

ORDINANCE # 2 - 2022

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE FRANKLIN COUNTY CODE OF ORDINANCES SECTIONS 155.010 (DEFINITIONS), 155.085 (TABLE OF PERMITTED USES) AND CREATE SECTION 155.124 RESIDENTIAL RECOVERY FACILITY TO SECTION 155 (CONDITIONAL USES) TO ADD THE LAND USE OF RESIDENTIAL RECOVERY FACILITY AS A CONDITIONAL USE IN THE AGRICULTURAL (AG), RURAL RESIDENTIAL (RR), RURAL RESIDENTIAL B (RB), PROFESSIONAL OFFICE (PO), RURAL LIMITED COMMERCIAL (CL), GENERAL COMMERCIAL (CG), HIGHWAY COMMERCIAL (CH), INDUSTRIAL COMMERCIAL (IC), AND GENERAL INDUSTRIAL (IG) ZONING DISTRICTS

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps in accordance with a Comprehensive Plan and Kentucky Revised Statute Chapter 100; and

WHEREAS, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the text amendment, along with their findings of fact, to the Franklin County Fiscal Court for action; and

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing and adopted a summary of the evidence and findings of fact on August 12, 2021 as required by K.R.S. 100; and

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I. The Code of Ordinances Sections 155.010, 155.085 and 155.124, is hereby amended to read as follows:

§ 155.010

Recovery Program

A program, the primary function of which is to offer (whether through religious instruction, clinical diagnosis, medical treatment, counseling, psychotherapy, or other methodologies combined with or substantially similar to these) the program's participants a treatment plan, regimented plan, curriculum, or other structured approach intended to help the participants achieve recovery and wellness from a history of substance abuse and/or addiction. A "Recovery Program" may or may not require or permit the program participants to live in a Residential Recovery Facility as a requirement for their enrollment in the Recovery Program.

Residential Recovery Facility

Any facility where persons enrolled in a Recovery Program routinely stay and sleep while enrolled in the Recovery Program, if:

- (1) more than half of the available living quarters (e.g., beds) are reserved for persons enrolled in a Recovery Program; and
- (2) the only persons allowed to stay and sleep in the facility are:
 - (i) enrolled in a Recovery Program; or
 - (ii) staff (whether paid or volunteer) of the owner or operator of the Recovery Program or the facility.

§ 155.085

AND USE	CODE	AG	RR	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	IC	IG
Misc. indoor recreation, not elsewhere classified	659													P	P		
MEDICAL, HEALTH & LEGAL SERVICES																	
Offices of physicians & surgeons	671	C										P	P	P	P	P	P
Offices of dentists & dental surgeons	672	C										P	P	P	P	P	P
Offices of osteopathic physicians	673	C										P	P	P	P	P	P
Offices of chiropractors	674	C										P	P	P	P	P	P
Legal services	675	C										P	P	P	P		
Medical & dental laboratories	676											P	P	P	P	P	P
Health & allied services not elsewhere classified, except hospitals, sanatoria, convalescent homes & rest homes	677											P	P	P	P	P	P
Residential Recovery Facility		C	C	-	C	-						C	C	C	C	C	C
Offices of Veterinarians and animal hospitals not including animal disposal (ie crematory)	678											P	P	P	P		
Tattoo Parlors	679												P	P	P		

§155.124 RESIDENTIAL RECOVERY FACILITY

A. Location

A Residential Recovery Facility may be granted a conditional use by the Board of Adjustments to locate in any AG, RR, RB, PO, CL, CG, CH, IC, or IG zone.

B. Site Plan

Any proposal for Conditional Use shall be accompanied by a site plan which shows any (existing or planned) ingress, egress, screening, parking, and other information as may be required by the Board of Zoning Adjustments.

C. Parking

Adequate provision shall be made for off-street parking. The Board of Zoning Adjustments shall have discretion to determine whether proposed parking is adequate, and shall consider the factors relevant thereto, including (without limitation) whether participants enrolled in the Recovery Program will be permitted to park at the Residential Recovery Facility.

D. Screening

Screening of any kind is not presumed to be required, but the Board of Adjustments may require such screening as it determines is necessary to comply with the Comprehensive Plan as a condition for the Conditional Use.

E. Lot Size

The minimum lot size for a Residential Recovery Facility in any AG or RR zone is five (5) acres, except that if the Residential Recovery Facility has an occupancy of more than sixteen (16) persons (excluding staff), then the minimum lot size is ten (10) acres.

