shall approve or deny the application, stating in writing any reasons for denial. Review standards include:

- a. It is in conformance with the approved Preliminary Plat and other City or County regulations and policies;
- b. Construction drawings and adequate performance guarantees have been provided and approved;

- c. All required subdivision agreements, escrows, dedications, and reservations have been executed; and
- d. The applicant has paid all required fees or charges and has established any required escrow arrangements.

4. Effect of Recordation

Upon recording of the record plat with the County Clerk, and issuance of applicable building permit, the applicant may begin site development and installation of improvements. Approval of the record plat shall constitute acceptance of all dedications and reservations of land shown on the Plat, except those that are specifically reserved or refused in writing by the City or County in connection with Plat approval. No changes, erasures or revisions shall be made after record plat approval unless the Plat is resubmitted as a new application under the provisions of this Article.

I. Minor Plat Review

1. Purpose

The minor plat review process is intended to provide for adequate technical and administrative review for subdivisions having few lots and that do not require dedication of streets or other public improvements. In so doing, these regulations ensure that development takes place in an orderly and efficient manner.

2. Applicability

Minor plat review shall apply to any subdivision, resubdivision, in-family conveyance, consolidation or minor amendment of an existing plat, where the following standards apply:

- a. Additional public improvements are not required, except utility laterals, sidewalks, fire hydrants or other types of minor improvements necessary to serve the lots being created.
- b. The public street layout will not be affected except for dedication of additional right-of-way, where required, or construction of a public street to provide access to the lots proposed to be created is necessary due to access management requirements of this Article or the zoning ordinance.
- c. The subdivision consists of not over five (5) lots including any remainder that will be retained by the owner(s), or five (5) lots of record if a consolidation plat is proposed to create equal to or a lesser number of parcels than the five (5) original lots of record.
- d. The existing tract was lawful under these regulations at the time the property description was recorded.
- e. The existing tract(s) have not been subject of a previously approved preliminary plat for a subdivision.
- f. The subdivision is in compliance with the minimum requirements of the applicable zoning regulations and other ordinances and regulations and no substandard tracts, parcels, or lots will be created.
- g. All lots must be serviceable by existing water and sewer lines, or on-site disposal systems as may be approved by the Franklin County Department of Health, depending on whether the minor subdivision is located in a designated urban, suburban or rural area (See Figure 1.1 in [Article 1. General Provisions](#) for a geographic description of these areas)
- h. Adequate provision will be made for access to a public roadway. If an existing private street is to be used for access, provisions for maintenance acceptable to the

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Planning Commission will be placed on applicable recorded documents.

- i. Minor revisions to an existing plat needed to make technical revisions to a record plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements
- j. Revisions to a record plat for the purpose of release or modification of existing and addition of new utilities and drainage easements.

3. Transfer of Property Not Requiring a Plat

The transfer or conveyance of property between adjoining property owners shall be construed as requiring a minor plat review and approval, unless that which is transferred or conveyed had been previously approved by a plat and is not intended to be consolidated with the adjoining property.

4. Submittal of Application

The subdivider shall file a formal application for minor plat review on a form supplied by the Planning Director and shall submit therewith a minor plat prepared in conformance with the requirements of this Article. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The Planning Director may require submission of information, material and documents beyond that required in this Article as necessary to determine compliance with these regulations.

5. Review Process

Upon receipt and acceptance of the application, the Planning Director and staff of the Planning Commission shall review the plat and forward the documents to the Technical Review Team to resolve any problems raised by the proposed subdivision. The staff should subdivider report its recommendations, as well as the reports of other agencies and companies, to the subdivider. The Planning Director or any authorized staff member of the Planning Commission may take Planning Commission action if the plan or revision complies with the applicable provisions of these regulations and all TRT comments. No TRT member shall approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations or conditions. The planning director or TRT may find that the minor plat should be modified prior to final approval. The applicable Planning Director or TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified minor plat, to perform it review of a minor plat that has been modified pursuant to a prior Planning Director or TRT review finding.

- a. Applicants or TRT members may request Planning Commission review of an application.. The request shall set out the item(s) for which the applicant or other TRT member is seeking Commission review. The request will be considered for review at the first Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. .
- b. Commission review of TRT recommendations should address specific items of the minor plat proposal that:
 - i. Do not receive a consensus recommendation through the TRT process;
 - ii. Are set out in a request for review by the applicant; or
 - iii. Are requested as modification of standards per [Section 6.11 \(Modifications of Standards\)](#).
- c. A minor subdivision plat shall be reviewed and action taken within ninety (90) days of a determination by the Planning Director or Technical Review Team that the application and associated information is sufficient and complete, unless this time limit is waived, in writing, by the applicant or the plan requires a modification as

described herein. The applicable planning director or TRT may find that the Minor Plat should be modified prior to granting a final approval. The TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified minor plat, to complete its' review and issue a recommendation.

- d. The Frankfort Plant Board, as a core member of the TRT will have the ability to review and comment upon the utility plans and information submitted with a minor plat for property that is not included within its service area.

6. Conditions of Approval

When an application for a minor plat is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of these regulations, including any of the following. Violation of such conditions and safeguards, when made a part of the terms under which the Minor Plat is approved, shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

- a. Establish a special yard or other open space area.
- b. Designate the size, number, location or nature of vehicle and pedestrian access points.
- c. Require the dedication of additional street right-of-way or any easements necessary to meet the standards of an in accordance with these regulations.
- d. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- e. Specify other conditions to permit development of the City of Frankfort and Franklin County in accordance with the intent and purpose of these regulations and the adopted Comprehensive Plan.

7. Effect of Approval

Approval of the minor plat shall authorize recording of the Plat and constitute the acceptance of any land or improvements proposed to be dedicated.

8. Expiration

If the minor plat is not recorded within one (1) year of the approval date, the applicant may request a one (1) year extension of the expiration date. Only one (1) extension may be granted for recording the minor plat. The applicant shall submit a written request for extension of the expiration date to the Planning Director, who may grant such requests if it is determined that circumstances or hardship justify the request.

9. Appeal of Planning Commission Decision

A decision of the Planning Commission may be appealed to the Circuit Court of Franklin County. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Commission's action. Such petition must be filed with the Circuit Court of Franklin County within thirty days (30) after the date of such decision.

J. Development Plan Review

1. Purpose

The purpose of this review is to determine compliance with the conditions and requirements prerequisite to the issuance of a building permit for a building or development site. During this review process, conformance with the design requirements associated with a Historic District Overlay District, Architectural Design Standards, Building Code, and other regulation then in effect may also be established. These regulations are necessary and related to subdivision and development plan regulations to ensure that the development of existing and future

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platted lots and tracts conforms to the conditions and requirements established for their development.

2. Applicability

Development Plan review shall not be required for individual single family or duplex dwelling units on platted lot, or for a maximum of twenty multi family dwelling units. A condominium with more than 20 units are required to submit a development plan.

3. Optional Pre-Application Review

Prior to formal application for a development plan review, the applicant may present for discussion a sketch showing generally the boundaries of the proposed building or development site, the proposed development, architectural plans or building prototypes, site dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the applicant. The applicant or property owner or their agent, or the Planning Director, may request a conference to discuss the requirements for development plan approval. For this review, the applicant shall contact the Planning Director to set a meeting date to discuss intentions as they relate to a Development Plan review. The pre-application meeting does not require formal application or fee.

4. Submittal of Application

The applicant shall file a formal application for development plan review on a form supplied by the Planning Director and shall submit therewith a Plan prepared in conformance with the requirements of this Article. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The Planning Director may require submission of information, material and documents beyond that required in this Article as necessary to determine compliance with the regulations in effect at the time of application.

5. Review Process

- a. Development Plan review is intended to provide for a complete review of technical data and engineering, landscaping and architectural drawings for proposed building sites and development sites. The review should evaluate potential impacts on both the site and surrounding areas, and resolve planning, engineering and other technical issues so that development may proceed.
- b. Should the application require the review and approval of an Architectural Review or Historic Preservation Board, that review shall be completed before the development plan is approved.
- c. The staff of the Planning Commission shall review the development plan and shall forward the application documents upon determining they are sufficient for review to the Technical Review Team (TRT) for comments of approval, approval with conditions or other comments to resolve any problems raised by the proposed development plan. The staff shall then present its recommendations and the reports of the TRT agencies and to the applicant. If revisions are necessary due to TRT comments, the applicant shall submit revised materials for review.
- d. The Planning Director or any authorized staff member may take final action if the development plan or subsequent revisions complies with the applicable provisions of these and any other applicable regulations and when all TRT members have indicated their approval or no comment. TRT members shall not approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations. Items that are not appropriate for administrative approval shall be submitted to the Planning Commission in accordance with the provisions of this Article. An action of the applicable planning director or any

authorized staff member for a development plan may be appealed to the Frankfort/Franklin County Board of Zoning Adjustment pursuant to the process and procedures for administrative appeals described in the [Article 13. Administration & Procedures](#) of the Zoning Ordinance.

- e. Applicants or TRT members may request Planning Commission review of the application. . The request shall set out the item(s) for which the applicant is seeking Planning Commission review. The request will be considered for review at the first available Planning Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the development plan applicant.
- f. Planning Commission review of TRT recommendations shall address only specific items of the development plan proposal that:
 - i. Do not receive a consensus recommendation through the TRT process;
 - ii. Are set out in a request for review by the applicant; or
 - iii. Are requested as a modification of a standard.
- g. The Frankfort Plant Board, as a core member of the TRT, will have the ability to review and comment upon the utility plans and information submitted with a development plan for property that is not included within its service area.

6. Condition of Approval

The proposed development plan shall be reviewed and action taken by an authorized staff member within 30 days of receipt of a complete application and the site plan, unless this time limit is waived, in writing, by the applicant, the plan requires a modification as described herein, or a decision of an authorized staff member or the TRT is appealed. The applicable planning director or TRT may find that the development plan should be modified prior to granting a final approval. The TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified development plan, to complete its' review and issue a recommendation.

- a. When an application for development plan review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Article, including any of the following. Violation of such conditions and safeguards, when made a part of the terms under which the development plan is approved shall be deemed a violation of these regulations, subject to enforcement under the provisions established.
 - i. Establish a special yard or other open space area.
 - ii. Designate the size, number, location or nature of vehicle and pedestrian access points.
 - iii. Require the dedication of additional street right-of-way or any easements necessary to meet the standards of an in accordance with these regulations.
 - iv. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
 - v. Specify any architectural treatments or design alternatives that better serve to integrate the proposed development with its' surrounding built and man-made environment, and to promote compliance with historic or architectural and urban design standards then in effect.

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- vi. Specify other conditions to permit development of the City and County in accordance with the intent and purpose of this Article and the adopted Comprehensive Plan.

7. Effect of Approval

Approval of the development plan shall give the Planning Director and/or authorized staff member the authority to issue building permit(s) for the proposed development. All construction drawings submitted with or subsequent to site plan approval shall conform to such approval and any conditions that may have been approved with it. However, the Planning Director may authorize minor modifications and adjustments during the course of construction without requiring additional formal development plan review.

8. Expiration

- a. A building permit(s) for an approved development plan must be applied for within one (1) year of the date of final action to approve the development plan. If a permit application has not been submitted or approved within the one (1) year period the original development plan approval shall expire. One or more extensions for an additional one (1) year each may be granted by the Planning Commission if it finds that applicant has diligently pursued implementation of the approved development plan. The applicant shall submit in writing a letter requesting and justifying an extension.
- b. In the case of building or development sites that are developed by phases, for the period within five (5) years of original approval of the development plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any phase. Beyond this five (5) year period, an extension in accordance with the provisions above shall be required.

K. Modification of Standards

1. Purpose

In connection with the review of a preliminary plan, record plat, minor plat or development plan application, the Planning Commission may modify any requirement of this article not specifically excluded from this procedure. The term "modification" means the reduction of a requirement or standard or the substitution of an alternative requirement or standard, however, it does not include the complete "waiver" or "elimination" of the requirement or standard.

2. Submittal of Request

The applicant shall submit, with the appropriate application for plan review, a request for modification(s) of the applicable development standards. The request shall state the modification(s) being requested, and the reasons for the modification(s) in terms of the standards set forth in these regulations.

3. Review of Request

The request for modifications shall be reviewed by the Technical Review Team and a recommendation forwarded to the Planning Commission. The Commission shall act upon the request for modification.

a. General Standards

No modification may be granted under these regulations unless:

- i. The modification is consistent with the stated purpose and intent of these regulations and with the adopted Comprehensive Plan;

- ii. The modification would not have a significantly adverse impact on the public interest; and
- iii. The modification would not overburden or otherwise adversely impact public facilities.

b. Specific Standards

No modification may be granted unless the applicant clearly shows the existence of one or more of the following circumstances:

i. **Superior Alternatives**

Where the proposed modification or waiver will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

ii. **Protection of Significant Features**

Where the modification or waiver is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

iii. **Deprivation of Reasonable Use**

Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location; provided:

- (A). Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
- (B). The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.

iv. **Technical Impracticability**

Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided:

- (A). The development will provide an alternative adequate to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and,
- (B). Any unusual conditions creating the impracticability are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.

v. **No Relationship to the Development or its Impacts**

Where all or any part of the requirement has no relationship to the needs of the development, or to the impact of the development on the public facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.

4. Alternative Standards and Conditions

Reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any modification of the requirements of this Article.

L. Amendment of Regulations

1. Purpose

The purpose of this section is to determine a process and procedures by which the Planning Commission may consider and act upon a request: to modify the boundaries of an urban, suburban and/or rural area depicted upon [Figure 1.1](#) or to amend the textual provisions of these regulations. Amendments initiated by a governmental entity, board, committee or planning staff are to be forwarded directly to the Subdivision Update Committee of the Frankfort/Franklin County Planning Commission for consideration, prior to being placed upon the Planning Commission agenda.

2. Submittal of Request

The applicant (other than a governmental entity, board, committee or planning staff) shall submit, with the appropriate application and review fee, a request to modify an urban, suburban and/or rural area boundary as depicted in [Figure 1.1](#), or a text amendment; The request shall identify the specific parcels of land, or section (s) of the regulations that are the subject of the application and provide supporting information as described below.

- a. The parcels of land subject to the proposed amendment shall be identified by legal description prepared by a registered land surveyor and depicted on a plat of survey. The owners of the parcels shall be identified and each shall indicate their consent to the proposed amendment as part of the application.
- b. The section (s) of the regulations shall be identified by the part/section/subsection numbers of the applicable regulations, and the applicant shall identify the action or alternative language proposed.
- c. Supporting information to be provided with the application includes, where applicable: a justification statement that addresses the purpose of the amendment; conformity with the adopted Comprehensive Plan; availability of public facilities and services necessary to support existing or potential development within the type of area(s) proposed for amendment (urban, suburban and/or rural); impact of proposed text amendment to all property owners that may be affected by the proposal; and, existing zoning and land use for the subject property(ies) when a modification to [Figure 1.1](#) is proposed.

3. Review of Request

The application shall be reviewed by the Subdivision Update Committee and a recommendation forwarded to the Planning Commission. The Commission shall act upon the request following public notice and a public hearing. Public notice shall be the same as required under the provisions of the Kentucky Revised Statutes for an amendment to the Zoning Map. The action of the Planning Commission shall be consistent with the standards identified below:

a. General Standards

No amendment may be granted under these regulations unless:

- i. The amendment is consistent with the stated purpose and intent of these regulations and with the adopted Comprehensive Plan;

- ii. The modification would not have a significantly adverse impact on the public interest; and
 - iii. The modification would not overburden or otherwise adversely impact public facilities.
- b. An application for amendment of [Figure 1.1](#) shall not be reviewed concurrently with an application for a zoning map amendment, or any application for subdivision or development plan review for the property subject to the proposed amendment.

