

ORDINANCE NO # 5 - 2023

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE FRANKLIN COUNTY CODE OF ORDINANCES SECTIONS 155.010 (DEFINITIONS) AND 155.085 (TABLE OF PERMITTED USES) RELATING TO A RESIDENTIAL RECOVERY FACILITY TO REMOVE THE LAND USE OF RESIDENTIAL RECOVERY FACILITY AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL B ZONING DISTRICT (RB) AND ADD LANGUAGE TO THE DEFINITION

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 April 13, 2023 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 and 155.085, 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.

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.

§ 155.085

LAND 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	C
Offices of Veterinarians and animal hospitals not including animal disposal (ie crematory)	678											P	P	P	P		


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 25th day of May, 2023.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 7 day of June, 2023 and of record in Fiscal Court Order Book 33, Page 435.



 Michael Mueller
 Franklin County Judge/Executive

ATTESTED TO:



 Kim Cox
 Fiscal Court Clerk

SUMMARY

This ordinance amends Sections 155.010 Definitions and 155.085, Table of Permitted Uses to remove “Residential Recovery Facility” as a conditional use in the Rural Residential B (RB), zoning district and add language to the definition of said facility.

STAFF REPORT



TO: Frankfort/Franklin County Planning Commission

FROM: Robert Hewitt, Director

MEETING DATE: April 13, 2023

SUBJECT: PUBLIC HEARING: Text amendment to the Franklin County Code of Ordinances Sections 155.010, and 155.085 of the Franklin County Code of Ordinances relating to the addition of language to the definition of a Residential Recovery Facility and the removal of a Residential Recovery Facility from the Rural Residential “B” (RB) zoning district.

The Franklin County Fiscal Court approved an amendment to the Code of Ordinances Section 155 to create the use “Residential Recovery Facility” on February 11, 2022. In November 2022, the Fiscal Court voted to amend the ordinance and directed County staff to send their decision to the Planning Commission.

Residential Recovery Facilities are currently a Conditional use in the Agriculture (AG), Rural Residential (RR), Rural Residential “B” (RB), Professional Office (PO), Limited Commercial (CL), General Commercial (CG), Highway Commercial (CH), Industrial Commercial (IC) and General Industrial (IG) zoning districts.

The Fiscal Court initiates this change to remove the use Residential Recovery Facilities from the Rural Residential “B” (RB) zoning district and to add language to the definition. The revised Land Use Table and Definition is attached to this report.

RECOMMENDATION

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

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**April 13, 2023
5:30 PM**

WILLIAM MAY, CHAIRMAN -- PRESIDING

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

Chairman May asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs
Patti Cross
Sherron Jackson
Keith Lee
Timothy Luscher
Darrell Sanderson
Brent Sweger
Russell Wright

William May, Chairman

(9)

Also Present:

Edwin Logan, Planning Commission Attorney
Eric Cockley, Director, City of Frankfort Dept. of Planning & Community Development
Jordan Miller, Senior Planning, Frankfort Dept. of Planning & Community Development
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes
Tina Peck, Staff Planner, Franklin County Planning & Building Codes

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

Chairman May asked for a motion to approve the minutes of the March 9, 2023 meeting. Mr. Boggs made the motion to approve the minutes. The motion was seconded by Mr. Sanderson and passed unanimously.

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

Ed Logan (Legal Fee, April 2023)	\$	1,500.00
Logan, Burch & Fox (Gray)		455.00
Logan, Burch & Fox (RE: Big Eddy Rehab)		115.50
Vickie Sewell (Secretarial – PC – 04/09/23)		300.00
Dawn McDonald (BZA 03/14//23)		150.00
Frankfort News Media (Legal Advertising)		248.43
McBride Dale Clarion (Inv. #4595-13)		12,226.41

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

Under Staff Items, Mr. Cockley provided a status report on the Comprehensive Plan Update. Mr. Cockley stated that the Committee is currently reviewing the first draft of the Future Land Use Map. He stated that the next Advisory Committee meeting would be on April 18th.

Mr. Boggs asked if the Committee was still on track to meet the timeframe for completion. Mr. Cockley stated that they were.