F. Waste Management

Any Residential Recovery Facility located on a lot which is not connected to public sewer shall obtain inspection and approval of the Franklin County Health Department of its septic system.

G. Fire Department Pre-Plan

Prior to allowing program participants to reside at a Residential Recovery Facility, the owner or operator of the Residential Recovery Facility shall request and permit the Franklin County Fire Department to inspect the Residential Recovery Facility and create a “Pre-Plan” in accordance with the Franklin County Fire Department’s usual and customary procedures.

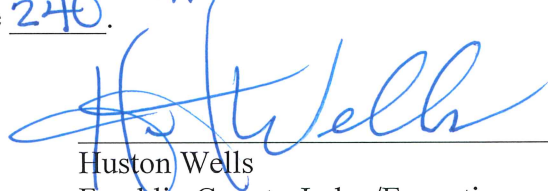
SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

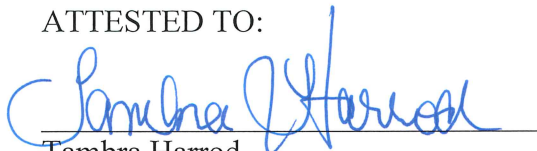
INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 20th day of January, 2022.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 11 day of February, 2022 and of record in Fiscal Court Order Book 32, Page 240.



Huston Wells
Franklin County Judge/Executive

ATTESTED TO:



Tandra Harrod
Fiscal Court Clerk

SUMMARY

This ordinance amends Sections 155.010 Definitions, 155.085, Table of Permitted Uses and adds 155.124 Residential Recovery Facility to add the land use “Residential Recovery Facility” as a conditional use in the Agricultural (AG), Rural Residential (RR), Rural Residential B (RB), Professional Office (PO), Rural Limited Commercial (CL), General Commercial (CG), Highway Commercial (CH), Industrial Commercial (IC), and General Industrial (IG) zoning districts

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**August 12, 2021
5:30 PM**

SHERRON JACKSON, CHAIRMAN -- PRESIDING

The meeting was called to order at 5:30 p.m.

Chairman Jackson asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs
Patti Cross
Paul Looney
Darrell Sanderson
Brent Sweger
Russell Wright
Sherron Jackson, Chairman

(7)

Also Present:

Edwin Logan, Commission Attorney
Eric Cockley, Director, Frankfort Department of Planning & Community Development
Jordan Miller, Senior Planner, Frankfort Department of Planning & Community Development
Robert Hewitt, Director, Franklin County Planning & Building Codes Department
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes Department

There being a quorum, the meeting was called to order.

Chairman Jackson asked for a motion to suspend the Rules and modify the agenda. A motion was made by Mr. Sanderson to move new business items to staff items and to have more than two public hearings and to change item numbers 3 and 4 to numbers 2 and 3 on the agenda. The motion was seconded by Ms. Cross and passed unanimously.

Chairman Jackson asked for a motion to approve the minutes. Ms. Cross made the motion to approve the minutes. The motion was seconded by Mr. Looney and passed unanimously.

Chairman Jackson asked for a motion to approve the payment of bills. Mr. Cross made a motion to approve the following bills:

Edwin Logan (Legal Fee, August, 2021)	\$1,500.00
Vickie Sewell (Secretarial – PC – 6/8/2021)	450.00
Vickie Sewell (Secretarial – Audit/Budget Prep)	150.00
State Journal (Legal Advertising)	416.88
Dawn McDonald (BZA 7/13/2021)	75.00
Dept. of Local Government (SPGE Registration)	25.00
HMB Professional Engineers (Limestone Centre)	555.00

The motion was seconded by Mr. Sanderson and passed unanimously.

Under Staff Items, Mr. Cockley provided an update on the status of the Comprehensive Plan negotiations. Mr. Cockley stated that the Steering Committee and Consultant had agreed upon a proposed Scope of Work and Budget. Mr. Cockley stated that staff was recommending entering into the agreement with the consultant, with the contingency that the City and County governments also approve the contract.

Mr. Looney asked what the start date would be. Mr. Cockley stated that the Consultant would begin the Scope of Work as soon as the contract was approved by the City and County. He added that the proposed time frame for completion was 15 months. He said that he anticipated a start date of September or October.

