

**ORDINANCE
OF
THE FISCAL COURT OF PENDLETON COUNTY
COMMONWEALTH OF KENTUCKY
ORDINANCE NO. 920.0B**

An Ordinance amending the zoning ordinance known as Ordinance 920.0 relating to Article 7: Accessory Dwelling Units, Accessory Buildings and Structures, Set Backs, Article 10: Signage, Article 11: Duties of the Zoning Administrator, Article 15: Adding the Following Definitions: Change of Use and Temporary Signage: Identification Change to Zoning Map and Four Zoning Map Amendments.

BE IT ORDAINED by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky that the text of the Zoning Ordinance No. 920.0 be amended as follows:

1. Article 7, Section 7.0.C.8., delete “Accessory dwelling units” from the list of Accessory Uses, replacing it with “DELETED” and add “Accessory dwelling units” to 7.0.D.17 as a Conditional Use.

2. Article 7, Section 7.0.D, add as additional conditional uses in the Rural Zone:

15. Buildings and structures which would be accessory to a residence, on a lot without a residence.

16. Buildings and structures accessory to a residence, in the front yard of the residence, provided that a front setback of one hundred (100) feet is maintained.

3. Change the Article 7, Section 7.0.E.2 in the Rural Zone from: “Minimum Front Yard Depth – Fifty (50) feet.” To:

“Minimum Front Yard Depth -

- a. In all cases no less than Ten (10) feet from (i) the right-of-way line of all state or county roads and from (ii) any utility easement area; and
 1. On U.S. Highway 27 and the “AA” Highway – One Hundred Twenty-five (125) feet from edge of pavement.
 2. On all state roads having state designated numbers: Fifty (50) feet from edge of pavement.
 3. On all county roads: Thirty-five (35) feet from edge of pavement.

4. Change Article 10, Section 10.5.C.1. from:

“Each business shall be entitled to have one (1) sign which is mounted flush against a building (wall-mount) for each building face that fronts a public street. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a wall-mount sign shall be limited to a total surface area equivalent to two (2) square feet of sign area for each linear foot of building width occupied by such enterprise, not to exceed one hundred (100) square feet. The Board of Adjustment may grant a variance of the one hundred (100) square feet size limit if the franchisee of a national franchise company presents viable information that the franchisor requires a sign which larger in size in order to approve the location.”

To

“Each business shall be entitled to have a sign or signs which are mounted flush against a building (wall-mount) for each building face that is visible from a public street. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a wall-mount sign or signs shall be limited to a total surface area equivalent to two (2) square feet of sign area for each linear foot of building width occupied by such enterprise, not to exceed one hundred (100) square feet. The Board of Adjustment may grant a variance of the one hundred (100) square feet size limit if the franchisee of a national franchise company presents viable information that the franchisor requires a sign which larger in size in order to approve the location.”

5. Add the following language to Article 11, Section 11.0.B.8 under “Duties of the Zoning Administrator:

“Make interpretations of the zoning ordinance so as to avoid impractical or unreasonable requirements of this ordinance as applied for minor or insignificant matters. Zoning Administrator to seek counsel for any such item pertaining to Business and Intensive-zoned property.”

6. Article 15, add the following definitions:

“CHANGE OF USE: a significant or substantial change in the manner in which the property or structure is used or operated, as in a change in the business conducted from one industry to another, not including minor changes not affecting the impact of the use on the community or adjoining properties.

SIGN, TEMPORARY: A sign, excluding political signs and real estate signs, that is not permanently affixed, and which include banners, pennants, flags, searchlights, sandwich-type and balloons, which are permitted for thirty (30) days or less.”

7. On Zoning Map, change the term "Commercial" to the term "Business" to identify properties so zoned.

BE IT FURTHER ORDAINED by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky that the Pendleton County Zoning Maps that accompany the Pendleton County Zoning Ordinance No. 920.0 be amended as follows:

1. Zoning Map changes to the following properties:

- a. Pendleton County Industrial Development Authority, 76 acres located 175 David Pribble Drive, Falmouth, KY 41040 from Rural (R) to Business (B).
- b. Butler Community Volunteer Fire Dept, 1.44 acres located at the Northwest corner of Industrial Road and Valley View Lane, Butler, KY 41006 from Rural (R) to Intensive (I)
- c. Peach Grove Storage, 10.5 acres located at 5694 Hwy 154, Butler, KY 41006 from Rural (R) to Business (B).
- d. Logan Lumber Company, 4.025 acres located at 10630 Milford Road, Falmouth, KY 41040 Rural (R) to Intensive (I).

Unchanged in the Ordinance is all language in Article 11 which imposes penalties for violation of the zoning ordinance in accordance with KRS 100.991, providing that violation of the zoning ordinance is a class B misdemeanor, and each day of violation is a separate offense.

Provision for summary reading and publication is made as follows:

This Ordinance received first read on June 9, 2009 and is published in summary form, the full text being available for public inspection in the office of the County Judge-Executive and/or the County Clerk. A second reading will be held at a regularly scheduled fiscal court meeting at 7:00 PM on June 23, 2009 in the courthouse community room, 233 Main Street, Falmouth, Kentucky. Public Invited. This ordinance will become effective upon final publication on June 30, 2009.

HENRY W. BERTRAM
Pendleton County Judge-Executive

Attest: _____
Vicky King
Fiscal Court Clerk

First reading: 06-09-09

Second reading: 06-23-09

Passage: _____

Publication: _____