14.06. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

A. Purpose

The purpose of these requirements is to provide standards and procedures for the installation and maintenance of improvements where required by these regulations. These requirements are intended to ensure that all improvements will be installed in a timely and efficient manner that protects the public health, safety, and welfare, and, where improvements will be retained in private ownership, that they will be maintained permanently in accordance with the requirements of these regulations.

B. Applicability

The improvements requirements apply to all development proposals requiring approval under the provisions of these regulations. No record plat, minor plat, or development plan shall be approved unless assurance is provided required improvements will be installed in accordance with this Article.

C. General Requirements

1. All improvements shall be built to the standards and specifications of these regulations, and in accordance with any additional requirements and policies of the applicable Engineering Official. Required improvements shall be installed by and at the expense of the subdivider or developer/builder, except as specifically provided herein.
2. All required improvements shall be consistent with the adopted Comprehensive Plan
3. Professional Engineer Required - A professional engineer registered in the State of Kentucky shall certify the design and installation of all required improvements to include those to be dedicated for public use. The Construction Review Team ("CRT") shall review all plans for improvements prior to construction and approve those not prepared by a public agency or utility provider.

D. Improvements Dedicated to the Public

These requirements shall apply to all street and right-of-way improvements, and wherever improvements required by these regulations will be dedicated to the public.

E. Performance Guarantee Required

Except as otherwise provided (See [Section 7.11 \(Alternative Procedure\)](#)), no record plat, minor plat or development plan shall be approved unless a performance guarantee is filed in accordance with this Article for the installation of required public improvements. The developer shall be responsible for ensuring that the improvements have been guaranteed; however, the developer or the contractor may post the guarantee. The performance guarantee shall comply with all statutory requirements and shall be approved by the Planning Commission's legal counsel as to form and manner of execution. Guarantees shall be held and managed by the applicable Engineering Official. In lieu of such performance guarantee, the CRT may authorize the developer/builder to install, at his own expense, all required improvements.

1. Acceptance Types of Guarantees

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The performance guarantee shall consist of an equivalent cash deposit, certificate of deposit or irrevocable letter of credit by a Kentucky bank, or a cashier's check or a certified check drawn upon a Kentucky bank.

2. Amount of Guarantee Required

The amount of the performance guarantee shall be equal to the maximum estimated cost for the installation of the uncompleted portion of the required improvements adjusted for inflation during the maximum effective period of the guarantee based upon a bid or an estimate by the engineer of record and subject to approval by the CRT; but in no case shall the amount be less than 125% of the current construction costs of such improvements.

3. Effective Period

The effective period of the performance guarantee should be no more than one year from the date of approval of the record plat, minor plat or development plan, or other time period specifically approved by the applicable engineering official.

4. Extensions and Substitutions

The CRT may grant one (1) extension for up to and including a one (1)-year effective period of the performance guarantee for good cause shown. However, the CRT shall review the guarantee, and may require a change in the amount of guarantee for the extension period. The Planning Commission may, at any time during the effective period, accept a substitution of principal, sureties, or other parties, upon recommendation by its legal counsel.

5. Default

Wherever the required improvements have not been installed according to the terms of the performance guarantee and no extension or substitution has been granted, the Planning Commission or its' designee may, upon recommendation of the applicable Engineering Official and 30 days' written notice to the parties to the instrument, declare the performance guarantee to be in default and exercise the rights hereunder. Upon default, no building permit or other approval shall be granted for the development until the Planning Commission or its' designee determines that adequate progress has been made toward completion of the remaining improvements.

F. Construction and Inspection of Improvements

The Construction Review Team shall carry out inspections and tests of all required improvements during construction and following the completion of each stage of construction, to ensure compliance with the approved plat or plan, and shall advise the Planning Commission whether the improvements being constructed appear to qualify for acceptance. If deemed necessary, sidewalk and other paved surfaces shall be cut through or cored to determine compliance with specifications. All required improvements shall be installed, inspected, and approved prior to acceptance.

1. Inspection Fees

The developer/builder shall pay to the applicable City or County Engineer, for engineering and inspection services provided, a sum equal to the direct and indirect costs associated with plan review, inspections, tests, and other tasks required. Full payment of these expenses shall be made prior to issuance of a Certificate of Completion.

a. Completion and Acceptance of Improvements

Before the applicable Engineering Official can accept improvements by issuing a Certificate of Completion, the developer/builder must meet certain requirements, as detailed in this Article. At the applicable Engineering Official's option, improvements in a development may be accepted in self-supporting stages.

2. The provisions of this Article are intended to impose requirements on developer and builders and their Registered Professional Engineers. This Article shall not be construed to place any limitations on the actions of the Planning Commission.

G. Acceptance of Improvements and Certificate of Occupancy

The applicable Engineering Official accepts improvements by issuing a Certificate of Completion. This official shall be required to issue a Certificate of Completion only if:

1. The developer/builder has:
 - a. Complied with all requirements listed in [Section 7.08 \(As Built Drawings\)](#);
 - b. Posted a Defect Security in accordance with [Section 7.10 \(Posting of Defect Security\)](#);
 - c. Submitted the results of any tests that the applicable Engineering Official may require;
 - d. Submitted a Surveyor's Letter of Certification to the applicable Engineering Official;
 - e. Submitted itemized cost sheets to the Construction Review Team for all facilities to be dedicated to the public; and
 - f. Completed a video camera recorded inspection of constructed storm sewer facilities and provided a copy of the recorded inspection to the applicable engineering official. This inspection shall be at the sole cost of the developer/builder and shall be conducted and recorded with equipment and procedures specified by the applicable engineering official.
2. The Construction Review Team has conducted satisfactory final inspections of the improvements to be accepted.

H. As-Built Drawings

In every instance in which a developer/builder is required to submit construction plans for approval, the developer/builder is also required to arrange for a registered Professional Engineer to accomplish and complete all of the following:

1. Monitor the construction of the improvements;
2. Create and maintain a set of on-going, continuously updated as-built drawings of the improvements. The drawings shall show survey monuments, described with name, number, and State Plane Coordinate Values, and their bearing structure must be based on the State Plane Coordinate System from the information provided by these monuments. Furthermore, all as-built drawings must be created and maintained in accordance with the standards and requirements adopted by the Board of Direction, American Congress on Surveying and Mapping, as may be amended;
3. Ensure that the above referenced as-built drawings accurately reflect the actual status of constructed improvements;
4. Make the above referenced as-built drawings available for inspection by the CRT at all times; and
5. At the completion of the improvements, submit four (4) completed sets of white print (or better quality) as-built drawings to the applicable Engineering Official. All adjustments must be made to the original drawings prior to printing. Each completed set of as-built drawings must include, on its face, a certified statement by the developer's/builder's Professional Engineer that the set of as-built drawings accurately depicts the actual improvements as constructed.
6. At the time of completion of improvements, submit one (1) completed set of white print (or better quality) as-built drawings to the Frankfort Plant Board.

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I. Sanctions

If the developer/builder or the Professional Engineer fails to comply with any one or more of the requirements described in this Article, then the Construction Review Team shall choose any one or more of the following as sanctions:

1. Refuse to allow building permits to be issued for any or all of the development;
2. Refuse to issue Certificates of Occupancy for any or all of the development;
3. Refuse to issue a Certificate of Completion for the improvements, thereby refusing to accept the improvements;
4. Order the remedy of such failure within 30 days; or
5. Cash or collect the guarantee.

J. Posting of Defect Security

Prior to acceptance of the required improvements by the Construction Review Team through the issuance of a Certificate of Completion, the developer/builder shall post a Defect Security for the repair or correction of material defects or failures of the improvements for a "Maintenance Period" of two (2) years following their acceptance. The Defect Security shall be in an amount equal to 15 percent of the actual construction cost of all the improvements, and shall consist of a maintenance bond, equivalent cash deposit with the applicable Engineering Official, certificate of deposit, irrevocable letter of credit by a Kentucky bank, or a cashier's check, or certified check drawn upon a Kentucky bank. The Construction Review Team shall create, maintain, and provide approved forms for each type of Defect Security described immediately above. The developer/builder must use the approved Defect Security forms and may not modify said approved forms in any way. Any change or modification to such forms shall be disregarded and shall be unlawful. Upon default, the Construction Review Team, the Planning Commission, or other applicable public body may exercise its rights under the Defect Security upon ten (10) days' written notice by certified mail, return receipt requested, to the parties to the instrument.

1. Responsibility During Maintenance Period

During the two- (2) year "Maintenance Period" when the Defect Security is in effect, (after the acceptance of improvements), the developer/builder must provide all required maintenance or repair of the accepted improvements, including, but not limited to, the repair and replacement of any system component, failed section of paving or like item, and the control of erosion, replacement of sod, or removal of soil washed onto pavement or into the drainage system.

2. Release of Defect Security

60 to 90 days before the expiration of the Defect Security and corresponding Maintenance Period, the developer/builder is required, in writing, to notify the Construction Review Team of the impending expiration and to request that a final inspection of the accepted improvements be preformed. The official shall then conduct such final inspection within thirty (30) days before the expiration. If the official determines during the final inspection that the improvements are in satisfactory condition and repair, then the Defect Security shall be permitted to expire, and the developer/builder shall be released from further obligations under this Section, but the developer/builder is not necessarily released from any other liability which may exist at law. If the official determines during the final inspection that the improvements are not in satisfactory condition or repair, then the official may require the developer/builder to correct the design deficiency, maintenance problem, etc. Failure of the developer/builder to correct the deficiency shall automatically result in a default in the Defect Security and continued civil liability against the developer/builder for any deficiency in the accepted improvements which may have occurred or become apparent during the two (2)

year Maintenance Period or during a final inspection by the official, even if such deficiency is not discovered until after the expiration of the Defect Security and corresponding Maintenance Period. Similarly, the developer's/builder's failure to notify the official of the Defect Security expiration date and to request a final inspection shall also result in automatic default of the Defect Security and continued civil liability for deficiencies discovered after expiration of the Defect Security and corresponding Maintenance Period.

3. Reduction or Release of the Performance Guarantee

Upon issuance of the Certificate of Completion for an approved development or construction stage of a development, the performance guarantee for the improvements shall be reduced by the amount of the original cost estimate for the improvements covered by the Certificate of Completion. Where the Certificate of Completion covers all remaining required improvements, the guarantee shall be fully released.

K. Alternate Procedure – Installation Before Recordation of Record Plat

In lieu of the filing of a performance guarantee in accordance with requirements above, the Construction Review Team may authorize the developer/builder to proceed with installation of required improvements prior to recording of a record plat in accordance with the following procedure:

1. Review of the Plat

The record plat application shall be reviewed in accordance with the procedures set forth in [Section 6.08 \(Record Plat Review\)](#), except as follows.

a. Conditional Record Plat Approval

Wherever the developer/builder is authorized to install improvements prior to recording of a record plat, Planning Commission approval of the Plat shall be conditioned upon the full completion of the improvements within one (1) year and in full conformance with the approved construction plans.

b. Retention of Plat by Construction management Team and Applicable Engineering Official

The approved record plat shall not be recorded, but shall instead be retained by the CRT until a Certificate of Completion is issued for the improvements in accordance with the requirements specified above.

c. Compliance with Other Requirements

During installation of the required improvements, the developer/builder shall be subject to all requirements of this Article pertaining to the construction, inspection, completion, and acceptance of such improvements.

d. Building Permits Prohibited

No building permits shall be issued for any building site within the proposed development until the improvements have been accepted by the construction review team and the Plat has been recorded.

e. Acceptance of Required Improvements

Upon issuance of a Certificate of Completion for all required improvements by the CRT, the appropriate body shall accept responsibility for the maintenance of the improvements, subject to the provisions of the posted Defect Security.

f. Filing Performance Guarantee for Remaining Improvements

During construction, the developer/builder may, by filing an acceptable Performance Guarantee for all the remaining improvements not yet accepted in accordance with these regulations, have a Record Plat recorded.

L. Improvements Retained in Private Ownership

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14.06. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

These requirements apply wherever improvements required by these regulations will be retained in private or common ownership and will not be dedicated to a public body.

1. Construction Drawings

Construction and Inspection of Improvements - The developer/builder shall install, at their sole expense, all improvements required by this Article, in accordance with the approved construction drawings.

2. Inspections

The CRT shall carry out inspections of all improvements during construction in accordance with the site inspection requirements of these regulations, and shall carry out tests of all private street improvements.

3. Certificate of Completion

The engineer, architect, or landscape architect of record shall submit to the CRT a certification that the required improvements have been installed and completed in accordance with the construction drawings approved for the development.

4. Performance Guarantee for Certain Improvements

When the CRT determines that the installation of the following improvements may be delayed without substantial detriment to the public health, safety, or welfare, or where necessary to coordinate such improvements with public expenditures or development on adjacent property, the developer/builder may be permitted to provide a performance guarantee and an agreement to install such improvements at a later specified date. Such improvements shall be limited to:

- a. Improvements within public rights-of-way;
- b. Installation of sidewalks and bikeways; and
- c. Installation of required landscaping within the public right-of-way.

5. Same Procedure As Dedicated Improvements

The performance guarantee and agreement shall be provided prior to the issuance of any Certificate of Occupancy, and, except for the effective period, shall be subject to all performance guarantee requirements. During installation, the developer/builder shall be subject to all of the requirements of these regulations pertaining to the construction, inspection, and completion of such improvements.

M. Maintenance of Common Improvements and Open Space

Adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain common open space and common improvements, to ensure their continued availability and utility for the residents or occupants of the development, and to prevent such facilities from becoming an unnecessary burden or nuisance to the general public or surrounding property. However, nothing in these regulations shall be construed as creating any obligation or liability upon the public to maintain such facilities or otherwise ensure their availability and condition. These regulations shall apply to all common open space and all common improvements that are required or provided pursuant to these regulations, the adopted Comprehensive Plan, or other applicable laws and regulations. However, these requirements shall not apply to the following:

1. Dedicated Lands and Improvements

Any lands or improvements to be dedicated or conveyed to the public for designated or general public use.

2. Private Lands and Improvements

Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.

3. Condominiums and Cooperatives

Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Kentucky law.

N. Establishment of Means of Common Ownership / Management

Prior to approval of a development plan or record plat, the developer/builder shall provide documents to establish a means of common ownership and management of all common open space and common improvements. Such documents shall establish an organization or entity to own and manage the open space and/or improvements, describe its membership and responsibilities, and include a maintenance and fiscal program for the improvements. In no event shall a Certificate of Completion be issued for a development involving common open space and/or improvements until the entity of common ownership and management has been incorporated.

O. Funding Mechanism Required

Prior to approval of a development plan or record plat, the developer/builder shall provide and record documents to establish a funding mechanism for the maintenance of the common improvements and/or open space. The documents shall provide a method for the organization or entity to assess the property owners having beneficial use of the improvements and open space for the cost of their maintenance. The method of assessment shall provide the legal right for the organization or entity to impose liens against those properties for which payment of any assessment is not made. Collection of assessments and enforcing the payment thereof shall be the responsibility of the organization or entity and shall not be the responsibility of the public. The assessments imposed by the organization or entity shall not relieve property owners from any taxes, fees, charges, or assessments imposed by the Planning Commission, Property Valuation Administrator, or any other governmental agency. The documents shall also provide for notice to purchasers and prospective purchasers of properties that the organization or entity shall have the authority to make assessments and impose liens as provided in these regulations.