Mr. Sweger asked if the project was still within budget. Mr. Cockley stated that the budget was for \$298,000 and expenditures to date were roughly \$222,000.

Chairman May asked for a motion to Suspend the Rules in order to have more than two public hearings on the agenda. Mr. Sweger made a motion to suspend the rules in order to hear the Public Hearings scheduled on the agenda. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the Secretary to introduce the first item:

CONTINUATION OF PUBLIC HEARING: John T. Fint, Jr. is requesting a zone map amendment from Rural Residential "B" District "RB" to Industrial Commercial District "IC" for the 4.996-acre property at 209 Devils Hollow Road. The property is more specifically identified as PVA Map Number 049-00-00-020.00 (County Item)

Mr. Sanderson made a motion to take the item from the table. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Sanderson made a motion to adopt the Summary of the Public Hearing. The motion was seconded by Mr. Boggs and passed unanimously.

Mr. Luscher made a motion to adopt Findings of Fact numbers one and two that were within the Summary. The motion was seconded by Mr. Lee and passed unanimously.

Mr. Cross made a motion to adopt the Finding that the proposed use of the subject property is a similar use as an existing use that is within 1,000 feet of the subject property. The motion was seconded by Mr. Sanderson and passed by a vote of nine to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. Sanderson, Mr. Wright and Chairman May. Mr. Sweger voted against the motion.

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

Mr. Lee made a motion to recommend to the Franklin County Fiscal Court that the zone map amendment request by John T. Fint, Jr. from Rural Residential "B" District "RB" to Industrial Commercial District "IC" for a 4.996 acre parcel of property located at 209 Devils Hollow Road be approved, with the condition that the applicant submit a development plan for the property to the Planning Commission for approval. The motion was seconded by Ms. Cross and passed by a vote of nine to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Lee,

Mr. Luscher, Mr. Sanderson, Mr. Wright and Chairman May. Mr. Sweger voted against the motion.

Chairman May asked the secretary to introduce the next item:

PUBLIC HEARING: Proposed Text Amendment to the City of Frankfort Zoning Ordinance to amend Section 19.067 concerning daycares

The Secretary swore in Mr. Jordan Miller.

Mr. Logan qualified Mr. Miller. He then asked where the proposed amendment had originated. Mr. Miller stated that it had originated with the City.

Mr. Miller then summarized the proposed text amendment. He stated that the amendment would remove the requirement that no daycare be located closer than 1,000 feet to a residence of a registered sex offender. Mr. Miller stated that the Kentucky Revised Statutes already require that registered sex offenders not be allowed to be located closer than 1,000 feet to a day care. Mr. Miller stated that the Kentucky State Police enforce the State provision and require the registered sex offender to move. Mr. Miller stated that by removing the condition from the City of Frankfort's Zoning Ordinance, a day care operator is no longer penalized if they wish to open a day care center at a specific location.

Under Commission questioning, Mr. Boggs asked how many Day Care Centers are in the City of Frankfort. Mr. Miller stated that he did not know the exact number.

Mr. Boggs asked if the proposed change would be retroactive to all of the existing Day Care Centers. Mr. Miller stated that it would only apply to new applications and not to existing operators.

Mr. Boggs asked what State agency would be enforcing the regulation. Mr. Miller stated that the Kentucky State Police enforce that provision.

Mr. Jackson asked if the text amendment placed the onus on the Daycare Center or the City to meet the requirement. Mr. Miller stated that it placed the burden on the Daycare.

Mr. Sanderson asked how the Daycare Owner would know. Mr. Miller stated that currently, the City would look at the Kentucky State Police Sex Offender Registry to determine if the day care would be located within 1,000 feet of the site. He stated that, if there was a sex offender within 1,000 feet, staff would not take the application to the Board of Adjustments until the sex offender has moved.

After further discussion, Mr. Lee made a motion to close the Public Hearing and to recommend to the City of Frankfort Board of Commissioners that the proposed Text Amendment to Section 19.067 concerning daycares be approved. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the secretary to introduce the next item:

PUBLIC HEARING: Proposed Text Amendment to the City of Frankfort Zoning Ordinance to amend Articles 3, 4 and 19 concerning short-term rental regulations

Mr. Miller had previously been sworn. Mr. Logan qualified Mr. Miller. He then asked where the proposed amendment had originated. Mr. Miller stated that it had originated with the City. Mr. Logan asked that the Staff Report be entered into the record. Without objection, the Staff Report was entered into the record.

