

1. **ZOTA 2014-1: AMENDMENT TO ARTICLE 5-2(a) FOR ZONING COMPLIANCE PERMITS** – petition for a Zoning Ordinance text amendment to provide clarification about when a Zoning Compliance Permit is required.

REQUESTED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: (Note: Underlined text indicates an addition to the current Zoning Ordinance.)

#### ARTICLE 5: ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

**5-2 PERMITS REQUIRED FOR CONSTRUCTION, DEMOLITION, AND LOCATION OF STRUCTURES** - Permits shall be required for the following activities and shall be issued by the designated Division in conformity with the provisions of this Zoning Ordinance.

**5-2(a) ZONING COMPLIANCE PERMIT** - After January 1, 2012, no building or premises shall be occupied for any use, nor any use be changed, unless a zoning compliance permit has been issued by the Division of Planning. Such permits shall not be required for agricultural uses as defined in KRS, single family or two-family residences; however, this provision shall not be construed as to exempt such uses from the requirements of the Zoning Ordinance, conditional zoning restrictions, development plan restrictions, or other similar duly enacted restrictions.

The Zoning Committee Recommended: Approval, for the reason provided by staff.

The Staff Recommends: Approval for the following reason:

1. The proposed text amendment clarifies that Zoning Compliance Permits are necessary for the occupancy of all sites, not just buildings. This modification will reduce any perceived ambiguity about when such a permit is required by the Zoning Ordinance.

Staff Presentation: Ms. Wade presented the staff report, noting that the proposed text amendment involves a very minor change to Section 5-2(a) of the Zoning Ordinance. She said that the staff is proposing to add the words "or premises" to the section that describes when a zoning compliance permit is necessary. Currently, the wording in the Zoning Ordinance states that a zoning compliance permit is required when a building is constructed or occupied, or there is a change of use. This addition would clarify that a zoning compliance permit is also required when a site occupied, rather than just a building.

Ms. Wade stated that the current text has not caused any issues to date, but the staff has recently identified it as a possible loophole. She said that there are some land uses that do not require the use of buildings. The proposed text amendment would clarify that, in order to occupy a property, a zoning compliance permit is required. Ms. Wade said that the staff and the Zoning Committee recommended approval of this request, for the reason as listed in the staff report and on the agenda.

Commission Question: Mr. Penn asked if the reference in the text to "special events" applies to the entire county, or just within the Urban Service Area boundary. He asked if a permit is required for any type of special event. Ms. Wade answered that carnivals are a good example of a special event in the Ordinance today. They are a principal use in many zones, but they require a permit to occupy a particular property. Mr. Penn asked if the proposed text amendment would impact the recreation ZOTA, on which the staff and the Planning Commission have been working. Ms. Wade responded that fireworks stands are a temporary use, but they require zoning compliance permits to be issued. She added that she would anticipate that seasonal activities and other special events would require zoning compliance permits as well.

Citizen Comment: There were no citizens present to comment on this item.

Action: A motion was made by Ms. Blanton, seconded by Ms. Plumlee, and carried 10-0 (Brewer absent) to approve ZOTA 2014-1, for the reason provided by staff.