P. Failure to Maintain Common Improvements and Open Space

Failure to maintain common improvements and/or common open space in accordance with these regulations, established standards and the developer's agreements, binding elements, and other documents establishing the improvements and/or open space shall be considered a violation subject to enforcement in accordance with the provisions of these regulations. In such cases, citations of violation shall be issued both to the organization or entity, and to all property owners, occupants, and lessees having beneficial use of or legal interest in the improvements and/or open space. The public shall not be required or obligated in any way to construct or maintain, or participate in any way in the construction or maintenance of the common improvements and/or open space.

Q. Issuance of Building Permits Prior to Completion of Public Improvements

Building permits may be issued prior to the completion of construction and acceptance of public improvements subject to the following conditions and restrictions:

1. Certificates of occupancy may be issued prior to completion of the following site improvements:
 - a. Finish Grade Bituminous Asphalt of all streets
 - b. Sidewalks for entire development but shall be in place for individual lot(s) requesting a Certificate of Occupancy.
 - c. Street trees

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- d. Improvements within designated open space/common areas
 - e. Other items as determined by the appropriate review agency and/or applicable Planning Official;
- 2. The developer shall be required to submit a performance guarantee in the amount of 125% of the construction costs to the applicable Planning Official prior to the issuance of the Certificate of Occupancy.
 - a. Temporary potable water or sanitary sewer systems shall not be approved as interim measures for service provision pending completion and acceptance of public improvements;
 - b. The number of building permits that can be issued prior to completion of public improvements shall be determined by the applicable Planning Official.

14.07. STREET NAMING, CLOSING, AND ADDRESSING

A. Purpose

These standards and procedures are established to promote and protect the public health, safety, and welfare within Frankfort and Franklin County by providing common and effective methods for assignment of street names and site addresses, and permanent closure or abandonment of public rights-of-way. Such methods ensure the efficient delivery of emergency services to individual homes and businesses, and appropriate determination of the continued use of lands dedicated for public purpose.

B. Effect

An application for a building permit or subdivision plat shall not be approved if it contains street names or site addresses that have not been found to comply with the requirements and procedures provided herein.

C. Street Name Change Procedures

Applications for changing the name of any street shall be made in accordance with the following procedures.

- 1. Applications may be initiated by the Planning Commission, any governmental unit having geographical jurisdiction over any part of the thoroughfare or street, or property owners representing 51 percent of all property owners whose property is adjacent to the affected thoroughfare or street;
- 2. The following information items are required for acceptance of an application to change the name of any public or private thoroughfare or street:
 - a. An application form available from the applicable Planning Director that includes, at a minimum, the following information:
 - i. The existing thoroughfare or street name;
 - ii. The proposed thoroughfare or street name;
 - iii. The reason for the request; and
 - iv. Signature and address of each applicant, or an affidavit authorizing an agent to act on behalf of an applicant.
 - b. Ten (10) copies of a scaled drawing showing the thoroughfare or street involved, with names and addresses of all adjacent property owners along the right-of-way as reflected by information and maps maintained by the Property Valuation Administrator. Vacant lots shall be designated on the scaled drawing.
 - c. The appropriate application fee.

3. Complete applications for a thoroughfare or street name change shall be reviewed and action taken pursuant to the following procedures:
 - a. A notice of the proposal to change the thoroughfare or street name and the date of the public hearing shall be sent to all property owners adjacent to the thoroughfare or street and all governmental units having geographical jurisdiction.
 - b. The City Commission or Fiscal Court shall hold a public meeting on all proposed thoroughfare or street name changes. Publication of notice of the public meeting shall be in a newspaper of general daily circulation, in accordance with the provisions of the appropriate legislative body.
 - c. The City Commission or Fiscal Court may waive the public meeting if all owners of property adjacent to the thoroughfare or street, and affected governmental units having geographical jurisdiction, agree with the proposed change.
 - d. Following a public meeting concerning a proposed thoroughfare or street name change, the City Commission or Fiscal Court shall:
 - i. If the thoroughfare or street is entirely within the City of Frankfort, the city Commission shall take final action; or
 - ii. If the thoroughfare or street is entirely within an unincorporated area of Franklin County the Fiscal Court shall take final action.

D. Permanent Street Closing Procedures

1. Applications for permanent closing or abandonment of any public right-of-way or easement shall be made in accordance with these procedures.
2. Applications for permanently closing or abandoning a public right-of-way or easement may be initiated by the Planning Commission, any governmental unit having geographical jurisdiction over the public right-of-way or easement, property owners representing 51 percent of all property owners that would be affected by the proposed closing or abandonment of the public right-of-way or easement, or by property owners whose property includes more than 51 percent of the linear front feet of the affected street or publicly dedicated lands.
3. The following items are required for acceptance of an application to permanently close or abandon a public right-of-way or easement:
 - a. **Application**
An application form available through the applicable Planning Director that includes, at a minimum the following information:
 - i. A description of the public right-of-way or easement that is the subject of the application;
 - ii. The reason for the request;
 - iii. The application shall be signed by all owners, mortgages, and contract purchasers of the property or documentation shall be submitted signifying the owner's approval or consent; and
 - iv. The applicant may be requested to provide other information including, but not be limited to, traffic impact analyses and utility relocation data.
 - b. **Plat of Survey**
Ten (10) copies of a plat of survey that accurately delineates and describes the area proposed for permanent closure or abandonment, inclusive of the street name where appropriate. A metes and bounds legal description signed and sealed by a registered land surveyor of the area to be closed or abandoned shall be required;

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c. Development Plan

If the closing or abandonment is requested in connection with a proposed development, a development plan of the development shall be submitted with the application. Where transportation or utility facilities are to be relocated, the development plan shall indicate specific locations for the relocation of these facilities.

d. Notification List

The applicant shall provide a list of the names and mailing addresses of all property owners adjacent to the proposed street closing, or abandonment of land dedicated for public use, as defined by the nearest intersecting streets. This list may be prepared from maps and records maintained by the Franklin County Property Valuation Administrator. In addition, ten (10) copies of a map shall be provided illustrating the location of each of the property owners identified above. Vacant lots shall be designated on the map. A list of all utility service providers with rights and or facilities located within the street right-of-way or land dedicated for public use shall also be provided.

e. Notarized Consent

The applicant shall provide, where applicable, an original and one (1) copy of each notarized consent from property owners adjacent to the proposed street closing, or to property proposed for an abandonment of the public use.

f. Fee

The appropriate application fee.

4. Considerations for Approval of a Street Closing or Abandonment

The appropriate legislative body, or its designated review agency or committee, shall review applications for a street closing or abandonment and make findings for the following factors:

a. Adequate Public Facilities

Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site) exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar facilities and services. No abandonment for any public right-of-way, easement, or other land dedicated to the use of the public shall be approved where an identified future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be abandoned, it shall be retained as an easement.

b. Costs for Improvements

The cost for a street closing, or abandonment of any easement or land dedicated to the use of the public, shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement.

c. Other Matters

Any other matters which the appropriate legislative body deems relevant and appropriate.

5. Review and Action for Application

Complete applications for a street closing or abandonment shall be reviewed and action taken under the following procedures:

- a. A notice of the proposal and the date of the public hearing shall be sent to all

property owners adjacent to the street, all utility service providers with rights to or facilities within the public right-of-way or land dedicated for public use, and all governmental units having geographical jurisdiction.

- b. The City Commission or Fiscal Court shall hold a public meeting on any proposed street closing or abandonment. Publication of notice of public meeting shall be in a newspaper of general daily circulation, in accordance with the provisions of the appropriate legislative body.
- c. The City Commission or Fiscal Court may waive the public meeting if all owners of property adjacent to the street proposed for closure or abandonment, and affected governmental units having geographical jurisdiction, agree to the proposed change.
- d. Following a public meeting concerning a proposed street closure or abandonment, the City Commission or Fiscal Court shall:
 - i. If the street is entirely within the City of Frankfort the City Commission shall take final action; or,
 - ii. If the street is entirely within an unincorporated area of Franklin County the Fiscal Court shall take final action.

E. Naming of Streets Procedures

The assignment of all public and private street names shall be approved by the Planning Commission or its designated representative. Street names that have been approved by the Planning Commission are considered official street names and are to be included in the Frankfort and Franklin County Street Index File "SIF".

1. The Technical Review Team ("TRT") and Dispatch 911 will be responsible for coordination with fire and police departments, public agencies, utility providers, and others for the assignment or change of street names. This coordination will occur during the street name approval processes defined in this Article. The TRT will also be responsible for notification of all appropriate agencies of approved street names that have been entered into the SIF.

2. Initiation of Street Naming Assignments

The approval process for new street names may be initiated as part of any of the following development approval procedures. Applicants for preliminary subdivision plat review are encouraged to seek street name approval as part of the preliminary plat application.

a. Preliminary Plat for Major Subdivision

Street names may be submitted for approval with a Preliminary Plan for major subdivision. Approval of a Preliminary Plan with street names may be given by the Planning Commission, TRT or the applicable Engineering Official. A street name review fee is not required for street name assignments that are part of an application for preliminary subdivision plan review.

b. Record Plat for Major Subdivision

Street names may be submitted for approval with a record plat for major subdivision. Approval of the record plat with street names may be given by the Planning Commission, TRT or the applicable Engineering Official. A street name review fee is not required for street name assignments that are part of an application for record plat for major subdivision.

c. Minor Subdivision Plat

Street names must be submitted for approval with a minor subdivision plat. Approval of the plat with street names may be given by the Planning Commission, TRT, or the applicable Engineering Official. A street name review fee is not required for street

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name assignments that are part of an application for minor subdivision plat approval.

d. Condominium Property Regime Plan

Street names may be submitted for approval with a Condominium Property Regime Plan. Approval of the plan with street names may be given by the Planning Commission, TRT, or the applicable Engineering Official. A street name review fee is not required for street name assignments within condominium property regime plans.

e. Development Plan Review

Street names may be submitted for approval with a development plan application. Approval of street names may be given by the Planning Commission, TRT or the applicable Engineering Official. A street name review fee is not required for street name assignments that are part of an application for development plan review.

f. Street Name Change

Street name assignment requests that cannot be submitted as part of one of the development approvals listed above may utilize the street name change application process.

3. Time Limits for Street Name Approvals

Street name approvals are limited to the effective period of the associated development approval as provided in these regulations. For example, a street name approval, that is part of a preliminary subdivision plan approval, is effective for one (1) year. At the end of the one (1) year period, the preliminary subdivision plat and street name approvals would expire if the applicant has not filed a record plat for the property or requested an extension of the preliminary approval as provided in these regulations.

4. Reservation of Street Names

Property owners and registered agents may apply to the Planning Commission for a street name reservation. street name reservations have a maximum effective period of six (6) months and may not be extended except through a new application process. A street name review fee is required.

5. Duplication of Existing Street Names Not Permitted

Duplication of street names will not be permitted in order to eliminate potential confusion about the appropriate emergency response. streets with the same name but different street type designations will be considered duplicate street names (e.g., Chesterfield Drive or Chesterfield Road). Proposed street names and name changes will be compared with street names listed in the SIF to determine if the proposal would create a duplicate name.

6. Similar, Confusing, or Offensive Spelling of Street Names Not Permitted

Similar (text or phonetic) or confusing spelling of street names will not be approved in order to eliminate diction problems when individuals are reporting street names under stress. The following are examples of the issues described in this section:

EXAMPLE	PROBLEM
Stonehenge vs. Stonehedge	Similar Spelling
Rumplestiltskin	Difficult to spell
Jotunheimen	Obscure
Phunny	Phonetically confusing spelling

7. Length of Street Names

New street names shall not contain more than 22 characters, which does not include either the direction (north, east, etc.) or the street type (lane, drive, etc.). Names shall not contain hyphens, apostrophes, or other non-letter characters. New street names shall not contain more than two words, exclusive of direction or street type.

8. Permanent Voids (Use of Same Name for Interrupted Streets)

In order to preserve the continuity of street names, and accommodate permanent interruptions to streets, including limited access freeways, streams, or railroad facilities, the same street name should be continued on both sides of a permanent physical interruption to the road.

9. Continuation of Street Names

Streets continuing through an intersection shall keep the same name. Commercial, multi-family, or townhouse developments with an entrance through a publicly maintained cul-de-sac, shall be required to have a separate street name for the entrance or access road in the event that it serves or is intended to serve two or more address numbers.

10. Use of Directional Indicators in Street Names

Directional indicators, such as north and west, should not be included in street name proposals as a prefix or suffix to a street name. When streets cross the east/west or north/south zero baselines, the appropriate directional indicator may be assigned as part of the street name approval process.

11. Street Type Designations

Street type designations shall be assigned by the Planning Director or their designee. Street names submitted for review will be evaluated for conformance with the criteria provided below. Street type designations that appear on approved subdivision, site, and condominium plans shall be consistent with approved designations. Abbreviations of street type designations shall be consistent with National Emergency Number Association standards as depicted in [Table 8.1](#). See [Table 8.1](#) below for the categories that comprise the range of street types that may be approved.

12. Street type designations that are proposed that do not meet the criteria listed below will not be approved.

TABLE 8.1: STREET TYPE DESIGNATIONS		
CATEGORY	CRITERIA	POSSIBLE STREET TYPE DESIGNATION
Limited Access Roadway	Four or more lanes, divided, limited access	Pike, Freeway, or Expressway
Major Arterials	Multi-lane, high volume, through movement of traffic	Thoroughfare, Avenue, Road, Boulevard, Parkway (County Designated) Highway
Minor Arterials and Collectors	Two or more lanes, moderate traffic volumes and trip lengths	Avenue, Street, Road, Drive, Trace
Neighborhood Streets, Major, Main, Minor	Two or more lanes, provide access to individual residences or businesses	Lane, Drive, Way, Circle, Trail, Loop
Residential or Commercial Cul-de-sacs	Typically two travel lanes, providing access to fewer than twenty sites	Court, Place, Terrace
Shopping Center ingress/egress	Typically two travel lanes, providing access to business sites within a larger planned development	Square, Arcade, Center, Plaza
Service Facilities	One or more travel lanes providing service access to residences and businesses	Alley, Walk, Court, Terrace

F. Street Address Assignment Procedures

1. Street Address Assignment

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Address assignments include residential and commercial lots of record, condominium and apartment units, individual business, office and commercial uses and sites, and accessory structures and uses that represent separate living or business units.

2. Address Grid System

Each new subdivision lot, commercial unit, apartment, condominium, or townhouse shall be assigned an address based on the street providing access to the parcel. Addresses shall be assigned based on a countywide grid system. The grid system allows a series of numbers to be assigned for approximately every 500 feet of acreage cover. The address grid includes the NW, NE, SW, and SE quadrants of Franklin County and uses primary routes within the County as zero baselines.

3. Address Grid Baseline

Franklin County's address numbering system shall be on a grid system that divides the County into quadrants establishing zero baselines from which numbers are assigned. The grid system, as shown on the Addressing Grid Map on file in the office of the applicable Engineering Official, indicates the point at which block numbers will change in increments of 100. Assigned address numbers under the grid system will ascend numerically from 100 to the North and to the South based on (insert street name) as the boundary or zero base line for streets that are aligned basically North and South. Streets that are aligned basically East and West shall be assigned address numbers ascending numerically from 100 to the East and to the West based on (insert street name) as extended to the county boundary representing the boundary or zero baseline. The directional orientation of a street shall be determined by the applicable Engineering Official or the Planning Commission. Numbers on the North side of the East-West streets shall be odd and numbers on the South side of the East-West streets shall be even. Numbers on the West side of North-South streets shall be even and numbers on the East side of North-South streets shall be odd.

