

ORDINANCE NO # 9 - 2021

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE FRANKLIN COUNTY CODE OF ORDINANCES CHAPTER 155, SECTION 155.085 (TABLE OF PERMITTED USES) TO INCLUDE THE LAND USE OF RECEPTION/ASSEMBLY HALLS AS A CONDITIONAL USE IN THE AGRICULTURAL AND RURAL RESIDENTIAL ZONING DISTRICTS AND A PERMITTED USE IN THE HIGHWAY COMMERCIAL ZONING DISTRICT

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 on March 11, 2021 and adopted a summary of the evidence and findings of fact on March 11, 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 Chapter 155, Section 155.085, is hereby amended to read as follows:

LAND USE	CODE	AG	RR	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	IC	IG
Reupholstery & furniture repair shops	644													P	P	P	
Miscellaneous repair shops & related services	649													P	P	P	
INDOOR COMMERCIAL AMUSEMENT SERVICES																	
Dance halls, studios & schools	651												P	P	P		
Reception/Assembly Halls		C	C													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.

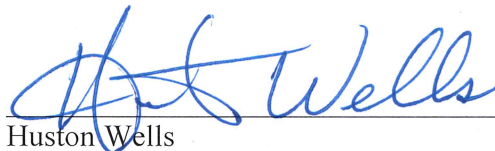
SECTION III. SEVERABILITY CLAUSE. If any section, part of, provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this

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.

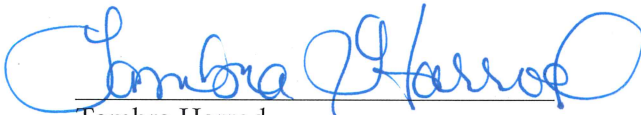
INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 30th day of June, 2021.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 23 day of July, 2021 and of record in Fiscal Court Order Book 31, Page 409



Huston Wells
Franklin County Judge/Executive

ATTESTED TO:



Tambra Harrod
Fiscal Court Clerk

SUMMARY

This ordinance amends Chapter 155, Section 155.085, Table of Permitted Uses, to add the land use "Reception/Assembly Halls" as a Conditional Use in the Agricultural and Rural Residential Zoning Districts and a Permitted use in the Highway Commercial District.

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**March 11, 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
Keith Lee
Paul Looney
Timothy Luscher
William I. May, Jr.
Darrell Sanderson
Charles Stewart
Russell Wright
Sherron Jackson, Chairman

(10)

Also Present:

Edwin Logan, Commission Attorney
Eric Cockley, Director, 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 approve the minutes. Mr. Boggs made the motion to approve the minutes. The motion was seconded by Ms. Cross. Chairman Jackson asked the Recording Secretary about two items in the minutes. One appeared to be an incomplete sentence and the second was a typographical error. Ms. Sewell explained that she had needed to review the tape of the meeting to complete that sentence and had failed to insert the information into the sentence and that the typographical error should have been the word "contingent." She stated that she would make the addition and correction and send the corrected minutes to the members. After a voice vote, the motion passed unanimously.

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

Edwin Logan (Legal Fee, February, 2021)	\$1,500.00
Vickie Sewell (Secretarial – PC – Feb. 11, 2021)	300.00
State Journal (Legal Advertising)	774.84
Dawn McDonald (BZA 2/9/2021)	75.00

Dawn McDonald (BZA 3/9/2021)

75.00

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

Under Staff Items, Mr. Cockley stated that the RFP for the Comprehensive Plan update had been advertised and posted on the Kentucky Planning Association's website and the City's website. He stated that responses will be due by March 15, 2021.

There were no Reports of Standing Committees.

There were no Reports of Special Select Committees.

Chairman Jackson asked the Secretary to introduce the next item:

CONTINUATION OF PUBLIC HEARING: Finn Glenn Farm, LLC is requesting approval of a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 205-acres of property at 2100 Harvieland Road. The tract is more specifically identified as PVA Map Number 046-00-00-007.00. (County item)

Mr. Lee made a motion to take the item from the table, to adopt the Summary and include written information and emails received from interested parties and to take action on the item. The motion was seconded by Chairman Jackson and passed unanimously.