After further discussion, a motion was made by Mr. Boggs to authorize the Chairman to enter into a contract with McBride Dale, Clarion, Human Nature and Strand Associates for the Frankfort/Franklin County Comprehensive Plan update. The motion was seconded by Ms. Cross and passed unanimously.

Continuing under Staff Items, Mr. Cockley presented the proposed FY 2021 – 2022 Budget. Mr. Cockley stated the proposed budget was largely a continuation of the existing budget, with the exception of the funding of the Comprehensive Plan. He stated that there was one correction to the budget in the Comprehensive Plan Update, which reflected the actual negotiated contract amount of \$298,500. He stated that the expenditures will also be changed to reflect that amount.

After further discussion, a motion was made by Mr. Wright to approve the budget as amended. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Benson Bluff, LLC c/o Charles E. Jones is requesting approval of a zone map amendment from “IC” Commercial Industrial District to “CL” Limited Commercial District for the property located at 207 Holmes Street. The property is more specifically identified as PVA Map Number 061-44-04-004.00 (City Item)

The Secretary then swore in all speakers.

Under questioning by Mr. Logan, Mr. Jordan Miller, Senior Planner of the Frankfort Department of Planning & Community Development, testified that he had reviewed the application and prepared the staff report. He stated that there was one change to the staff report. He stated that the property is at the corner of Reagan and Warsaw Streets and not Reagan and Barrett Streets.

Mr. Miller stated that there were no other changes, additions or deletions to the report. He stated that the report was based upon his education, training and experience in the field of planning. Mr. Logan asked Mr. Miller to provide a Summary of the staff report.

Mr. Miller stated that the property had a two-story building on it and that it had been used as a Professional Office in the past. He stated that the property also had 22 parking spaces. Mr. Miller stated that the immediate area surrounding the property contained institutional uses, professional office uses and some residential uses.

Mr. Miller stated that the building had been used in a non-conforming manner, but that the owner wished to have more possible land uses that the existing zoning allows.

Mr. Miller testified that the Future Land Use Map designated the property for Suburban Business use. Mr. Miller stated that the proposed zoning was an appropriate zone district for that future land use category. He stated that the request met the Development Guidelines #1, 6 and 8. He stated that he had six recommended findings of fact that would support the approval of the zone map amendment request.

Mr. Logan asked that the Staff Report be accepted into the record. Without objection, Chairman Jackson moved the Staff Report into the record.

Under Commission questioning, Mr. Wright asked what would happen to the property if it remained zoned for Professional Office. Mr. Miller stated that any different use would have to go before the Board of Zoning Adjustment before changing the use.

Mr. Sweger asked if the property owner could have a mix of different uses in the building. Mr. Miller stated that he could.

Chairman Jackson asked Mr. Miller if the rezoning request was in agreement with the Comprehensive Plan Future Land Use Designation. Mr. Miller stated that it was. Chairman Jackson asked Mr. Miller if he would agree to include a seventh finding that the requested zone district is in compliance with the Comprehensive Plan. Mr. Miller stated that he did

There were no further questions of Staff.

Mr. Charles Jones, attorney for the applicant, testified that he had read the Staff Report and was in agreement with the staff report and recommendation and that he would agree to support adding the seventh finding of fact.

There was no one else to speak to the matter.

Ms. Cross made a motion to close the Public Hearing, to adopt the Staff Report as the Summary of the hearing and to take action at the meeting. The motion was seconded by Mr. Sweger and passed unanimously.

Chairman Jackson made a motion to adopt the findings of fact contained within the staff report and to add a seventh finding that the requested Zone Map Amendment is in agreement with the Comprehensive Plan and Future Land Use Map. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Sweger made a motion to cease the making of Findings of Fact. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Sanderson made a motion to recommend to the Frankfort City Commission that the property located at 207 Holmes Street be rezoned from “IC” Commercial Industrial district to “CL” Limited Commercial District, based upon the seven adopted findings of fact. The motion was seconded by Mr. Boggs and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Text amendment to Article 3 and Article 15 of the Franklin County Zoning Ordinance, Table of Permitted Uses, relating to the addition of “Residential Recovery Facility” in the Agriculture (AG), Rural Residential (RR), Rural Residential “A”(RA), Rural Residential “B” (RB), Rural Residential “C” (RC), Special Residential (RS), Rural Two Dwelling District (RD), Rural Low Density Multifamily (RL), Rural High Density Multifamily (RH), Professional Office (PO), Limited Commercial (CL), Industrial Commercial (IC), General Industrial (IG) zoning districts.