4. Application of Address Grid

Application of the address grid will vary, as few streets run directly north, south, east, or west. Most streets run at angles to the cardinal directions and often change direction. The primary consideration for assigning addresses on streets that diverge from the cardinal directions is the even distribution of address numbers. The grid should be used to assist in assigning numbers by orienting the grid parallel to the direction of the street. In this manner, an appropriate distance between address numbers can be maintained.

5. Odd and Even Address Numbers

odd numbers shall be assigned to the east and north sides of streets, and even numbers should be assigned to the west and south sides of streets.

6. Addressing Single-Family Dwelling Lots

Addresses for single-family dwelling lots shall be assigned consecutively on the odd and even sides of the street, and one additional address per lot to may be reserved to accommodate accessory dwelling units. Addressing Townhouse Developments - Addresses for townhouse units shall be assigned consecutively on the odd and even sides of the street. A separate street address number shall be assigned for each townhouse lot. No unit numbers, such as apartment numbers, shall be assigned to townhouse developments.

7. Commercial, Office, and Warehouse Developments with Variable Spaces

Such uses shall be evaluated for address assignment based on the minimum frontage and the maximum potential number of units. Large stores, offices, and warehouses may be divided into smaller spaces many years after the center is constructed and that potential must be taken into account to avoid potential readdressing.

8. Addressing Commercial Shopping Centers

Commercial shopping centers shall be addressed in a manner similar to townhouses. However, the primary difference is that the frontage dimension for each store may change as the use changes. Site development plans for shopping centers should include the maximum number of potential use units within the center in order to provide the maximum number of addresses. The location of the door to an individual use unit providing primary access is the critical factor in determining which available address applies. In the event that a shopping center may allow more street addresses than are available with the segment of street, the Planning Director, or designee, may assign one street address to the shopping center as a whole, and assign unit numbers for each of the potential use units within the center. Unit numbers for the stores should run as consecutive whole numbers in the same direction as the addresses on the street. Unit numbers should begin with 101 and progress until all use units have been addressed. No lower numbers, including 100, shall be used. The same procedure and information shall be used in assigning addresses and unit numbers for office and warehouse developments.

9. Addressing Commercial Shopping Malls

Malls should be addressed with one street address number assigned to the street intersecting with the main entrance. Separate address numbers should not be assigned to each entrance of shopping malls as opposed to apartment buildings. The maximum number of stores will be included on the site development plans as well as the minimum potential store frontage. Based on this information, unit numbers should be assigned using an odd and even distribution on either side of the mall corridor(s). Unit numbers shall begin with 101 on the odd side and 100 on the even side. In malls with multiple corridors, each corridor should be assigned numbers in higher hundred divisions. For example, stores in one corridor may run from 100 to 147, and stores in an adjoining corridor would run from 200 to 248. In this manner, it will be easier to locate a store in an emergency by providing a logical separation between corridors of a mall.

10. Addressing Multi-Family Dwellings

These procedures include residential and office buildings of the same construction design as apartment buildings. Multi-family housing units, such as apartments and condominiums, will have a separate whole number street address assigned to each door/entrance providing access to units within an individual building(s). Street addresses shall be assigned based on the normal criteria for assignment, skipping numbers in accordance with the grid and using the appropriate odd and even numbering scheme for building entrances. Within vertical dwelling structures, a consecutive whole unit number (referred to as apartment, suite, or unit number) should be assigned for each separate dwelling unit. The numbers shall be assigned from left to right as viewed from the common entrance. The lowest floor shall begin with 101, progressing with 102, 103, etc., until all units have been assigned unit numbers. Successively higher floors shall begin with successively higher increments of hundreds. The complete official street address for each unit will consist of the street address, street name, and unit number. When a single story multi-family structure has frontage along two streets, and has doors/entrances to individual dwelling units from each street, a separate street address will be assigned to each dwelling unit.

11. Addressing Marianas

This procedure includes all water-based facilities for the long term (more than six (6) months) docking and storage of boats that may be used as dwelling units. Marina's shall be addressed in the following manner. The marina will be assigned a street address, and each dock providing access to individual boat slips shall be designated by a letter of the alphabet,

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beginning with "A" for the dock closest to the street entrance to the marina. A whole unit number (1, 2, etc.) shall be assigned for each separate boat storage slip beginning on the right side of the dock and continuing around the dock to the slip closest to the beginning of the dock on the left side. The complete official street address for each unit will consist of the street address, street name, dock indicator (alpha), and slip indicator (numeric).

12. Assignment of Addresses to Corner Lots

Residential and commercial lots that have frontage on two (2) streets, regardless of whether the streets are private or public, shall be assigned an address from the street frontage with the narrowest dimension of the lot. An exception to this standard may be granted by the Planning Director upon application and with the approval of Dispatch 911.

G. Administration of These Regulations

1. Authority of Planning Commission

The Planning Commission may name newly established street as part of development approval procedures. Dispatch 911 shall be notified prior to final action on any name assignment.

2. Authority of City Commission or Fiscal Court

The City Commission or Fiscal Court may change name or rename an existing or newly established street at any time as defined herein. Dispatch 911 shall be notified prior to final action on any name change.

3. Authority, Duties, and Responsibilities of Engineering Official

- a. The Engineering Official shall be responsible for the interpretation, administration, and enforcement of all aspects of these procedures that are not the specifically reserved authority of the Planning Commission, and shall have the necessary authority to ensure compliance herewith, including the issuance of violation notices and any other appropriate action. Approval of all street names and addresses will be in cooperation with Dispatch 911.
- b. The applicable Engineering Official shall maintain records of all addresses for each property and building on the parcel identification maps. Such records and maps shall be made available to all public safety, law enforcement and emergency agencies for their use in the performance of their respective duties.
- c. When street address numbers are noted by the Engineering Official as either incorrect or otherwise in need of reassignment, the Engineering Official shall have the authority to effect and order a change in address in accordance with the provisions contained herein.

4. Cooperation with Dispatch 911

Cooperation with Dispatch 911 for assignment and change of street names shall be accomplished through the Technical Review Team. This team, of which Dispatch 911 is a named participating agency, will provide the venue in which the Planning Commission, Engineering Officials and Dispatch personnel can review and approve street names, name changes, and emergency service area boundaries.

5. Enforcement of Numbering System

- a. Whenever there is reason to believe that any person is in violation of any provision of this ordinance, the Engineering Official shall give notice of such violation to the person failing to comply with any such provision and order said person to take such corrective measures as are necessary within 30 days from the date of notification. Said notice shall also advise that the recipient may, within 30 days from the date of

notification, submit written evidence of why there is no violation of this ordinance.

- b. Such notice and order shall be sent certified mail, with return receipt requested, to the person allegedly committing or permitting the violation. The date shown on the return receipt shall be the date from which the 30-day period shall commence for compliance or submission of written evidence of non-violation.
- c. If such person fails to comply with the order issued pursuant to this section, the Engineering Official may initiate such actions as are necessary to terminate the violation, including criminal citations and applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action.

6. Preparation of Street Name and Address Maps, and Address Files

The Engineering Officials for the City and County shall have prepared and shall maintain a series of maps of the entire county and such maps, to the extent possible, shall depict each street and property address. The official street name, address maps and address files, and ESN boundaries shall be kept on computer files that are available in the offices of the applicable Engineering Official.

7. Display of Address Number

Address numbers shall be displayed in clear view with three inch (3") high lettering, with a minimum of a half-inch stroke.

8. Building and Occupancy Permits – Duty of Owner

- a. No building permit shall be issued for any structure until the owner or developer has procured the official address number of the premises.. A certificate of occupancy for any structure erected or repaired shall be withheld until permanent and proper address numbers have been affixed to such structure in accordance with these requirements.
- b. In the event that a structure is modified in use or design so that either a change in address or the assignment of additional addresses is required for continued compliance with this ordinance, the changed address or additional addresses must be acquired in accordance with the provisions of this article. No building permit or certificate of occupancy shall be issued until the proper street address number(s) for a modified structure has been assigned.

9. Penalty

Any person, firm or corporation failing to comply with these provisions after written notice is issued by the applicable Engineering Official shall be guilty of a violation and fined **not less than \$10 or more than \$25**, and each day during which the violation exists shall be deemed a separate offense.

Table 8-07-1: National Emergency Number Association (NENA) Recommended Abbreviations – Streets and Thoroughfares

Suffix	Abbre. **	Suffix	Abbre. **	Suffix	Abbre. **	Suffix	Abbre. **
Alley	Aly	E	Est	Lock	Lcks	Shoar	Shr
Annex	Anx	Expressway	Expy	Lodge	Ldg	Shore	Shr
Arcade	Arc	Extension	Ext	Loop	Loop	Spring	Spg
Avenue	Ave	Fall	Fall	Mall	Mall	Spur	Spur
Bayou	Byu	Ferry	Fry	Manor	Mnr	Square	Sq
Beach	Bch	Field	Fld	Meadow	Mdws	Station	Sta
Bend	Bnd	Flat	Flt	Mill	MI	Stravenue	Stra
Bluff	Blf	Ford	Frd	Mission	Msn	Stream	Strm

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Bottom	Btm	Forest	Frst	Mount	Mt	Street	St
Boulevard	Blvd	Forge	Frg	Mountain	Mtn	Summit	Smt
Branch	Br	Fork	Frk	Neck	Nck	Terrace	Ter
Bridge	Brg	Fort	Ft	Orchard	Orch	Trace	Trce
Brook	Brk	Freeway	Fwy	Oval	Oval	Track	Trak
Burg	Bg	Garden	Gdns	Park	Park	Trail	Trl
Bypas	Byp	Gateway	Gtwy	Parkway	Pky	Trailer	Trlr
Camp	Cp	Glen	Gln	Pass	Pass	Tunnel	Tunl
Canyon	Cyn	Green	Grn	Path	Path	Turnpike	Tpke
Cape	Cpe	Grove	Grv	Pike	Pike	Union	Un
Causeway	Cswy	Harbor	Hbr	Pine	Pnes	Valley	Vly
Center	Ctr	Haven	Hvn	Place	Pl	Viaduct	Via
Circle	Cir	Height	Hts	Plain	Pln	View	Vw
Cliff	Clfs	Highway	Hwy	Plaza	Plz	Village	Vlg
Club	Clb	Hill	HI	Point	Pt	Ville	VI
C orner	Cor	Hollow	Holw	Port	Prt	Vista	Vis
Course	Crse	Inlet	Inlt	Prairie	Pr	Walk	Walk
Court	Ct	Island	Is	Radial	Radl	Way	Way
Cove	Cv	Isle	Isle	Ranch	Rnch	Well	Wls
Creek	Crk	Junction	Jct	Rapid	Rpds		
Crest	Cres	Key	Ky	Rest	Rst		
Crescent	Cres	Knoll	Knls	Ridge	Rdg		
Crossing	Xing	Lake	Lk	River	Riv		
Dale	DI	Landing	Lndg	Road	Rd		
Dam	Dm	Lane	Ln	Row	Row		
Divide	Dv	Light	Lgt	Run	Run		
Drive	Dr	Loaf	Lf	Shoal	Shl		
** Abbreviations include the plural of the suffix (i.e., the abbreviation for bluffs would be Blf)							

14.08. DEFINITIONS

- A. Unless specifically defined in [herein](#), words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

1. Abutting

Touching and sharing a common point or line. This term shall not be deemed to include parcels which are across a street or public right-of-way from each other.

2. Adjacent / Adjoining

Near to but not necessarily touching; sharing a common boundary which may include a street or public right-of-way.

3. Area, Common (Includes Lot, Open Space)

Any part of a development designed and intended to be used in common by the owners, residents, or tenants of the development and by the general public if the area is so designated. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, tenants, and/or the general public.

4. Block

A surface land area that is separated, and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

5. Block Face

The portion of a Block that abuts a Thoroughfare or Neighborhood Street.

6. Blue Line Stream, Solid

A stream defined and designated as such on seven and one-half (7½) minute quadrangle topographic maps published by the U.S. Geologic Survey.

7. Buffer (or Buffering)

The use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

8. Buildable Area

The area of a lot determined by building placement standards and/or setback requirements and not included within an open space that is required by regulation or action of the Planning Commission.

9. Building

Any permanent structure designed or built for the support, shelter or protection of persons, animals, chattels or property of any kind. This term includes manufactured homes, but does not include awnings, canopies, or similar structures.

10. Building, Civic

A building that houses a civic use.

11. Building Official

The designated representatives of the City of Frankfort and Franklin County who are responsible for the administration and enforcement of building regulations.

12. Building Permit

A permit issued by the Building Official, Planning Director or designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.

13. Building Placement

Standards governing the location of principal and accessory structures on a lot or building site. A line drawn parallel to a lot line at a distance equal to the depth of a required yard. The term also includes front yard setback, side yard setback, rear yard setback, privacy building line and street building line.

14. Caliper

The diameter of a tree trunk, usually measured at four and one-half (4 ½) feet above the natural grade of the surrounding ground.

15. Certificate of Completion

A written document issued by an Engineering Official certifying that specific improvements to be dedicated for public use have been installed and/or completed in compliance with all approved development and/or construction plans, permits and applicable regulations and standards, and the improvements are accepted for the use for which they were intended.

16. Certificate of Occupancy

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A written document certifying that a building or structure has been installed and/or completed in compliance with all approved development and/or construction plans, permits, and applicable regulations and standards, and the building or structure can be used in the manner for which it was intended.

17. Civic Green

A primarily unpaved, formally configured, small public lawn or park surrounded by canopy street trees.

18. Cluster System

An on-site sewage disposal system that accepts effluent from the pre-treatment unit of more than one (1) structure or facility and transports the collected effluent through a sewage system to one (1) or more common subsurface soil absorption system(s) of conventional, modified, or alternative design.

19. Comprehensive Plan

The plan for the physical development of the area within the jurisdiction of the Planning Commission, which has been adopted by the Planning Commission, the Franklin County Fiscal Court, and the City of Frankfort Commission.

20. Construction Review Team

A Committee of representatives of City or County departments and utility companies established by the Planning Commission for the purpose of conducting a technical review, inspections and final approval of Record Plats, Construction Plans, Performance and Defect Guarantees, to insure compliance with the provisions of the Zoning Ordinance, Subdivision and Site Plan Regulations and other land development standards.

21. Curb

The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

22. Day

Unless otherwise specified, the term mean's calendar day.

23. Deceleration Lane

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

24. Dedication

The transfer of property from the owner to another party.

25. Deed

A legal document conveying ownership of real property.

26. Deed Restriction

See Restrictive Covenant.

27. Developer

Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who lay's out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

28. Development

Except where the context otherwise requires, "development" shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the

permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two (2) or more parcels; and any construction of improvements to facilitate a residential, commercial, business, industrial, or public use.

29. Easement

Any strip of land for public or private utilities, drainage, sanitation, access, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of servitude.

30. Easement, Garden

An easement area between a privacy building line and the common lot line.

31. Easement, Common Access

An unobstructed passageway for two (2) or more lots, typically crossing or occupying a portion of more than one (1) lot, which provides access to garages, utilities, and services such as garbage collection.

32. Easement, Conservation

The grant of a property right stipulating that the described land will remain in its natural or existing state and limiting further future or additional development.

