

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2014-1: AMENDMENT TO ARTICLE 5-2(a) FOR ZONING COMPLIANCE PERMITS

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.

STAFF REVIEW:

The Urban County Planning Commission, at the request of the Division of Planning staff, initiated a text amendment to Article 5-2(a) of the Zoning Ordinance in December 2013 in order to clarify when a Zoning Compliance Permit is required. The current language requires a permit when a building is occupied for any use, or the land use is changed. The proposed change will add the words "or premises" in order to clarify that Zoning Compliance Permits are necessary for the occupation of all sites, not just buildings.

There are uses that do not require a building, such as a plant nursery; outdoor recreation (such as baseball or soccer fields); special events and temporary structures (such as church events, music festivals or carnivals); and food trucks; to name a few, that have made applications in the past two years. The proposed text amendment will modify the language to ensure that those uses are clearly covered under the zoning compliance permit requirements.

This change will not alter the standard operating procedures for the Division of Planning, as the staff has interpreted the intent of the Ordinance as requiring a Zoning Compliance Permit in this situation, and has been doing so since January 2012 when enforcement of the Zoning Ordinance was transferred to the Division of Planning. This clarification will reduce any perceived ambiguity and reinforce the intent of the Ordinance.

The Staff Recommends: **Approval** for the following reason:

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