Mr. Miller provided a summary of the Text Amendment. Mr. Miller stated that the biggest change was that the number of non-owner occupied short term rental in the Special Capitol District is proposed to be capped at 5% of the total dwelling units within that district. He stated that the number of non-owner occupied short term rentals in the Special Historic District is proposed to not exceed eight, in total.

Mr. Miller stated that the proposed Text Amendment also allowed non-owner occupied short term rental units within the other Residential zone districts, as a Conditional Use. He added that this may disperse the number of short-term rental units throughout the City.

Mr. Miller stated that the Zoning Update Committee had met and were recommending approval of the proposal.

Under Commission questioning, Mr. Luscher asked how the caps were determined. Mr. Miller stated that there were around 1,100 dwelling units in the Special Capitol District and the 5% cap would make for a total of non-owner occupied units between 55 and 60. He stated that the Special Historic District was capped at its existing number for the purpose of keeping the character of the area.

Mr. Luscher stated that the ordinance to allow for short term rentals has allowed property owners to fix up their properties. He stated that restricting the numbers could result in less improvements being made to the older homes. He stated that he would like to see the caps removed.

Ms. Cross asked Mr. Miller if staff had gotten information on caps from other communities. He stated that they had. Ms. Cross stated that the caps applied only to non-owner occupied units.

Mr. Boggs asked how we get to the 29 day requirement. Mr. Miller stated that with the 29 days, it becomes a month to month rental, which is then a standard rental unit.

Mr. Luscher stated that there were many legislators who rented properties during State Legislative Sessions and that these regulations may not allow for that to continue.

Mr. Luscher asked about Section 19.154, Subsection "S" and how the number of days being set at 24 was determined. Mr. Cockley stated that the Zoning Update Committee had come up with that number.

Mr. Cockley stated that during the discussion on that subsection, many different timeframes were discussed, but that at the end of the day a number needed to be established for definitional purposes. He added that if the Commission felt it needed to be a different number that staff would be fine with that.

Mr. Luscher stated that there were many lobby groups who stayed in their structures during session. Mr. Cockley stated that those structures were considered office uses and required a Conditional Use Permit.

Mr. Luscher stated that he was concerned about unintended consequences of setting caps on these short term rentals.

Mr. Cockley stated that the proliferation of the short term rentals without the caps has affected neighborhood character of the historic districts. He added that, because the Special Historic District is so small, the neighborhood is even more affected by the short term rentals.

Mr. Cockley stated that his concerns on not changing the regulations will continue the removal of housing for Frankfort residents in the area and will change the character of the historic districts.

Mr. Miller stated that, without setting a specific number in the historic districts, the ARB has no ability to say no to an applicant.

Mr. Cockley added that it does provide a safety net for the Board to say no to an application.

Mr. Sweger stated that he had friends who had a duplex and an apartment over a detached garage on their property. He stated that they had, in the past, rented to legislators. He asked if these regulations would change that. Mr. Cockley stated that they would be considered owner-occupied rental units.

Chairman May asked if anyone in the audience wished to speak. Ms. Margaret O'Donnell came forward and stated that she lived in South Frankfort. She stated that three years ago an owner of a 32- unit apartment complex in South Frankfort told the tenants that they would have to move because the units were being turned into short term rental units.

She stated that the tenants had a hard time finding housing that they could afford. She stated that rents are very high. She stated that many of the people were born and raised in South Frankfort and none of the tenants were relocated to other housing within South Frankfort. She stated that this was also one of the last areas where there was a presence of African Americans in South Frankfort.

Ms. O'Donnell stated that she was pleased with the idea of capping the number of short term rentals in the area. She stated that people are being displaced by having too many short term rentals in the historic areas.

Ms. O'Donnell stated that she was concerned about allowing short term rentals, as a Conditional Use in all subdivisions within the City. She stated that owners say that they can make more money with short term rentals.

Ms. O'Donnell stated that the property owners who live in their homes full-time, but also go to other areas in the winter months should not be penalized by these regulations.