33. Easement, Conservation

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

34. Easement, Construction

A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

35. Engineer

A person currently registered and licensed to practice engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

36. Engineering Official

The City of Frankfort, Kentucky, and the Engineer appointed therefore; the County of Franklin, Kentucky, and the Engineer appointed therefore.

37. Erect

To build, construct, reconstruct, alter, relocate, raise, assemble, attach, hand, place, suspend, or affix, including the painting of wall signs.

38. Family

A group of one (1) or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house, motel, or hotel.

39. Family Member

The person or persons who are members of a family. When used in conjunction with an In-Family Conveyance, a family member is the person or persons who are the grantees of the conveyance, are members of the immediate family of the grantor, and are related to the grantor by birth, adoption, or marriage.

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40. Fence, Privacy

Fences and hedges along alleys and common lot lines.

41. Fill

A deposit of soil, rock, or other non-deteriorating material used to replace or supplement the original soil or subsoil

42. Fill, Construction

A term used to describe the fill upon which any permanent structure or human occupancy or other permanent construction for human use (such as roads, parking areas, etc.) shall be built.

43. Fire Department Official

The City of Frankfort, Kentucky, and the Chief of the Fire Department or designee appointed therefore; the County of Franklin, Kentucky, and the Chief of the Fire Department or designee as appointed therefore.

44. Firefighter, Regular

The regular members of a fire department in a Fire Protection District, except volunteer firefighters, who have the same powers of arrest as now given by law to sheriffs of the Commonwealth in the manner prescribed by KRS 75.160.

45. Floodplain

Low-lying land that is susceptible to flooding from any source. The floodplain consists of two (2) sections--the floodway, which is the channel for a watercourse and that portion of land needed for the passage of a determined amount of water (normally a 100-year flood), and the flood fringe or that portion of the floodplain outside the floodway, but still subject to flooding.

46. Geologic Hazard Area

An area in which environmental problems are so numerous that even severely limited development could pose a serious problem to the immediate or surrounding areas. Examples include excessive floodplain areas, clustering of sinkholes, cliff areas, areas that have potential collapse problems due to underground caves near the surface, and similar areas.

47. Grade

It is the average elevation of the finished ground surface at the outside of a fence or wall, or at the outside walls of a building. In cases where walls or fences are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured from the elevation of the sidewalk. If there is no sidewalk, and a wall or fence is parallel to and within five (5) feet of the roadway pavement, ground level shall be measured from the elevation of the roadway pavement.

48. Grade, Lowest Adjacent

The lowest natural elevation of the ground surface, prior to construction, next to the proposed wall of a building.

49. Grading

Any stripping, cutting, filling, or stockpiling of earth or land, including land in its cut or filled condition, to create new grades.

50. Greenway

A linear open space, at least thirty feet (30) wide, established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or overland along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route designed and managed for public use including wildlife habitat. A greenway is an open space connector linking

parks, nature preserves, cultural features, or historic sites with each other and with populated areas.

51. Groundwater

The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

52. High Water Elevation, Normal

The elevation that water will rise to in lakes and streams during or following a frequent rainfall event.

53. Home Owners' Association

A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. Participation in the association may be mandatory.

54. Improvement

Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monument, permanent control points, or any other improvement required by these regulations.

55. Improvements, Common

All streets, driveways, parking spaces, and other vehicular use areas, and all uses, facilities, structures, buildings, and other improvements, or portions thereof, which are designed and provided for the common use, benefit, and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or for the protection of adjacent properties.

56. Infrastructure

Facilities and services needed to sustain industrial, residential, commercial, or other land use activities.

57. Land Clearing

Removal of all trees and/or vegetation from the land surface to the mineral soil.

58. Land Surveyor

A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

59. Land Use

A description of how land is occupied or utilized. The terms "land use" and "use of land" shall be deemed also to include building use.

60. Landscaping

Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and architectural landscape features and material.

61. Lot

The least fractional part of land having fixed boundaries, and (when part of a subdivision) having an assigned number, letter, or other name through which it is identified. This term includes tract and parcel.

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62. Lot, Corner

A lot abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred thirty-five (135) degrees.

63. Lot Depth, Mean

The mean distance from the front street line of the lot to its opposite rear line, measured in the mean general direction of the sidelines of the lot.

64. Lot, End

A lot in which one (1) side lot line is adjacent to the street.

65. Lot, Flag

A lot or building site which has a minimum frontage on a public or private street, which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all ordinance requirements.

66. Lot Frontage

The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

67. Lot Frontage, Primary

The side of a lot abutting a street along the narrow dimension of the lot.

68. Lot Frontage, Secondary

The side of a lot abutting a street that is not the primary frontage.

69. Lot, Interior

A lot other than a corner or end lot.

70. Lot, Reverse Corner

A corner or end lot, the street side lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

71. Lot, Reverse Frontage

A through lot or corner lot intentionally designed so that the front lot line faces a local street rather than facing a parallel or perpendicular major thoroughfare.

72. Lot Split (or Parcel Split)

The division of one lot or parcel into two (2) lots or parcels that is accomplished through the preparation and recording of deeds establishing the new lots or parcels.

73. Lot, Through

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

74. Lot Width, Mean

The mean distance from a sideline of the lot to its opposite sideline, measured in the mean general direction of the front and rear lines of the lot.

75. Lot Area

The total land area within the fixed boundaries of a lot.

76. Lot Area Average

The sum of the area of all lots divided by the number of lots for which area was summed.

77. Lot Lines

The property lines bounding the lot.

78. Lot Line (Property Line)

Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

79. Lot Line, Common

Lot lines shared by private lots, generally side lot lines, perpendicular to the street.

80. Lot Line, Zero

A lot in which one (1) of the side yard setback lines is coterminous with a side lot line.

81. Monument

A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

82. Neighborhood

An area of a community with historic, architectural, cultural, socio-economic, land use or other characteristics that distinguish it from other community areas. Neighborhoods can include a single use such as residential or can include a mixture of residential, commercial, workplace, and/or civic uses such as churches and schools.

83. Open Space

Any contiguous area of ground of at least fifty (50) square feet which is not covered by any building, street, right-of-way or vehicular use area.

84. Open Space, Common

All open space, or portions thereof, including landscaping, screening, and buffering, which is part of a Common Area.

85. Owner

Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development of a lot or parcel. Also includes the term Property Owner.

86. Pavement

The portion of a street intended for vehicular movement and parking.

87. Pavement Width

The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

88. Pedestrian Path Way

An interconnecting paved walkway that provides pedestrian passage through blocks running from street to street. These pathways should provide an unobstructed view through the block.

89. Performance Guarantee

Any security that may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat.

90. Perimeter

The boundaries or borders of a lot, tract, or parcel of land.

91. Person

Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

92. Phase

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The designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

93. Plans, Construction

The maps or drawings accompanying a record subdivision plat or site plan and showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of the Subdivision and Site Plan Regulations. This term also includes Construction Drawings.

94. Plans, Development (includes Site Plan)

Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, and existing, manmade and natural conditions. The definition of "Development Plan" has been taken from the [Kentucky Revised Statutes, Chapter 100.111](#) and modified. It generally refers to the Development Plan that is a required submittal for the review and action by the Planning Commission in regard to applications for Zoning Map Amendment.

95. Planning Director

The designated City and County representatives of the Frankfort and Franklin County Planning and Zoning Commission who are responsible for the preparation of the community's comprehensive plan and the administration and enforcement of land development regulations.

96. Plat, Major or Minor

The difference between a Major and Minor Subdivision Plat is the number of lots to be created. A Major Plat will create six (6) or more lots, and a Minor Plat will create five (5) or fewer lots.

97. Plat, Preliminary

The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the requirements established by the Planning Commission relating to preliminary plats.

98. Plat, Record

The final map of all or a portion of the subdivision which is presented to the appropriate authority for final approval in accordance with the applicable regulations, and which, if approved, shall be filed with the Clerk of Franklin County

99. Porch, Front

The ground floor platform attached to the front or street side of the main building.

100. Property

A lot, parcel, or tract of land together with the building and structures located thereon.

101. Property Line, Front

The shorter building lot line which coincides with the right-of-way of the street or other defining element such as a sidewalk or common open space. In the case of a building lot abutting only one (1) street the frontage line is the line parallel to and common with the edge of the sidewalk. In the case of a corner lot, the part of the building lot having the narrowest frontage on any street shall be considered the frontage line.

102. Property Owners' Association

An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision - be it lot, parcel, site, unit plat, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

103. Public Space

Any area, lot, building site, or development site that has been reserved or dedicated for public use.

104. Reconstruction, Substantial

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started; or (2) if damaged, the value of the structure to be restored prior to being damaged.

105. Residential Tract

A lot created by a subdivision the total extent of which is not shown on the plat and having a minimum area of ten (10) acres.

106. Re-Plat or Re-Subdivision

Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

107. Restrictive Covenant

A restriction on the use of land usually set forth in the deed.

108. Right-of-Way

A strip of land owned or controlled by a governmental agency over which the public has right of passage, including the streets, parkways, medians, sidewalks, and driveways constructed thereon.

109. Scenic Byway

Any classified street that has been determined to have scenic, culturally significant, and/or historic characteristics that should be preserved and protected. The determination can be made by any local, state, or federal agency or unit of government, but must be officially shown on the Major Thoroughfare Plan Map contained in the Comprehensive Plan to have protected status via these regulations.

110. Sediment

Solid material that may be mineral or organic and is in suspension, is being transported, or has moved from its site of origin by water.

111. Sedimentation

The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

112. Setback

See Building Line.

113. Sidewalk

An improved walkway intended primarily for pedestrians, usually running parallel to one or both sides of the pavement of a street.

114. Sight Distance

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a. **Across Intersections**

A straight line with unobstructed view measured in either direction across the corner between points, each seventy-five (75) feet back from the theoretical intersection of the edges of the pavement prolonged; the first point located four (4) feet above the grade of the pavement edge, the second point located one (1) foot above the grade of the pavement edge.

b. **Along Road**

A straight line with unobstructed view measured between a point located at four (4) feet above the finished grade of a road, at the center line of each traffic lane, and a point located at a given minimum distance away from the first point, located one (1) foot above finished grade at the center line of the same traffic lane.

115. Site

See building site or development site

116. Site, Building

Any group of one or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger Development Site. Building site area does not include surface water bodies or floodways, but does include wetlands.

117. Site, Development

The property under consideration for a development, which may contain one (1) or more Building Sites and shall be under single ownership at the time of application. When the Development Site contains more than one (1) Building Site, the applicable Development Plan setback requirements shall be established from the Development Site Perimeter.

118. Stoop

A ground floor entry platform at the front and/or street side of a building. Where required by the building placement standards, stoops may be roofed but not enclosed.

119. Stream Corridor

Any river, stream, pond, lake, or wetland, together with adjacent upland areas, that support protective bands of vegetation that line the water's edge.

120. Stream, Intermittent

Channels that naturally carry water part of the year and are dry the other part. This definition does not include streams that are intermittent because of irrigation diversion or other man-made diversions of the water.

121. Street

An area of land designated for public use, within defined limits, in order to provide a means for vehicular and pedestrian movement. The right-of-way limits of any street may include the street pavement, curb and gutter (or open ditches), sidewalks, and may provide space for the location of utilities. The right-of-way limits of any street shall be coincident to the property line of the adjacent or abutting lot. Streets are classified specifically herein as follows:

122. Street, Alley

Streets generally having two open ends with each end connecting to different streets. Alleys generally provide service and access to the rear of abutting properties on both sides thereof and are not intended for general traffic circulation.

123. Street, Arterial

Arterial streets rank second in the classification of streets and are used primarily for vehicular movement and secondarily for vehicular access to abutting properties. Arterial streets are the

link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control and right-of-way limits.

124. Street, Continuing (Neighborhood Street)

Continuing streets are minor streets having two (2) open ends, each end generally connecting with different streets. One (1) or more other streets may intersect such a street between its two open ends, and property abuts both sides of such a street.

125. Street, Collector

Collector streets rank third in the classification of streets and are principally used for vehicular movement however, access to abutting properties is planned and controlled so that minimal disturbance is made to the traffic flow on said collector street. Collector streets are the link between arterial and minor streets, and generally rank next to arterial streets in right-of-way widths and speed control.

126. Street, County Roads

Streets that generally have two open ends, but may have one closed end, and provide access to farms and agricultural operations, and other rural land uses.

127. Street, Cul-de-Sac (Neighborhood Street)

Minor streets having only one (1) open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement.

128. Street, Expressway (Major Thoroughfare)

Expressways rank first in the classification of streets, and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade-separated interchanges with merging deceleration and acceleration lanes.

129. Street, Loop

Minor streets having two (2) open ends each and generally connecting with the same street. No other streets intersect between its two (2) ends and property abuts on both sides thereof.

130. Street, Marginal Access

Marginal access streets are minor streets generally having two (2) or more access points to the major system by connecting to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.

131. Street, Neighborhood

Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on these street types should have an origin or destination in the immediate vicinity. These street types are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Neighborhood streets require the least amount of vehicular movement and may be further classified into six (6) categories (Continuing; Marginal Access; Loop; Cul-de-Sac; Alley; Country Road).

132. Street, Private

A street whose right-of-way is retained in private ownership. This includes the term cross-access easement.

133. Street, Stub

A street that usually ends at a property line and is designated to be extended to adjoining property in the future.

134. Street Index File

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The computerized listing of all the vehicular rights-of-way and areas with a common name in Franklin County.

135. Streetscape

This term refers to the various components that make up a street, both in the right-of-way, and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

136. Subdivider

Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

137. Subdivision of Land

The division of a parcel of land into two (2) or more lots or parcels, for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision, and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

138. Subdivision, Major

A subdivision of land that is generally of major significance to the community's future development, and shall include all subdivisions that do not conform to the definitions established for minor subdivisions. Generally, major subdivisions are those that create six (6) or more lots for sale or building development for residential, commercial, or industrial activities.

139. Subdivision, Minor

A subdivision of land that involves five (5) or fewer lots and is generally of minor planning significance to the community's future development.

140. Technical Review Team

A group of representatives of City or County departments or utility companies established by the Planning Commission for the purpose of conducting a technical review of subdivision plats and development plans to insure compliance with the provisions of the Zoning Ordinance, Subdivision and Development Plan Regulations and other applicable adopted regulations.

141. Tree, Street

A deciduous tree, of a hardy species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

142. Use, Agricultural (from KRS 100.111 (2))

The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public; (b) regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156; (c) a tract of at least five (5) contiguous acres used for the following

activities involving horses....; or (d) a tract of land used for the following activities involving horses. ”.

143. Use, Civic

Buildings and facilities owned, operated or reserved by a corporation or association of persons for civic, social, fraternal or recreational purposes and not operated or maintained primarily for profit.

144. Utility, Public

Any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

145. Variance

Permission from the Board of Zoning Adjustment or Planning Commission to modify a dimensional subdivision and site plan standard.

146. Wetland

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

147. Yard, Front

The primary area of the lot from the street frontage to the enclosed portion of the building wall. This area is contiguous with the street and includes the front porch and front wall of the building.

148. Zoning Ordinance

The officially adopted Zoning Ordinance of Frankfort and Franklin County together with any and all amendments thereto.