Mr. Ben Judah, Planning Supervisor for Franklin County Planning & Building Codes, was present and presented the staff report for the request. Under questioning by Mr. Logan he stated that the purpose of the Text Amendment was to include a “Recovery Facility” as a land use within the Zoning Ordinance. Mr. Judah stated that the existing ordinance did not address the land use. Mr. Judah stated that previously, staff had considered similar uses as “Charitable Indigent Limited Care Facilities.” He stated that the specific use being considered did not fully meet the requirements of that land use and felt that adding this specific land use was a better way to deal with those types of uses in the future.

Mr. Judah testified that the text amendment required approval of a Conditional Use Permit and the review of a site plan showing the requirement parking and screening.

Mr. Judah stated that the Zoning Update Committee had reviewed the proposed text amendment and had approved placing it on the Planning Commission agenda for consideration.

Under Commission questioning, Mr. Sweger stated that the list of zone district was a large list, but the facility is not shown to be permitted in Industrial and Commercial zone districts.

Mr. Judah stated that facility will be used as a residential care facility and that a Conditional Use Permit would be required to be reviewed.

Chairman Jackson asked Mr. Judah to define the Residential Recovery Facility zone district. Mr. Judah stated that the patients of a Residential Recovery Facility would be isolated

from society in the structure where the facility is located and would receive recovery counseling for their additions.

There were no further questions of Mr. Judah.

Mr. Josh Harp, Attorney, stated that he represented the applicants requesting approval for the proposed text amendment. Mr. Harp stated that some successful recovery clinics were “for-profit.” He stated that the definition of the Indigent Limited Care Facility did not meet the definition of the for-profit Recovery Facilities and he stated that he felt there was a need to distinguish between the two uses and to have this Recovery Facility to stand on its own.

Mr. Harp stated that his clients want to be in rural settings but he understands that other recovery clinics might be appropriate in other zone districts. He stated that he agreed with the report and staff’s recommendation and asked the Commission to approve the request.

Under Commission questioning, Mr. Sweger asked what this type of facility would look like and if it would be able to be in different forms. Ms. Harp stated that the use will have different forms, which is why he felt that the definition should be broader.

Mr. Sanderson stated that he felt it might be a “hard sell” to allow this type of use in so many zone districts. Mr. Harp stated that they looked at where some similar types of institutions were now located and/or permitted which is how they came to the proposed districts.

Mr. Logan asked Mr. Judah if the ordinance was leaving the maximum size question to the Board of Zoning Adjustments to determine what was appropriate at a specific location. Mr. Judah stated that they were.

Mark & Melissa Deaton, Georgetown, Kentucky, were present and stated that licenses for this type of facility will limit the number of people that can be treated, based upon the number of staff employed at the facility. Mr. Deaton stated that if the facility were located in the Agriculture zone district having thirty people may not be a problem, but the license will limit the number of patients and the Board of Zoning Adjustment can set a maximum number at Conditional Use Permit review stage.

After further discussion, a motion was made by Mr. Sanderson to close the Public Hearing, to adopt the Staff Report as the Summary of the hearing and to recommend to the Franklin County Fiscal Court that the proposed text amendment to add Residential Recovery Facility land use to the Franklin County Zoning Ordinance, as proposed by staff, be approved. The motion was seconded by Ms. Cross and passed with a vote of six to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Looney, Mr. Sanderson, Mr. Wright and Chairman Jackson. Voting against the motion was Mr. Sweger.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Ellis R. Carter, c/o Charles E. Jones, is requesting approval of a zone map amendment from Agricultural “AG” District to Industrial General “IG”

District for 53.5 acres of property located on Manley-Leestown Road. The property is more specifically identified as PVA Map Number 060-00-00-024.01. (County item)

The Secretary swore in all speakers. Mr. Robert Hewitt, Director of the Franklin County Planning and Building Codes Department was present and presented the Staff Report for the requested zone map amendment. Under questioning, Mr. Hewitt stated that he had been Director of the Franklin County Planning & Building Codes Department for 14 years and eight months. Mr. Hewitt testified that he had prepared the staff report and had no changes to the report. Mr. Logan asked that the staff report be entered into the record. Without objection, Chairman Jackson entered the Staff Report into the record.