Mr. Lee made a motion to approve findings of fact one and two that were contained within the staff report. The motion was seconded by Chairman Jackson and passed unanimously.

Chairman Jackson 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 Finn Glenn Farms, LLC to rezone from Rural Residential District "RR" to Agricultural District "AG" for 205 acres of property at 2100 Harvieland Road be approved. The motion was seconded by Ms. Cross and passed unanimously.

Chairman Jackson asked Mr. Logan if the first two public hearings could be heard at the same time because they were basically the same item. Mr. Logan stated that the Planning Commission could consider the items together, but that the record needed to stay clean and recommended that they be heard separately.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Text Amendment to the City of Frankfort Zoning Ordinance to establish Small Cell Tower System Regulations.

The Secretary swore in Eric Cockley, Frankfort Planning & Community Development

Director.

Mr. Logan asked Mr. Cockley to provide a brief summary of the Text Amendment. Mr. Cockley stated that the existing cell towers do not provide the functionality to provide for the 5G technology. The existing regulations did not contemplate this need. Mr. Cockley stated that in order to achieve the 5G network it was necessary for Cell companies to “augment” the more typical cell tower with these smaller cell tower systems. Mr. Cockley stated that the small cell towers cannot be regulated in the same manner as the large cell towers.

Mr. Cockley stated that the Zoning Update Committee had met on numerous occasions to consider the proposed regulations. At their January 27, 2021 meeting, the committee had recommended consideration by the Planning Commission.

Under Commission questioning, Chairman Jackson asked Mr. Cockley if the proposed regulations had been sent to companies like ATT and Bellsouth for their review. Mr. Cockley stated that he had shared the regulations with them. He stated that the companies had worked with staff to prepare the changes. He stated that the companies have no problems with the amendment.

Mr. Looney asked how the cell towers would be reviewed in the historic districts. Mr. Cockley stated that the historic district guidelines currently do address utilities. He stated that he envisioned that these smaller towers would be on roofs of buildings in the downtown area or in some other means that would not be an issue in the historic districts. Mr. Luscher stated that he wanted to make sure that the downtown and historic districts were protected.

Ms. Darrell Sanderson entered the meeting.

After further discussion, Mr. Lee made a motion to close the public hearing, adopt the staff report as the summary and to recommend to the Frankfort City Commission that the proposed Small Cell Tower text amendment be approved. The motion was seconded by Ms. Cross and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Text Amendment to the Franklin County Zoning Ordinance to establish Small Cell Tower System Regulations.

The Secretary swore in Mr. Robert Hewitt.

Mr. Logan qualified Mr. Hewitt. Under questioning, Mr. Hewitt testified that he had prepared the proposed text amendment. He stated that he had no additions or deletions to the staff report or to the proposed ordinance change. Mr. Logan asked Mr. Hewitt to provide a brief summary of any differences between the City version and the county version of the text amendment. Mr. Hewitt stated that the County does not have an historic district zoning. He stated that the County’s text amendment does not contain the historic district language. Mr. Hewitt stated that the remaining regulations were the same as the City’s version.

Mr. Hewitt stated that the Zoning Update Committee had met on numerous occasions to consider the proposed regulations. At their January 27, 2021 meeting, the committee had recommended consideration by the Planning Commission.

Mr. Logan asked that the Staff Report be filed into the record. Without objection, Chairman Jackson ordered the report to be filed into the record.

After further discussion, Ms. Cross. made a motion to close the Public Hearing, adopt the Staff Report as the Summary and to recommend to the Franklin County Fiscal Court that the proposed Small Cell Tower text amendment be approved. 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 the Franklin County Zoning Ordinance, Table of Permitted Uses relating to the addition of Dance Halls, Studios & Schools (Reception Assembly Hall) in the Agriculture and Rural Residential zoning Districts.

It was noted that Mr. Hewitt had been previously sworn.

Mr. Logan qualified Mr. Hewitt. Under questioning by Mr. Logan, Mr. Hewitt stated that he had prepared the staff report and the proposed text amendment. He stated that he had no additions or deletions to the proposed text amendment or his staff report. Mr. Logan asked Mr. Hewitt to provide a brief summary of the text amendment.