ARTICLE 15. DEFINITIONS

15.01. PURPOSE

- A. For the purposes of the Zoning Regulations, certain terms are herein 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;
- B. Person includes association, firm, partnership, trust, government body, corporation, organization, as well as an individual;
- C. Structure includes building;
- D. Occupied includes arranged, designed or intended to be occupied;
- E. Used includes arranged, designed or intended to be used;
- F. Shall is always mandatory and not merely directive;
- G. May is permissive;
- H. Lot includes plot or parcel.
- I. Other words and terms shall be defined as listed in [Section 15.02. Defined Words](#).
- J. For the purpose of this chapter, one word shall be deemed to be any of the following:
 - 1. Any word in any language found in any standard unabridged dictionary or dictionary of slang;
 - 2. Any proper noun or any initial;
 - 3. Any separate symbol or abbreviation, such as "%" and "Inc.";
 - 4. Any telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00" or "50%";
 - 5. Any symbol or logo that is a trademark, but which, in and of itself, contains no word or character; and
 - 6. Otherwise, each separate character is considered to be a word. (Ord. 8, passed 10-23-1987, § 11.04)

15.02. DEFINED WORDS

A

ACCESSORY USE OR STRUCTURE

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

ADDRESS.

The numeric reference of a use or building to a street name.

ADULT ENTERTAINMENT BUSINESSES

Definition

ADMINISTRATOR

The officer or other designated authority, or their duly authorized representative charged with the administration and enforcement of these regulations.

AGRIBUSINESS

A commercial enterprise that operates in conjunction with or in support of agricultural operations. This may include, but is not limited to, food processing, packaging, equipment sales and repair, agricultural research, farm supply sales, and value-added production such as creameries

AGRICULTURE

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

AGRITOURISM

An activity conducted on a working farm or agricultural property that is related to agriculture and allows members of the general public to observe, participate in, or experience aspects of farming, ranching, heritage, or rural culture for recreational, educational, or entertainment purposes. Agritourism includes, but is not limited to, "pick-your-own" operations, corn mazes, hayrides, petting zoos, farm tours, on-farm markets, agricultural festivals, and farm stays.

AGRIVOLTAIC PROJECT

The simultaneous use of an area of land for both a Ground Mounted SES and agricultural purposes compatible with Ground Mounted SESs, including the keeping or grazing of livestock such as cattle, chicken or sheep ,beekeeping, and crop or vegetable production.

ALLEY

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

ALTERATION.

The change of a previously approved plat or development plan and includes any change in lot boundary lines and street layout.

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.

ANIMAL, KENNEL, DAYCARE, AND TRAINING FACILITY

An establishment, structure or premises providing overnight accommodations of more than four (4) household pets of farm animals, with or without compensation; or a structure or premises used for the schooling, exercising, socializing attending to the care of household pets, with or without compensation, during the day and without overnight stays

ANIMAL HOSPITAL, VETERINARIAN OFFICE AND CLINIC

An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use does not include 'animal board/kennel,' and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time. This use shall not include any outdoor animal runs, play areas, or other similar outdoor activities.

ANTENNAS OR RELATED EQUIPMENT – SMALL CELL AND WIRELESS COMMUNICATION FACILITIES

Transmitting, receiving, or other equipment used in conjunction with a wireless communications facility to support cellular telecommunications services or personal communications services. The term includes utility or transmission equipment, antennas, radios, power supplies, generators, batteries, cables, equipment buildings, cabinets, storage sheds, shelters, or similar equipment, but does not include cellular antenna towers.

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.

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

APPLICANT.

A person or entity who is authorized by the provisions of these regulations to file for approval under these regulations.

APPLICATION.

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by staff or the Planning Commission part of a submission for review.

ARBORETA, BOTANICAL GARDEN, AND ZOOLOGICAL GARDEN

The following definitions pertain to Arboreta, Botanical Gardens, and Zoological Gardens. Such use can one, or any combination of the following:

- Arboreta – A place where trees and plants are grown for scientific and educational purposes;
- Botanical Garden – A public or private facility for demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants;
- Zoological Garden – A facility in which animals are

ARBORIST, CERTIFIED

An individual trained in the art and science of planting, caring for, and maintaining trees that has been certified by the International Society of Arboriculture.

ARCHITECTURAL FEATURE

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

AUTOMOTIVE FUELING / CHARGING

An establishment where liquids used as motor fuels or alternative fuel, power or energy is sold at retail to the public and deliveries are made directly into or onto automobiles. The sale of fuel, power, or energy shall be the primary use of the property. Retail grocery or convenience store sales are permitted.

AUTOMOTIVE RENTAL

Any building or land used for the display and rental of motor vehicles, including but not limited to motorcycles, recreational vehicles, and trucks in operable condition. The act of renting a motor vehicle is the use of a motor vehicle for a temporary period of time at an agreed amount of money for the rental. There shall be no sales of automobiles allowed on premise without appropriate approval.

AUTOMOTIVE SALES / LEASING

The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used commercial or recreational vehicles, in operable condition. This use includes the storage, maintenance, and servicing of commercial and recreational vehicles as a principally permitted or accessory use.

AUTOMOTIVE SALES / REPAIR, COMMERCIAL & RECREATIONAL VEHICLE

The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used commercial or recreational vehicles, in operable condition. This use includes the storage, maintenance, and servicing of commercial and recreational vehicles as a principally permitted or accessory use.

AUTOMOTIVE SERIVE / REPAIR, MAJOR

An establishment where repair of construction equipment, commercial trucks, automobiles, and similar heavy equipment, including major exterior, engine, and transmission repairs are conducted.

AUTOMOTIVE SERIVE / REPAIR, MINOR

An establishment engaged in the minor repairs to any vehicle including repairs and replacement oil, coolant system, air conditioning system, audio, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignments and balancing, and repair and replacement of shock absorbers for vehicles and other motorized equipment owned by the general public.

AUTOMOTIVE WASH / DETAILING

A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

AWNING

A shelter projecting from and supported by the exterior wall of a building.

B

BANKS AND FINANCIAL INSTITUTIONS

A facility, building feature, or equipment of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, and mortgage companies. Such uses do not include check cashing or short term loan establishments. The use may or may not include a drive-through window. Automated Teller Machines (ATMs) shall not be considered a financial institution. See definition for "Automated Teller Machine."

BAR / TAVERN

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. Food may also be available for consumption on the premises.

BASE FLOOD or 100-YEAR FLOOD

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

BASE STATION.

A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communication between user equipment and a communication network. The term does not include a cellular antenna tower as defined in this section or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including small cell systems).

The term includes any structure, other than a cellular antenna tower, that, at the time the required application is filed with the Planning Commission under this subchapter, supports or houses equipment described in division (1) of this definition that has been reviewed and approved under the applicable zoning or siting process even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the required application is filed with the Planning Commission under this definition, does not support or house equipment described in this definition.

BED AND BREAKFAST

A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for a finite and temporary basis that does not exceed 28 days, and wherein the owner of the property remains on site for the duration of the guests stay. No kitchen facilities may be provided for use by guests.

BREWERY, DISTILLERY, WINERY, CIDERY (MAJOR)

Brewery, distillery, winery, or cidery that produces more than 15,000 barrels per year and may distribute outside the region. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

BREWERY, DISTILLERY, WINERY, CIDERY (MINOR)

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

A limited production brewery, distillery, winery, or cidery that produces less than 15,000 barrels per year and that typically produces specialty beers, spirits, wines, or ciders that are generally sold locally. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

BREW PUB

An establishment primarily engaged in the retail sale of prepared food for consumption on site, which includes the brewing of beer as an accessory use, for consumption on site. The brewing processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage

BUFFER

A physical and visual separation between different land use / zoning districts. In addition to defining physical spaces, buffers typically contain plants, walls, fences, water features, or other landscape elements that help screen views, maintain privacy, and preserve community character.

BUILDING

Any structure having a roof supported by column, walls or air pressure for the housing or enclosure of persons, animals, or personal possessions. When any portion thereof is completely separated from every other person therein by a division wall without openings, then each portion therein 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 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.

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 25 feet from the centerline of a street in a residential zone or 30 feet from the centerline of a street in a non-residential zone where exact right-of-way is unknown, unless otherwise provided.

C

CALIPER

The diameter of a tree that is measured at six inches (15 cm) above ground level for trees up to four-inch caliper and 12 inches above ground level for larger sizes. This measurement is commonly used in the nursery industry to measure tree planting stock.

CAMPGROUND

A lot or parcel on which two or more tents, cabins, lean-tos, recreational vehicles, or other similar object is established or maintained as temporary living quarters for recreation, education, or vacation purposes.

CANNABIS BUSINESS

Any entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility.

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.

CARDHOLDER

A registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the Kentucky Cabinet for Health and Family Services for medicinal cannabis in compliance with KRS 218B; or a visiting qualified patient who has obtained and possesses:

1. A valid out-of-state registry identification card; and
2. Documentation of having been diagnosed with a qualifying medical condition.

CARPORT

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

CATERING SERVICE

An establishment where food and beverages are prepared for consumption off-premises, and are delivered or transported to a different location for service. This use may include the storage of equipment used in the preparation, transport, and service of food.

CELLULAR ANTENNA 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.

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 communication services.

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.

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.

CELLULAR TELECOMMUNICATIONS SERVICE

A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CEMETERY

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

Land used for 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.

CERTIFIED LOCAL GOVERNMENT

A government meeting the requirements of the National Historic Preservation Amendment Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky Heritage Council.

CHANGE IN USE

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

CHARACTER

Any letter of the alphabet, any numeral or Greek letter.

CITY

The City of Frankfort, Kentucky

CLUB, LOUNGE, OR MEETING HALL

Building or 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.

CO-LOCATION.

Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

COMMISSION

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

CONTRIBUTING BUILDING OR RESOURCE

A building or feature on a property in one of the Special Historic Zoning Districts (S-HD, S-CBD, or S-CD) that was constructed during district's period of significance and makes a contribution to the historic and/or architectural importance of the district as a whole. The evaluation of whether a building or resource is contributing is done by a professional architectural historian. Also see "Noncontributing."

COUNTY

The County of Franklin, Kentucky.

CRITICAL ROOT ZONE (CRZ)

The area of soil extending from the tree trunk in which roots required for future tree health and survival are located. This area is defined as a circle with a minimum radius of 1.5 feet for every 1 inch in Diameter at Standard Height (DSH).

D

DAMAGE, LANDSCAPING & BUFFERING

The impact or loss to any tree including, but not limited to, removal, root cutting, root removal, girdling, soil compaction, soil contamination, topping, pruning more than 20% of the tree's canopy, bark removal, poisoning and/or actions contributing to the decline or death of a tree.

DAY CARE CENTER, NURSERY, KINDERGARTEN

Any facility, including a home or dwelling unit, which regularly provides care for four (4) or more children away from the child's own home. The operator's own children shall be included in the total number of children permitted.

DEMOLITION

Any act that destroys in whole or in part a landmark or a building in a historic district or a landmark site.

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.

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.

DIAMETER AT BREAST HEIGHT (DBH)

A standard measurement in forestry and arboriculture that refers to the diameter of a tree trunk measured at 4.5 feet above the ground.

DISTRICT

A portion of the territory within the City of Frankfort or Franklin County to which certain regulations and requirement 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.

DRIPLINE

The area on the ground directly below the outermost edge of the tree's canopy, where water drips from the leaves when it rains.

DWELLING:

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

DWELLING, MULTIPLE FAMILY

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

DWELLING, MULTI-FAMILY, 3 – 5 UNITS

A building or portion thereof designed for or used exclusively for three (3) to five (5) families or housekeeping units.

DWELLING, MULTI-FAMILY, 6 – 15 UNITS

A building or portion thereof designed for or used exclusively for six (6) to 15 families or housekeeping units.

DWELLING, MULTI-FAMILY, 16 – 30 UNITS

A building or portion thereof designed for or used exclusively for 16 to 30 families or housekeeping units.

DWELLING, MULTI-FAMILY, 30+ UNITS

A building or portion thereof designed for or used exclusively for 30 or more families or housekeeping units.

DWELLING, SHARED FAMILY

Any building occupied by not more than four (4) residents, unrelated by blood or marriage, to which the common areas and facilities are shared. This does not include limited care/ treatment centers of halfway houses. (see KRS 100.984)

DWELLING, SINGLE-FAMILY.

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

DWELLING, SINGLE FAMILY, ATTACHED

Dwelling units that are structurally attached to one another, side by side, and erected as a single building, with a limit of three (3) units per building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

DWELLING, SINGLE FAMILY, DETACHED

A building designed for, or used exclusively for, residence purposes by one family or housekeeping unit, situated on a parcel having a front, side, and rear yard.

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

DWELLING, TWO FAMILY

A residential structure containing exactly two dwelling units that, when arranged side-by-side, are separated from each other by an unpierced common wall extending from ground to roof. The units may either be attached and consist of one or more stories or stacked vertically with one dwelling unit located on top of the other.

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.

E

EASEMENT

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

ECOTOURISM

Low-impact recreational or educational use of land that promotes environmental stewardship, conservation, and interpretation of natural and cultural features. Typical uses include, but are not limited to birdwatching, nature trails, guided tours, kayaking or canoeing access points, and conservation education programs.

EDUCATION FACILITY, COLLEGE, UNIVERSITY, OR TRADE SCHOOL

Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in any college or university accredited by the Kentucky Department of Education or by an accrediting association recognized by the United States Office of Education.

EDUCATION FACILITY, PUBLIC OR PRIVATE

Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade 12 by the Kentucky Department of Education or by an accrediting association recognized by the United States Department of Education

ELEVATION

A geometric projection of a building on a vertical plane.

EXPANSION TO AN EXISTING MOBILE HOME PARK

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

F

FACADE, BUILDING

Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building, which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five degrees of one another, they are to be considered as part of a single facade.

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.

FARMS, CROP PRODUCTION

The use of land for the production of agricultural crops, including but not limited to grains, tobacco, fruits, vegetables, flowers, and timber. This includes the preparation of the soil, planting, cultivation, and harvesting.

FARMS, LIVESTOCK

The use of land for the production of livestock, including the breeding, raising, and feeding of bovine, equine, swine, ovine, caprine, and poultry. This includes the associated housing of animals and the storage of feed produced on-site.

FARM PRODUCT

Any raw agricultural, horticultural, or floricultural product, or any livestock or livestock product, that has not been subjected to a process of manufacture or "significant transformation" from its natural state

FARM PRODUCT, RETAIL

The sale of farm products directly to the consumer. This includes roadside stands or farm markets where at least 50% of the gross sales are derived from products produced on the farm or by the owner of the establishment.

FARM PRODUCT, WAREHOUSING AND STORAGE

A facility primarily used for the long-term or seasonal storage of raw farm products (such as grain elevators, tobacco warehouses, or cold storage for fruit) before they are transported to a processing facility or wholesale market.

FARM PRODUCT, WHOLESALE (RAW MATERIALS)

An establishment engaged in the merchant wholesale distribution of raw agricultural products, such as grain, livestock, or leaf tobacco, to other businesses for further processing or resale.

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 BOUNDARY-FLOODWAY MAP

Map issued by the Federal Emergency Management Agency (FEMA) for use during the Regular Phase of the National Flood Insurance Program (NFIP) 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 flood plain cross sections.

FLOODPLAIN

All areas of special flood hazard, including the "Floodway".

FLOOR

The top surface of an enclosed area in a building (including basement) – 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, LOWEST

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's 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.