Mr. Jackson asked Ms. O'Donnell if she had suggestions on how to address the reasonably priced housing in the South Frankfort area. Ms. O'Donnell stated that it is hard for anyone to find reasonably priced housing in Frankfort. She stated that she is helping some people pay their rent. She stated that these people work 40 hours per week and still struggle to pay their rent.

Ms. O'Donnell stated that she will be interested in the findings of the Housing Study being conducted, which might expand opportunities for affordable housing. She stated that the findings may help to locate areas that can be developed for low-income housing. She stated that the community needed to come forward to help the entire community.

Mr. Jackson stated that it appeared that Ms. O'Donnell was saying that she supported short term rentals, but at the same time, wanted the community to realize the need for affordable housing. She stated that she was. She stated that it is always the folks who don't have a voice who are failed to be recognized.

Mr. Luscher stated that he agreed with Ms. O'Donnell's testimony, but stated that he felt the regulations were limiting private investment into properties in the historic districts. He stated that he felt a lot of the affordable properties in the South Frankfort area were substandard. Ms. O'Donnell agreed.

Natalie Cleveland, president of South Frankfort Neighborhood Association and works at Homeless Housing Coalition of Kentucky. She stated that Frankfort does not have housing that is affordable for everyone. She stated that it is hard for those on housing vouchers to be able to rent housing in the Community. She stated that sometimes the vouchers are not accepted by landlords. She stated that the Community should wait until the Housing Study is completed before dealing with the short term rentals. Ms. Cleveland stated that short-term rentals have changed South Frankfort and the dynamic of the neighborhood. She stated that affordable housing is 30% of your income.

There was no further testimony.

Mr. Luscher stated that he was not opposed to placing caps on the number of units, but he stated that he felt there would be unintended consequences with how the caps were decided upon. He stated that he agreed with Ms. Cleveland that the Commission should wait until the housing study has been completed. He voiced his concerns over the 24-day limit and the legislature and how the matter would be policed. He stated that people were investing again in the area and that Frankfort is growing. He stated that capping the number of units would not correct the problem and would limit investment in the housing stock.

Mr. Jackson stated that Ms. O'Donnell had asked if there were some language missing from the Zoning Ordinance. He asked Mr. Cockley to clarify his statement. Mr. Cockley stated that the language was not missing from the Ordinance. He stated that the language that Ms. O'Donnell was referencing was not included because there were no changes being proposed to it.

Ms. Cross stated that she believes in compromise and stated that maybe the Commission could consider under Section 19.154 Standards, Item "S" expanding the number of days from 24 to 90 in order to accommodate residents who do go out of town in the winter and would allow for Legislators to rent their homes for that time.

Mr. Cockley stated that if the Commission wanted to expand the number of days from 24 another number, it would still give staff the definition of the maximum number of days an owner-occupied short-term rental could rent the unit if they were to go out of town for the winter.

Mr. Luscher asked Mr. Cockley who would enforce that number of days. Mr. Cockley stated that staff does. He stated that, while it is not perfect, it is possible to capture a lot of the units. He stated that short-term rental units are fluid.

After further discussion, Mr. Sweger made a motion to recommend to the City of Frankfort Board of Commissioners that the changes as outlined in the Staff Report relating to Sections 3, 4 and 19 of the City of Frankfort's Zoning Ordinance be approved. The motion was seconded by Mr. Jackson.

Under discussion, Mr. Sweger stated that he was on the Zoning Update Committee and that he felt the Committee had done a good job of working through all of the issues that are involved in this item. He stated that the committee had discussed the need to grow tourism while finding a balance. He stated that he thought the caps being proposed were appropriate and reasonable for each district. He stated that the number can be changed in the future if it is found that it is too little or too large.

Mr. Lee stated that he felt there was no need to change the ordinance and that the Commission should let the economy work through any problems. He stated that the ordinance will interfere with the tourism industry.

Mr. Luscher stated that he had questions along the same lines as Mr. Lee and that he didn't think the caps were fair. He stated that he did not feel that the amendment was at a stage to be voted on.

The motion passed by a vote of six to three. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Sweger, Mr. Wright and Chairman May. Those voting against were Mr. Lee, Mr. Luscher and Mr. Sanderson.