Mr. Logan asked Mr. Hewitt to provide a summary of the staff report to the Commission. Mr. Hewitt stated that the property was bounded by Buffalo Trace and residential and agricultural properties to the north and west. Mr. Hewitt stated that the Concept Plan that was submitted with the Zone Map Amendment application provided for the addition of three more Warehouse Buildings.

Mr. Hewitt testified that the Technical Review Team had reviewed the request and no one had concerns over the request. He added that the Fire Department requested that this property use access from US 127, North.

Mr. Hewitt stated that the existing farm currently has field crops being raised on it. He stated that the original property has 13 buildings on it and this proposal would add three additional buildings.

Mr. Hewitt stated that he had proposed two recommended Findings of Fact and asked that the Report and his testimony be entered into the record.

Under Commission questioning, Mr. Sweger asked if Mr. Hewitt had received any phone calls regarding the request. Mr. Hewitt stated that he had received one phone call and that the questions had been about whether access would be off of Manley-Leestown Road. Mr. Hewitt stated that there is access from Manley-Leestown Road but that the main entrance off of US 127, North will still continue to provide access on a daily basis. He added that the access to Manley-Leestown Road would only be used as a secondary entrance for Emergency Vehicles, only.

Mr. Wright stated that there were only three buildings shown, and asked if the applicant would be limited to only three buildings. Mr. Hewitt responded that the number of buildings allowed is based on the size of each building and the separation between buildings and the required containment areas for fire purposes.

Mr. Logan asked if the size of the buildings was the same as the original building. Mr. Hewitt stated that they were the same size.

Under audience questioning of staff, Mr. Steven Tracy asked if any of the trucks will be using Manley-Leestown Road to access the property. Mr. Hewitt stated that they would use the main entrance off of US 127, North.

Ms. Bonnie Tracy asked if the property owner could not use access of Manley-Leestown Road at all. Mr. Hewitt responded that the applicant would be better able to address that question.

There were no further questions of staff.

Mr. Charles Jones, attorney for the applicant, was present and stated that his clients were in agreement with the Staff Report. He stated that his clients did plan to have the entrance for emergency purposes only and that they proposed to have a locked gate at the entry. He stated that the main access to this site would be from US 127, North.

Mr. Jones stated that the maximum number of buildings would be three. He stated that the owners had discussed placing four building on the site, but that he didn't think that a fourth building would fit.

Mr. Joe Meyer, 71 Manley-Leestown Road, asked if there would be an increase in tractor-trailer traffic on Manley-Leestown Road. Mr. Jones stated that the applicant would be filing a Certificate of Land Use Restriction to specifically restrict the land use on the property to warehouses.

Ms. Lisa Lee stated that she was an adjoining property owner and she stated that she had experienced a lot of increase in noise. She stated that the previous warehouse development had displaced wildlife in the area. She stated that she was concerned about the effect this development would have on the value of her home.

Under Commission questioning, Mr. Sanderson asked if she would be opposed to residential development where there was the potential for more housing units and more traffic than the proposed warehouse.

Mr. Jones stated that, where Ms. Lee lives, the new warehouse locations will be a bit further away from her home.

Mr. Looney stated that there will be an end point for the noise in that there will be an end to the expansion for this property.

Chairman Jackson asked if the Certificate of Land Use Restriction will restrict the same uses that the previous Certificate did on the other land. Mr. Jones stated that it would.

After further discussion, Chairman Jackson made a motion to close the Public Hearing and to cease the taking of testimony and to have a summary of the Public Hearing to be prepared. The motion was seconded by Mr. Sweger and passed unanimously.

Under other business, Mr. Logan stated that he had received a lawsuit for the property located at the corner of Duncan Road and Bizzack Boulevard. He stated that he had answered the lawsuit and had asked the Court to add the Transportation Cabinet to the lawsuit.

There being no further business, Mr. Sanderson made a motion to adjourn the meeting. Chairman Jackson seconded the motion.