FLOOR AREA, GROSS FLOOR AREA

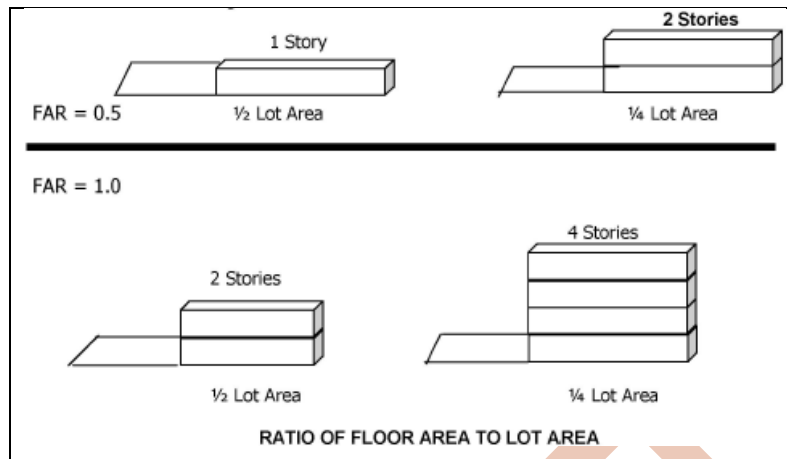
The total number of square feet of floor space within the surrounding walls of a building or structure (or portion thereof), exclusive of vents, shafts and courts

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.

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS



FISHERIES

The use of land or water for the production of aquatic organisms, including but not limited to fish, crustaceans, mollusks, and aquatic plants. This includes the breeding, raising, and harvesting of such organisms in natural or artificial enclosures (ponds, tanks, or raceways) and the customary infrastructure required for their maintenance.

FORESTRY SERVICES

Establishments and activities primarily engaged in the management, conservation, and harvesting of timber and forest resources. This includes, but is not limited to, timber tract management, forest nurseries, reforestation services, and the "harvesting of timber" (logging). This use includes the temporary storage of harvested logs but does not include the permanent processing of wood products, such as a commercial sawmill operation.

FRONTAGE

The length of any property line or of any one parcel along a street on which it borders.

G

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.

GARDEN, COMMERCIAL

An individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale.

GARDEN, COMMUNITY

An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, or donation. This use does not include the on-site sale of any produce or plants, nor does it include the use of heavy commercial farm equipment. Use of the site is limited to the cultivation of plants, and all compost or organic matter must be managed so as not to create a nuisance for adjacent properties.

GEOLOGIST, QUALIFIED

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

GIRDLING

The deliberate act of removing a continuous ring of bark and underlying tissues from the circumference of a tree trunk and/or choking a tree trunk with wire, twine or rope; resulting in the interruption of the flow of water, nutrients, and carbohydrates between the roots and the canopy.

GOLF COURSE / COUNTRY CLUB

A public or private golf course, which may include clubhouse facilities such as a pro shop, administrative offices, and a snack bar (indoor/outdoor).

GOVERNMENT FACILITY

Any buildings, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

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.

GRADE, CURB

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

GRADE, HIGHEST ADJACENT

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

GROUP HOME

a homelike facility, excluding Department of Juvenile Justice operated or contracted facilities, for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources.

H

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.

HISTORIC DISTRICT

An area meeting one or more of the criteria contained in [Section 17.15.8](#) of this Article.

HOME OCCUPATION

Any use conducted entirely within a dwelling, attached garage, or accessory structure 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.

HOSPITAL

An establishment providing accommodations, facilities and services on a continuous 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 that provides transient lodging without provision for cooking within individual rooms and having a lobby and registration desk. This term does not include lodging house, rooming house, boarding house, or short term rentals. (Amended 09-2018)

I

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

IMPROVEMENT, SUBSTANTIAL

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.
3. For the purpose of this definition "substantial improvement" is 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:
 - a. 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
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

INSTITUTIONAL CARE FACILITY

Any facility for the elderly, infirm, or individuals requiring rehabilitation or treatment for addiction, mental health disorders, or physical infirmities, in which three or more unrelated individuals may stay on a predominantly intermediate or long term basis, and where inpatient care and living accommodations are provided in exchange for compensation from any source. Institutional care facilities include, but are not limited to, nursing homes, assisted living facilities, hospices, addiction treatment facilities, mental health treatment facilities, inpatient physical rehabilitation facilities, convalescent homes, or similar uses. Institutional care facilities shall not include hospitals, medical offices, medical or dental clinics, urgent care centers, outpatient physical rehabilitation centers, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without a component of predominantly intermediate or long-term stays.

INTERSECTION

The junction of the centerlines of any two public rights-of-way, 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.

J

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.

K

L

LANDFILL

A community facility, which is a necessary part of the community's 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.

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 day's operation or at more or less frequent intervals as necessary and in compliance with all requirements and regulations of this chapter, and with all requirements and regulations of the commonwealth. This includes sanitary "contained" landfills, "construction/demolition debris" landfills, "residual" landfills and "incinerator" facilities, as defined by the regulations of the commonwealth.

LANDFILL, SANITARY (CONTAINED)

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 chapter and with all requirements and regulations of the commonwealth.

LANDMARK

A building or structure meeting one or more of the criteria outlined in **Section 17.15.7** of this Article.

LAUNDRY

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

1. LETTER OF MAP AMENDMENT (LOMA).

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 human-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations and planimetric features.

3. LETTER OF MAP REVISION - FILL (LOMR F).

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.

LIBRARY, MUSEUM, OR GALLERY

DEFINITION

LIGHT, DIRECT

Light which travels directly from its source to the viewer's eye.

LIGHT, INDIRECT

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

LIGHT, SKELETON

DEFINITIONS

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.

LOT

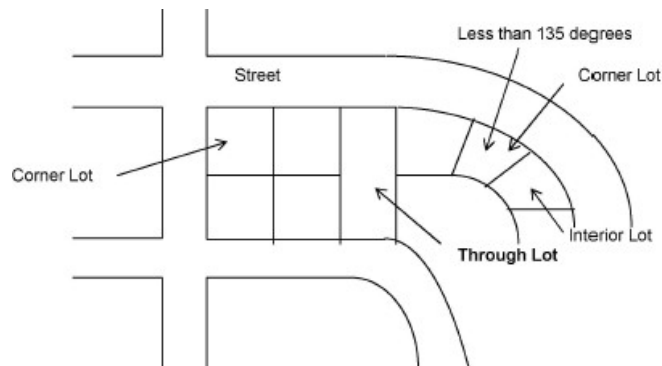
A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat. In determining lot area and boundary lines, no part thereof within the limits of the street shall be included. The word "lot" included the work "plot".

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

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.



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 a 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, THROUGH

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

LOT WIDTH

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

LOT LINE, FRONT

The line separating a lot from any street right-of-way along the principal frontage.

LOT LINE, REAR

Ordinarily, that 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 herein above, 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 along the rear yard or secondary frontage.

M

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 manufactured home that meets all the following criteria:

- A. Is manufactured on or after July 15, 2002; and
- B. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570; and

- C. Has a width of at least 20 feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street; and
- D. Has a minimum total living area of nine hundred (900) square feet; and
- E. Is not located in a manufactured home land-lease community; and
- F. Supported by a permanent foundation that is:
 - 1. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; and
 - 2. Constructed of concrete; and
 - 3. 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

A subdivision of three or more lots designed and intended for residential use exclusively by manufactured homes on permanent foundations with wheels, tongue, lug bolts and hitch, if any, permanently removed and wherein each lot occupied by a manufactured home is owned by the owner of the manufactured home situated thereupon.

MANUFACTURING, ARTISINAL

Application, teaching, making, or fabrication of crafts or products by an artist, artisan, or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses that employ activities and processes such as small-scale fabrication, welding, and coating, that are typically not permitted in non-industrial zoning districts

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.

MEDICINAL CANNABIS

Marijuana, as defined in KRS 218.010, when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition includes medicinal cannabis products and raw plant material; but does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

MEDICINAL CANNABIS CULTIVATOR

A business that is licensed to grow medicinal cannabis in compliance with KRS 218B, more specifically to:

- 3. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
- 4. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or
- 5. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

Medicinal Cannabis Cultivators are regulated in four tiers by KRS 218B, as follows:

- 1. Tier I Cultivator shall not exceed an indoor growth area of 2,500 square feet

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

2. Tier II Cultivator shall not exceed an indoor growth area of 10,000 square feet.
3. Tier III Cultivator shall not exceed an indoor growth area of 25,000 square feet.
4. Tier IV Cultivator shall not exceed an indoor growth area of 50,000 square feet.

MEDICINAL CANNABIS DISPENSARY

An establishment that is licensed in compliance with KRS 218B to:

1. Acquire or possess medicinal cannabis from a cultivator, processor, or producer in this state;
2. Acquire or possess medicinal cannabis accessory or educational material;
3. Supply, sell, dispense, distribute, or deliver medicinal cannabis, medicinal cannabis accessory and educational material to cardholders or other dispensaries;
4. Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or
5. Acquire, accept, or receive medicinal cannabis products from a cardholder pursuant to [KRS 218B.110](#).

MEDICINAL CANNABIS PROCESSOR

A business that is licensed in compliance with [KRS 218B](#) to:

1. Acquire or purchase raw plant material from a cultivator, processor, or producer in this state;
2. Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis;
3. Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state; or
4. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

MEDICINAL CANNABIS PRODUCER

A business that is licensed in compliance with KRS 218B to:

1. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
2. Deliver, transport, transfer, supply, or sell raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state;
3. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction;
4. Acquire or purchase raw plant material from a cultivator in this state; or
5. Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis.

MEDICAL CANNABIS PRODUCT

Any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition does not include industrial hemp products as defined in KRS 260.850.

MEDICINAL CANNABIS SAFETY COMPLIANCE FACILITY

An establishment licensed in compliance with KRS 218B to:

1. Acquire or possess medicinal cannabis obtained from cardholders or cannabis businesses in this state;

2. Return the medicinal cannabis to cardholders or cannabis businesses in this state;
3. Transport medicinal cannabis that was produced by cannabis businesses in this state;
4. Produce or sell approved educational materials related to the use of medicinal cannabis;
5. Produce, sell, or transport of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under these Zoning Regulations;
6. Test medicinal cannabis produced in this state;
7. Train cardholders and cannabis business agents;
8. Receive compensation for actions allowed under this section; and
9. Engage in any non-cannabis-related business activities that are not otherwise prohibited or restricted by state law.

MIXED USE

A building, lot, or development that contains a mixture of uses including residential, commercial, or industrial uses. Such uses may be mixed within one building (either horizontally or vertically) or within an overall development

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 40 body feet or more in length, or, when erected on site, is 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 includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the 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. (See KRS 227.550 (9-10) – Ord #17, 2003)

MODULAR HOME.

Factory-built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards of applicable City and State building code requirements.

MOTEL

A building or 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 and short term rentals.

MURAL

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

N

NON-TOWER WIRELESS COMMUNICATION FACILITIES.

Wireless communications facilities other than tower-based wireless communications that are located on buildings, utility poles as defined by this section, and other existing structures.

NONCONFORMING USE:

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

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

NONCONTRIBUTING BUILDING OR RESOURCE

A building or feature on a property in one of the Special Historic Zoning Districts (S-HD, S-CBD, or S-CD) whose construction date falls outside of the district's period of significance, or is less than 50 years old, or has been altered to such a degree that it no longer visually contributes to the historic and/or architectural significance of the district. The evaluation of whether a building or resource is noncontributing is done by a professional architectural historian. Also see "Contributing

O

OBSTRUCTION. SOURCE: FLOOD DAMAGE PREVENTION

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.

OCCUPANCY

The purpose for which a building is used or 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.

OCCUPANCY, CHANGE OF

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

ON CENTER (O.C.)

The method of measuring the spacing between plants (from center to center). This method ensures consistent, uniform spacing.

OPEN DUMP

A site where refuse is dumped which, due to lack of control, may create a breeding place for flies and rats, may cause air or water pollution, or may catch fire.

OPEN SPACE

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

P

PARCEL, COMMERCIAL

A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential purposes.

PARK OR RECREATION FACILITY, PUBLIC

A parcel of land owned and operated by a non-profit or governmental entity that is available to the public for passive or active recreation.

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.

PERSONAL COMMUNICATION SERVICES.

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S.C. Sec. 332(c).

PERSON WITH A DISABILITY

A person with a physical, emotional, or mental disability, including, but not limited to, an intellectual disability, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of alcohol or any controlled substance as regulated under KRS Chapter 218A.

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.

PLACE, PUBLIC

All other ground owned or controlled by the city or county that is not part of a "public street" or "park".

PLANNING COMMISSION

The Frankfort and Franklin County Planning and Zoning Commission established as the Planning Unit for the City of Franklin and Franklin County.

PLAT

A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision, and other information in compliance with the applicable regulations established by the Planning Commission. This term includes replats, amended plats, and revised plats, as well as Major and Minor plats.

POULTRY

Chickens, ducks, turkeys or other domestic fowl.

PREMISES

Any lot or unplatted tract or any combination of contiguous lots or unplatted tracts held under single ownership.

Q

R

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 "special purpose signs".

RECREATION, COMMERCIAL

A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, archery ranges, shooting ranges, mechanical rides, miniature golf courses, golf courses, tennis clubs, arenas, amphitheaters, stadiums, and swimming pools.

RELIGIOUS ASSEMBLY

An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

REMODELING, EXTERIOR

Any change in the design, material, or exterior treatment of a structure that requires a building permit.

RESIDENTIAL CARE FACILITY

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. Services shall include, but is not limited to, supervisions, shelter, protection, rehabilitation, personal development, and attendant care.

RESIDENTIAL CARE FACILITY, LARGE

A facility designed for and occupied by nine (9) or more residents living together

RESIDENTIAL CARE FACILITY, SMALL

A facility designed for and occupied by eight (8) or fewer residents living together.

RESIDENTIAL RECOVERY FACILITY

Any facility where persons enrolled in a recovery program routinely stay and sleep while enrolled in the recovery program, if:

More than half of the available living quarters (e.g., beds) are reserved for persons enrolled in a recovery program; and

The only persons allowed to stay and sleep in the facility are:

- (a) Enrolled in a recovery program; or
- (b) Staff (whether paid or volunteer) of the owner or operator of the recovery program or the facility.

This use shall not include detoxification facilities, charitable indigent limited care facilities, shared family dwellings, residential care facility for handicapped persons (KRS 982.982 and 100.984), reentry service centers, convalescent homes, rest homes, mental institutions, psychiatric facilities and correctional facilities-privately owned.

RECREATIONAL VEHICLE

Travel trailers, fifth-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.

RETAIL SALES AND SERVICE, LARGE SCALE

A facility or establishment greater than 20,000 square feet of gross floor area, which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES AND SERVICE, MEDIUM SCALE

A facility or establishment up to 20,000 square feet of gross floor area, which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Within a multi-tenant or mixed-use building, the overall building may be more than 20,000 as long as each tenant does not exceed the square footage threshold.

RETAIL SALES AND SERVICE, NEIGHBORHOOD SCALE

An establishment, less than 10,000 sq. ft., that can primarily draw its customer base from the surrounding neighborhood. Typical uses include, but are not limited to, corner stores, butcher shops, coffee or ice cream shops, personal improvement services, and specialty retail shops.

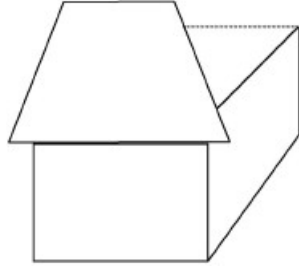
RIGHT-OF-WAY

The surface of and space above and below any real property in the municipality in which the federal government, commonwealth, county government, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, commonwealth, county government, municipality, or municipal authority. Private rights-of-way, access- easements and other government-owned lands not listed

above shall not be considered a RIGHT-OF-WAY. The phrase IN THE RIGHT(S)-OF-WAY means in, on, over, along, above and/or under the rights-of-way.