Mr. Hewitt stated that he has had requests for business licenses for these uses, but that the County's Zoning Ordinance does not currently allow for them. Mr. Hewitt stated that in recent years barns have become a unique entertainment venue for dances, weddings, receptions, etc. He stated that he had contacted surrounding counties to determine how each had handled the land use. He stated that the use will require a Conditional Use Permit in Agriculture and Rural Residential Districts due to the fact that they are located in a non-commercial location.

Under Commission questioning, Mr. Looney asked why the Limited Commercial and General Commercial zone districts were not considered. Mr. Hewitt responded that the Limited Commercial district provided more of a neighborhood type service and the assembly hall use is too intense for the zone district. He stated that General Commercial is more of a transitional zone district between residential uses and more intense commercial uses and may not be appropriate, as well.

Mr. Luscher asked if the Assembly Halls could be attached to hotels. Mr. Hewitt responded that the regulations proposed applied only to County properties.

Under public comment, Charles Jones stated that he had been approached by a couple who wanted to have an Assembly Hall on their property. He stated that he got in touch with Mr.

Hewitt and found that he was already working on the text amendment to allow the use. He stated that he hoped the Commission would support the Text Amendment.

Mr. Sanderson stated that he was concerned with where the uses would be permitted and if rural roads would be able to handle the additional traffic and the necessary commercial truck traffic. Mr. Jones stated that that was the reason they are being recommended as a Conditional Use Permit so that those issues could be looked at in a case by case manner.

Mr. Hewitt identified the Zoning Ordinance section for Conditional Uses and outlined what each use had to be reviewed by, which includes adequate capacity for the increased traffic on the roadways.

Mr. Logan stated that he felt the Conditional Use Permit classification for these uses was the most appropriate category because it would allow for a review of each request to ensure compliance with the regulations.

After further discussion, Ms. Cross made a motion to close the Public Hearing, adopt the Staff Report as the Summary of the hearing and to recommend to Franklin County Fiscal Court that the proposed Text Amendment to include Reception/Assembly Halls be approved. The motion was seconded by Mr. Lee and passed unanimously.

PUBLIC HEARING: Text amendment to the Franklin County Zoning Ordinance, Table of Permitted Uses relating to the addition of Mini-warehouse/self-storage facilities in the General Commercial and Highway Commercial zoning districts.

It was noted that Mr. Hewitt had been previously sworn in.

Under questioning by Mr. Logan, Mr. Hewitt stated that he had prepared the staff report for the text amendment. He stated that there were no additions or deletions to the staff report. Mr. Hewitt stated that the Zoning Ordinance Update Committee had recommended consideration by the Planning Commission and that he was recommending approval to the Commission. Mr. Logan then asked Mr. Hewitt to provide a brief summary of the Text Amendment.

Mr. Hewitt stated that currently those uses are not permitted within the General Commercial and Highway Commercial zoning districts. He stated that the City of Frankfort's regulations permits the storage facilities in the Highway Commercial and Planned Commercial districts. He stated that he is proposing to add self-storage facilities to the Highway Commercial district with several special noted conditions.

Mr. Logan asked that the staff report be entered into the record. Without objection, Chairman Jackson entered the report.

Under public comment, Ms. Melanie Van Houten stated that she wished to speak to a possible location of storage buildings next to her farm. Mr. Lee asked Mr. Logan if this was a public hearing on the text amendment only and not for a specific location. Mr. Logan responded that that was correct and that no specific properties would be considered.

Mr. Joe Grider stated that he felt the 100' buffer should be reduced to be consistent with the city's 30' buffer. Mr. Hewitt stated that he would not object to that change.

After further discussion, Mr. Lee made a motion to table the item. The motion was seconded by Ms. Cross and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Text amendment to the Franklin County Zoning Ordinance, Definitions, Table of Permitted Uses and Noted Special Conditions relating to the addition of Short-term rentals in Agriculture, Residential and Commercial zoning districts.

It was noted that Mr. Hewitt had been previously sworn in.