Chairman May noted that item number three – Cardwell 827, LLC's rezoning request had been removed from the agenda. He then asked the Secretary to introduce the next item:

PUBLIC HEARING: Dallas Todd Slusher c/o Bryan Hix is requesting a zone map amendment from Rural Residential District "RR" to Agriculture District "AG" for the 56.00-acre property at 2486 Cedar Road. The property is more specifically identified as PVA Map Number 098-00-00-20.00 (County Item)

The Secretary swore in all speakers.

Mr. Logan qualified Mr. Judah. Mr. Judah stated that he was the Planning Supervisor for Franklin County Planning & Building Codes and had held the position for four and one-half years. He stated that he had prepared the staff report and that there were two changes that needed to be made. The first is that there is no Agricultural-zoned land to the East, it is only Rural Residential and the second is that the report states the property is adjacent to West Sixth Brewing, which it is not and that statement should be stricken.

Mr. Logan asked Mr. Judah to summarize his report. Mr. Judah stated that the applicant wishes to have an Event Venue at this location and that the most appropriate zone district for that use is the Agricultural District. He stated that he had recommended three findings of fact for the Commission to adopt and that he was recommending approval of the request. He asked that his report be entered into the record.

Mr. Sanderson asked if the issues that were raised in the staff report regarding the bridge, fire protection and plumbing had been resolved. Mr. Judah stated that the applicant is working on that and when the Commission considers the Conditional Use request, Mr. Judah was recommending that those items be placed as conditions of approval.

Mr. Boggs asked if there was flooding in the area. Mr. Judah stated that there is a flood zone where the stream is located. He stated that the applicant is not proposing to construct anything within the flood zone. He added that there may be vehicle parking in that area. Mr. Boggs stated that he had previously requested approval for a horse training center and asked if he was still doing that. Mr. Judah stated that the applicant would be able to answer that question.

Mr. Brian Hix, on behalf of the applicant, stated that they had reviewed the Staff Report prepared for the request and was in agreement with the report. There were no further questions of the applicant.

Mr. Lee made a motion to close the public hearing, and adopt the Staff Report as the Summary and to recommend approval to Franklin County Fiscal Court. The motion was seconded by Mr. Sanderson. After discussion, Mr. Lee withdrew his motion. Mr. Sanderson withdrew his second.

Mr. Lee made a motion to close the public hearing. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Lee made a motion to approve the three Findings of Fact on page 12 of the Staff Report. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Lee made a motion to recommend to Franklin County Fiscal Court that the Zone Map Amendment request by Dallas Todd Slusher from Rural Residential District "RR" to Agriculture District "AG" for the 56.00-acre property at 2486 Cedar Road be approved. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the secretary to introduce the next item:

PUBLIC HEARING: Text Amendment to the Franklin County Code of Ordinances to amend Sections 155.010, 155.085 concerning Residential Recovery Facilities. (County Item)

Mr. Ben Judah presented the Staff Report for the item. Mr. Judah stated that the Text Amendment had originated with Franklin County Fiscal Court. He stated that Fiscal Court had approved an amendment to the Code of Ordinance to create the "Residential Recovery Facility" use on February 11, 2022. He stated that the Fiscal Court initiated the change in order to remove the land use from the "RB" zone district. He stated that this text amendment would remove the Residential Recovery Facilities from the Suburban Residential zone districts in the County. He stated that Staff was recommending approval of the request.

Under Commission questioning, Mr. Jackson asked if any of those types of facilities currently exist in the "RB" zone district. Mr. Judah stated that none of these types of facilities exist. He stated that the one that did get approved was in the "RR" zone district.

Mr. Luscher asked what created the need for the change. Mr. Judah stated that the Court had concerns with the use being in a residential area.

Mr. Sweger asked if Mr. Judah could give examples of subdivisions that were in the "RB" district. Mr. Judah stated that The Heritage and Augusta were two of them.

There were no further questions of staff.