ROOF, MANSARD-STYLE

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.



S

SEARCH RING

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

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.

SEWERS

Public sewers or any other approved sewage treatment facility.

SEWERS, PUBLIC

See SEWER

SHORT TERM RENTAL – OWNER OCCUPIED

A residential dwelling unit that is owner-occupied and is rented, leased, or otherwise assigned for a tenancy of less than 30 consecutive days duration for transient guests, where no meals are served. This term does not include hotel or motel rooms, bed and breakfast inns, or boarding and lodging .

SHORT TERM RENTAL – NON-OWNER OCCUPIED

A residential dwelling unit that is not owner-occupied and is rented, leased, or otherwise assigned for a tenancy of less than 30 consecutive days duration for transient guests, where no meals are served. This term does not include hotel or motel rooms, bed and breakfast inns, or boarding and lodging houses.

SIGHT DISTANCE TRIANGLE

A triangular-shaped area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

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, AIR ACTIVATED

A sign, all or part of which is designed to be moved by action of the air for the purpose of attracting attention, including signs with spangles or moveable colored disks but excluding flags, banner signs and festoons.

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

SIGN, AREA

The total area of the sign face, which is used to display a message, not including its supporting poles or structures.

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, BANNER

A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

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 SIGN, ATTACHED.

SIGN, CANOPY

A sign, other than an under canopy sign, attached to or constructed in or on a canopy.

SIGN, CHANGEABLE COPY

A sign designed for frequent changes of message copy, including bulletin boards and kiosks; outdoor advertising signs; changing signs; other signs with electronically- displayed messages, removable letters, or poster panels.

SIGN, CLEARANCE

The vertical distance to grade from the lowest edge of a sign excluding any pole or support structure attached to the ground.

SIGN, CONSTRUCTION

A non-illuminated sign displayed prior to or during construction and removed thereafter that identifies a building for which a building permit has been issued and which is under construction together with such information as the owner, manager, contractor and subcontractors, architect and engineer, source of financing, projected date of completion, major tenants and related information.

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 that serves solely to direct pedestrian or vehicular traffic or parking within a premises or to provide related instructions or facility information but that contains no advertising other than the name and logo of the business on the premises

SIGN, DIRECTORY.

A sign, which lists the names of the occupants of a multiple occupancy building.

SIGN, ELECTION.

Any type of non-premises sign, which refers only to the issues or candidates, involved in a political election.

SIGN, FACE

The surface of a sign upon, against or through which the message is displayed or illustrated.

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 12 inches from the face of the building to which it is attached.

SIGN, FREESTANDING

A sign that is supported by one or more poles, uprights, pylons, braces or other support(s) on the ground and not attached to a building.

SIGN, GOVERNMENT OR UTILITY

An informational sign or display maintained by a government body or public utility, including traffic or parking regulating devices, legal notices, warning of hazards and similar displays.

SIGN, GOVERNMENT-MANDATED

Any sign or exterior display required to be displayed by government order or regulation including construction signs for government assisted projects.

SIGN, HEIGHT

As applied to a sign, shall be measured as the vertical distance between the lowest part of the sign, including its supporting structure at the average grade of the ground where the sign is located to the highest part of the sign or its supporting structure, whichever is higher.

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

A sign illuminated by a source of artificial light having the principle purpose of furnishing illumination for the sign whether or not such source is part of the structure of the sign.

SIGN, INCIDENTAL.

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone" 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 one square feet.

SIGN, MENU BOARD

A sign used to display a selection of goods or services offered at a business establishment for the convenience of drive-up or walk-up customers, such as at a drive-in restaurant.

SIGN, MESSAGE 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 and that is attached to either a wall, monument or freestanding sign for the purpose of displaying advertising or other notices.

SIGN, MONUMENT

Any permanent sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, NAME PLATE

A non-illuminated sign that states only the names, addresses and professions of the businesses or occupants of the lot where the sign is placed.

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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 subchapter, and which has not been reconstructed, altered or otherwise modified since the adoption of this subchapter, except to bring the sign into compliance with the provisions of these regulations.

SIGN, OFF-PREMISES.

A sign, which directs attention to a business not located on the same lot where the sign is displayed.

SIGN, ON-PREMISES.

A sign directing attention to a business, profession, commodity, service, entertainment, person, cause, event or organization conducted, sold, offered, operation or having premises upon the same lot.

SIGN, PACKAGE PLAN.

A coordinated plan for developing signs for an individual building or a group of buildings.

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 "A" or "T" 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 12 inches.

SIGN, READER BOARD.

A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a CHANGEABLE COPY SIGN for purposes of this subchapter.

SIGN, REAL ESTATE

A non-illuminated sign used to offer for sale, lease or rent the property upon which or within which the sign is placed or to announce an open house or that the property has been sold.

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 subchapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

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.

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, TRAILER

A portable sign mounted on a trailer designed for support and movement of the sign.

SIGN, VEHICLE

A sign on or within a parked motor vehicle, boat, recreational vehicle, manufactured home or similar vehicle designed to be conspicuously visible for advertising or information purposes from outside the vehicle, other than trailer signs as defined herein; informational, identification or advertising lettering permanently painted on or attached to trucks or other commercial vehicles; transit advertising on buses or taxi cabs; election campaign signs; signs identifying trailer housed offices or displays on construction sites; and bumper stickers.

SIGN, WALL

A sign erected upon or parallel to an outside building wall which does not exceed more than twelve (12) inches from the face of the wall or higher than the highest point of the roof.

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.

SMALL CELL SYSTEM.

A network of remote antenna nodes that distributes radio frequency signals from a central hub through a high-capacity signal transport medium to a specific area. The term includes mini commercial towers, small cells, distributed antenna systems, mini cell, micro cell, or similar systems.

SMALL CELL TOWER.

Any structure under 50 feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of transmission equipment, is considered a SMALL CELL TOWER, and is not a utility pole. The term SMALL CELL TOWER includes mini cell distributed antenna system towers, micro cell towers, mini cell, Wi-Fi antennas, or similar systems.

SOLAR ENERGY SYSTEM (SES)

A device, including its components and subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. Ses are in turn divided into three types depending on how the system is incorporated into the existing land use: (1) Integrated Solar Energy System; (2) Rooftop Solar Energy System; and (3) Ground Mounted Solar Energy System

SOLAR ENERGY SYSTEM, EXEMPT (EXEMPT SES)

A SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324 and otherwise in conformance with then existing law or regulation.

SOLAR ENERGY SYSTEM, FOOTPRINT

Footprint of the SES is calculated by drawing a perimeter around the outmost SES panels and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing or visual buffers, nor transmission lines or portions thereof that are required to connect the SES to a utility or customer outside the SES provider.

SOLAR ENERGY SYSTEM, SITING BOARD REGULATED

An SES that constitutes a "merchant electric siting facility" under KRS 278.700(2), the construction and siting of which is subject to review and approval of the Kentucky State Board on Electric Generation and Transmission Siting. A merchant electric siting facility is an electricity generating facility or facilities that, together with all associated structure and facilities are capable of operating at an aggregate capacity of ten megawatts (10

ARTICLE 15. DEFINITIONS

15.02. DEFINED WORDS

MW) or more and sell the electricity produced in the wholesale market, at rates and charges not regulated by the Kentucky Public Service Commission.

SOLAR ENERGY SYSTEM, GROUND MOUNTED

An SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Ground Mounted SESs are subcategorized as: (1) Small Scale; (2) Intermediate Scale; and (3) Large Scale).

SOLAR ENERGY SYSTEM, GROUND MOUNTED INTERMEDIATE (INTERMEDIATE SCALE SES)

A Ground Mounted SES with a footprint between 2,501 square feet and 10 acres.

SOLAR ENERGY SYSTEM, GROUND MOUNTED LARGE SCALE (LARGE SCALE SES)

A Ground Mounted SES with a footprint of more than 10 acres.

SOLAR ENERGY SYSTEM, GROUND MOUNTED SMALL SCALE (SMALL SCALE SES)

A Ground Mounted SES with a footprint of less than 2,500 square feet.

SOLAR ENERGY SYSTEM, INTEGRATED

An SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the house building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.

SOLAR ENERGY SYSTEM, ROOFTOP

An SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

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.

STAFF.

Those employees of the City of Frankfort or Franklin County assigned to administer these regulations.

STEALTH TECHNOLOGY.

Design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, facilities constructed to resemble light poles, flag poles or other streetscape amenities. The use of additional features such as flags, decorative streetlamps and banners or signs may be utilized to blend the proposed facility into the visual backdrop.

STOREFRONT, PRIMARY

An entrance to a building designed and intended for use by the public as the principle means of ingress and egress as determined by the Director of Planning and Community Development. A solid wall (brick, concrete, etc.) without windows and/or public entrances shall not be considered a storefront.

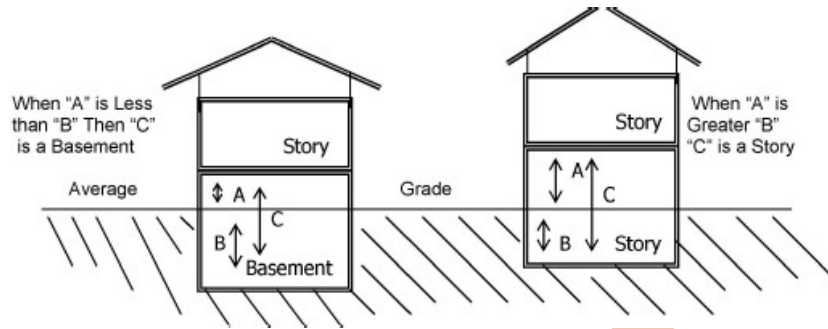
STOREFRONT, SECONDARY

An entrance to a building providing additional ingress and egress to the general public not constituting a primary storefront and not located on the same building elevation as the primary storefront.

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 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, a private way open for public uses and 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 less than 150 dwelling units.

STREET, LOCAL

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

STREET, PUBLIC

The entire width between the boundary lines of every roadway and right-of-way open to the use of the public as a thoroughfare for purposes of vehicular traffic.

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 subchapter, 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 **STREET FRONTS**.

STRUCTURE

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

T

TENANT

Anyone who has the occupation or temporary possession of lands or tenements of another.

THOROUGHFARE, MAJOR

Any public right-of-way designated by the Comprehensive Plan of the City as an arterial.

TOPPING (TOP)

An unacceptable method of pruning that alters the tree's natural shape by cutting back whole tops or large limbs, leaving stubs or natural branches that are too close to the trunk to assume the role of terminal growth.

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TREE

When used by itself, means any woody plant which generally includes those having a trunk or multi-trunk which grows to a mature height of over ten (10) feet. Trees include both deciduous and evergreen species.

TREE CANOPY

The layer of leaves and branches that spread out from a tree trunk, creating a “roof” over the area below.

TREE CARE, YOUNG

Any maintenance undertaken during the first five years after the tree is planted, including but not limited to watering, mulching, fertilizing, and pruning.

TREE PROTECTION ZONE (TPZ)

The portion of the Critical Root Zone (CRZ) that must be protected during construction, as set forth in rules and regulations promulgated by the City/County.

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. Definition includes automobile trailers, campers and horse trailers but not mobile homes.

TRANSMISSION EQUIPMENT.

Equipment that facilitates transmission for any Federal Communications Commission- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

TREE, DECIDUOUS

Trees which normally shed their leaves in the Fall.

TREE, NUISANCE

Tree(s) that may negatively impact other trees, people, or structures. This would include, but is not limited to, trees that are diseased, infested, structurally unsound, known invasive species, or trees on the prohibited species list maintained by the state or local jurisdiction.

TREE, PUBLIC

Any tree growing on land owned by the city or county including lands defined as “public place”, “public street”, or “park.”

U

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 antenna 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.

UTILITY

Has the meaning as defined in KRS 278.010(3).

UTILITY

Any person except, for purposes of divisions (1), (2), (3), (4) and (6) below, a city, who owns, controls, operates or manages any facility used or to be used for or in connection with:

1. The generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power or other uses;
2. 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;
3. The transporting or conveying of gas, crude oil or other fluid substance by pipeline to or for the public, for compensation;
4. The diverting, developing, pumping, impounding, distributing or furnishing of water to or for the public, for compensation;
5. The transmission or conveyance over wire, in air or otherwise, of any message by telephone or telegraph for the public, for compensation; or
6. 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 Ch. 220.

UTILITY, OVERHEAD

Utility infrastructure that is located primarily above ground as determined by staff. For purposes of these regulations, OVERHEAD UTILITIES include but are not limited to power lines and communications lines.

UTILITY, UNDERGROUND

Utility infrastructure that is located primarily underground as determined by staff. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, and communications lines. This definition does not include electric transformers, switch boxes, telephone pedestals and telephone boxes, traffic boxes, and similar devices which are ground mounted.

UTILITY POLE

A structure originally constructed for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public right-of-way or utility easements. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the time frame between pole installation and connection/implementation of transmission equipment, is considered a small cell tower, and is not a utility pole. Note: this definition is not meant to prohibit the use of a small cell tower as a utility pole if appropriate.

USEABLE OPEN SPACE

That portion of the lot that is not covered by buildings, streets, parking areas or paved walkways. For the purposes of this ordinance outdoor roof gardens, patios and decks may 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 space provided that a minimum of thirty percent (30%) of the usable open space must be devoted to landscaping.

V

VEHICULAR USE AREA (VUA)

Any outdoor (open or enclosed) area used by two or more vehicles for parking, loading/unloading, sales and/or service areas, or driving.

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W

WATERWAY

All city/county-controlled water including, but not limited to, reservoir lands, rivers, lakes, creeks, streams, ponds, fountains, and water-filled quarries.

WIRELESS COMMUNICATIONS FACILITY.

The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling, and antenna or related equipment used to provide wireless data and telecommunication services.

X

Y

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, not including the street side yard which is elsewhere defined.

YARD, REAR

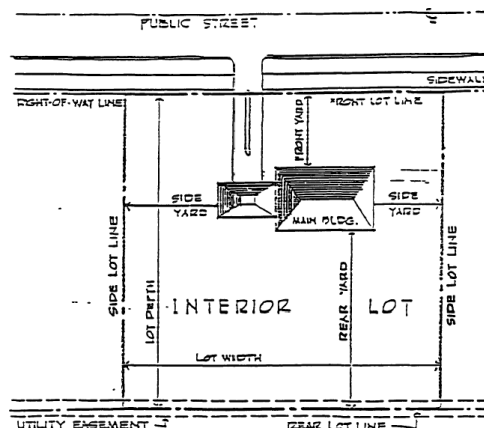
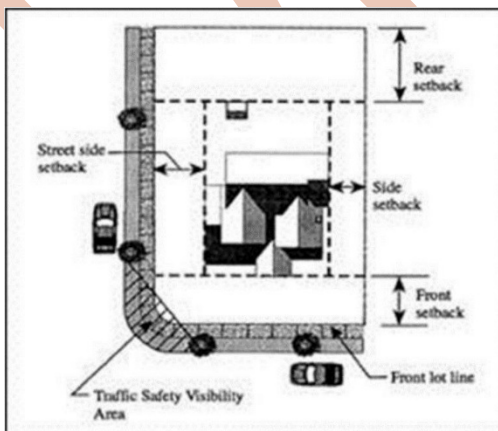
Any yard extending across the full width of the lot between the rearmost portion of the main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

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.



Z

ZONE

A portion of the territory within the City of Frankfort within certain regulations and requirements apply under the provisions of this Zoning Regulation.

DRAFT