Sherron Jackson, Chairman

Vickie Sewell, Recording Secretary

STAFF REPORT



TO: Frankfort/Franklin County Planning Commission

FROM: Ben Judah, Planning Supervisor

MEETING DATE: August 12, 2021

SUBJECT: PUBLIC HEARING: Text amendment to Sections 155.010, 155.124, 155.085 of the Franklin County Code of Ordinances relating to the addition of "Residential Recovery Facility" in the Agriculture (AG), Rural Residential (RR), Rural Residential "A"(RA), Rural Residential "B" (RB), Rural Residential "C" (RC), Special Residential (RS), Rural Two Dwelling District (RD), Rural Low Density Multifamily (RL), Rural High Density Multifamily (RH), Professional Office (PO), Limited Commercial (CL), Industrial Commercial (IC), General Industrial (IG) zoning districts.

The Franklin County Chart of Permitted Uses within the Zoning Ordinance does not include the use of Residential Recovery Facilities. This is a proposed new use initiated by a property and business owner. Currently, Charitable Indigent Limited Care Facilities are addressed under Conditional Uses, specifically Section 155.120 of the Franklin County Zoning Ordinance and Noted Special Conditions Number 13 contained in Section 155.089. Charitable Indigent Limited Care Facilities have certain conditions listed that limit the use as an accessory use in existing churches or conditionally allowed in CG (General Commercial), IC (Industrial Commercial), and IG (General Industrial). Charitable Indigent Limited Care Facilities do not accurately describe the proposed use.

The Zoning Update Committee met on May 20, 2021 to consider the item. Based on discussion at the meeting, the Committee is recommending the use of "Residential Recovery Facility" to be added as a Conditional use in the in the Agriculture (AG), Rural Residential (RR), Rural Residential "A"(RA), Rural Residential "B" (RB), Rural Residential "C" (RC), Special Residential (RS), Rural Two Dwelling District (RD), Rural Low Density Multifamily (RL), Rural High Density Multifamily (RH), Professional Office (PO), Limited Commercial (CL), Industrial Commercial (IC), General Industrial (IG) zoning districts.in 155.085 Chart of Permitted Uses Table, and the proposed text below added to Section 155.125 15.

RECOMMENDATION

Zoning Update Committee: Recommends the Planning Commission consider the request as submitted. See attached for text language.

Staff: **APPROVAL** of the proposed text amendment as submitted.

Zoning Amendment Proposal:

- I. Section 155.010 is amended to add the following definitions in alphabetic order with the extant definitions, being between the definitions of “Recreational Vehicle” and “Restaurant”:

Recovery Program

A program, the primary function of which is to offer (whether through religious instruction, clinical diagnosis, medical treatment, counseling, psychotherapy, or other methodologies combined with or substantially similar to these) the program’s participants a treatment plan, regimented plan, curriculum, or other structured approach intended to help the participants achieve recovery and wellness from a history of substance abuse and/or addiction. A “Recovery Program” may or may not require or permit the program participants to live in a Residential Recovery Facility as a requirement for their enrollment in the Recovery Program.

Residential Recovery Facility

Any facility where persons enrolled in a Recovery Program routinely stay and sleep while enrolled in the Recovery Program, if:

- (1) more than half of the available living quarters (e.g., beds) are reserved for persons enrolled in a Recovery Program; and
- (2) the only persons allowed to stay and sleep in the facility are:
 - (i) enrolled in a Recovery Program; or
 - (ii) staff (whether paid or volunteer) of the owner or operator of the Recovery Program or the facility.

- II. A new paragraph in Section 155 is created as follows:

155.124 Residential Recovery Facility

A. Location

A Residential Recovery Facility may be granted a conditional use by the Board of Adjustments to locate in any AG, RR, RA, RB, RC, RS, RD, RL, RH, PO, CL, IC, or IG zone.

B. Site Plan

Any proposal for Conditional Use shall be accompanied by at site plan which shows any (existing or planned) ingress, egress, screening, parking, and other information as may be required by the Board of Zoning Adjustments.

C. Parking

Adequate provision shall be made for off-street parking. The Board of Zoning Adjustments shall have discretion to determine whether proposed parking is

adequate, and shall consider the factors relevant thereto, including (without limitation) whether participants enrolled in the Recovery Program will be permitted to park at the Residential Recovery Facility.

D. Screening

Screening of any kind is not presumed to be required, but the Board of Adjustments may require such screening as it determines is necessary to comply with the Comprehensive Plan as a condition for the Conditional Use.

- III.** Section 155.085 Table of Permitted Uses is amended to add an entry for “Residential Recovery Facility” and to designate “C” (indicating conditional use) in zones AG, RR, RA, RB, RC, RS, RD, RL, RH, PO, CL, IC, and IG.