Chairman May asked if anyone in the audience wished to speak on the amendment. Mr. Joshua Harp, on behalf of his clients, Not Forgotten Recovery, stated his clients were in partial agreement and partial opposition to the Text Amendment. He stated that they had originally had requested the text amendment in settings that would allow for outdoor activities such as gardening and animals. He stated that his clients had sought the original text amendment for Residential Recovery Facilities. He stated that the reason for that is that there is a significant drug and alcohol problem and that there are different ways to be able to recover from those addictions. He stated that having a facility in a single family zone district would allow other sources of treatment.

Mr. Harp stated that the residents who are living in a house and working but are still being supervised are considered to be a "facility" and not living together in a single family residence as roommates.

Mr. Harp stated that his clients were not in opposition to the new language listing what a Residential Recovery Facility is not.

Mr. Logan asked if Mr. Harp's clients wanted to open a facility in the "RB" zone district. Mr. Harp stated that they were not.

Mr. Lee asked Mr. Harp if he was considering a "program" to be the same as a homeowner. Mr. Harp stated that the residents could freely live together, but when they are residents of a recovery program, it is no longer a home but is a facility.

Mr. Sweger stated that all Conditional Use Permits go before the Board of Zoning Adjustments and adjacent property owners are notified.

After further discussion, Mr. Lee made a motion to close the Public Hearing. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Lee made a motion to recommend to the Franklin County Fiscal Court that the proposed Text Amendment to Sections 155.010 and 155.085 concerning Residential Recovery Facilities be approved. The motion was seconded by Mr. Jackson. The motion passed by a vote of seven to two. Those voting in favor were Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. Sanderson, Mr. Wright and Chairman May. Those voting in opposition were Mr. Boggs and Mr. Sweger.

Chairman May asked the secretary to introduce the next item:

In accordance with Sections 155.085 and 155.105 of the Franklin County Code of Ordinances, Dallas Todd Slusher c/o Bryan Hix is requesting approval of a Conditional Use Permit to allow the operation of a Reception/Assembly Hall located at 2486 Cedar Road. The property is more specifically identified as PVA Map Number 098-00-00-20.00 (County Item)

Mr. Ben Judah presented the Staff Report for the request. He stated that the proposed use for a Reception/Assembly Hall land use. He stated that the farm is located in the northeastern corner of Franklin County. He stated that the Conditional Use Permit request had been submitted to all review agencies and that the Fire Department had requested that a fire hydrant be installed. Mr. Judah stated that the six inch water line will be sufficient to install the hydrant. The Health Department will be assisting with the installation of the appropriate size septic tank to handle the bathroom facilities.

Mr. Judah stated that he was recommending approval with the seven conditions outlined in the Staff Report. Mr. Judah stated that he was recommending approval with seven conditions. Mr. Judah read the conditions into the record. He asked that his staff Report be entered into the record. Without objection, the Staff Report was entered into the record.

Under Commission questioning, Mr. Sweger asked if the driveway was paved. Mr. Judah stated that it was concrete. Mr. Sweger asked if the parking along the curved driveway would be accessed from the drive or the Cedar Road. Mr. Judah stated that the applicant will need to answer that question. There were no further questions of Mr. Judah.

Mr. Brian Hix, attorney for the applicant, stated that his applicant operates his farm as Three Hill Farm, LLC. He stated that he and his client had reviewed the staff report and were in agreement with the report.

Mr. Lee asked Mr. Hix if his client was in agreement with the seven conditions listed for approval. Mr. Hix stated that he was.

Mr. Boggs asked if the smaller parcel of land was where the horse training facility was located. Mr. Hix stated that it is not that property.

Mr. Slusher stated that the Tobacco barn will be used for events. He stated that he hoped to bring attention to what farmers do.

Mr. Boggs asked if there would be overnight camping or places to stay. Mr. Slusher stated that there would be neither.

Mr. Slusher stated that patrons will turn onto the property to access the field parking.

There were no further questions of the applicant.

Mr. Sweger made a motion to approve the Conditional Use Permit requested by Dallas Todd Slusher to allow the operation of a Reception/Assembly Hall located at 2486 Cedar Road with the seven conditions outlined in the staff report. The motion was seconded by Ms. Cross and passed unanimously.

There being no further business, a motion was made by Mr. Sanderson to adjourn. The motion was seconded by Mr. Lee

William May, Chairman

Vickie Sewell, Recording Secretary