Mr. Logan qualified Mr. Hewitt. Under questioning, Mr. Hewitt testified that he had prepared the proposed text amendment and staff report for the item. He stated that he had no additions or deletions to the staff report or to the proposed ordinance change.

Mr. Hewitt stated that currently, those uses are not permitted in the County. He stated that these non-owner short term rentals are becoming increasingly popular. He stated that without licensing these uses, transient room tax cannot be collected. He stated that Tourism Director Robin Antenucci was present and could discuss how that affects her operations.

Mr. Logan asked that the staff report be entered into the record. Without objection, Chairman Jackson entered the report.

Under Commission questioning, Mr. Lee stated that limiting the uses to less than 29 days might affect campgrounds. Mr. Hewitt responded that these regulations are not intended to regulate campgrounds. Mr. Hewitt stated that the County does not have the same rental inspection program as the City and keeping these uses to less than 29 days makes sure that these short-term rentals are treated differently than long term rentals.

Ms. Antenucci stated that she is the Executive Director of the Frankfort/Franklin County Tourist Commission. She stated that she agreed with Mr. Hewitt and stated that the passage of this ordinance would be an important step for collection of the transient room tax.

Mr. Wright asked if the use would allow for an apartment on top of a grocery to be used. Mr. Hewitt stated that the use would be allowed where residential uses are permitted.

After further discussion, Mr. Looney made a motion to close the public hearing, to adopt the Staff Report as the Summary and to recommend to the Franklin County Fiscal Court that the proposed text amendment to allow Short Term Rentals in Agriculture, Residential and Commercial Zoning Districts be approved. The motion was seconded by Ms. Cross and passed 9-0, with Mr. Lee abstaining.

There being no further business, Mr. Lee made a motion to adjourn the meeting. The motion was seconded by Mr. Wright and passed unanimously.

Sherron Jackson, Chairman

Vickie Sewell, Recording Secretary

STAFF REPORT



TO: FRANKFORT-FRANKLIN COUNTY
PLANNING COMMISSION

FROM: Robert Hewitt, Director

SUBJECT: Amendment to the Franklin County Zoning Ordinance: Article 4.06
(Reception/Assembly Halls)

MEETING DATE: March 11, 2021

The Franklin County Chart of Permitted Uses within the Zoning Ordinance does not list Reception/Assembly Halls as an activity. This resulted in past interpretations that the closest use listed in the table was “Dance halls, studios & schools” (Code #651). Staff proposes to formally place Reception/Assembly Halls within the table directly below Code #651 and allow it as a conditional use within the Agriculture (AG) and Rural Residential (RR) zoning districts and as a permitted use in the Highway Commercial (CH) zoning district. This addition would provide an opportunity for “barn weddings” as well as other gatherings in a rural setting.

The Zoning Update Committee met on January 27, 2021 to consider the item. Based on discussion at the meeting, the Committee is recommending the use of “Reception/Assembly Halls” be conditional in the Agricultural and Rural Residential zoning districts as well as permitted in the Highway Commercial zoning district. No special conditions were recommended to further clarify the use. The proposed amendment to Article 4, Section 4.06 (Chart of Permitted Uses) has been attached.

RECOMMENDATION

Zoning Update Committee: Conditional Use in the (AG) Agricultural and (RR) Rural Residential zoning districts & permitted in the (CH) Highway Commercial zoning district.

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

LAND USE	CODE	AG	RR	RA	RB	RC	RS	RD	RL	RH	RM	PO	CL	CG	CH	IC	IG
Reupholstery & furniture repair shops	644													P	P	P	
Miscellaneous repair shops & related services	649													P	P	P	
INDOOR COMMERCIAL AMUSEMENT SERVICES																	
Dance halls, studios & schools	651												P	P	P		
Reception/Assembly Halls		C	C												P		
Theatrical producers (except motion picture), bands, orchestras	652													P	P		
Bowling Alleys	653													P	P		
Billiard & Pool Parlors and Game Rooms	653													15	15		
Motion picture production and distribution	655													P	P	P	
Motion picture service industries	656													P	P	P	