

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

OCTOBER 14, 2014

7:00 PM

AGENDA

1. Meeting called to order.
2. Roll call and determination of quorum.
3. Approval of the September 22, 2014 minutes.
4. File Number: 12-14-PPD-03
Applicant: Sun Valley Real Estate
Location: Race Track Road, Unincorporated Campbell County.
Request: Approval of a preliminary plat creating 6 lots from 39.3698 Acres on Race Track Road.

Public Hearings

5. File Number: 134-14-TXA-01
Applicant: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
Request: Proposed update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance.
6. File Number: 137-14-TXA-01
Applicant: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
Request: Proposed update to the By-Laws of the Campbell County and Municipal Planning and Zoning Commission.
7. File Number: 138-14-TXA-01
Applicant: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
Request: Proposed update to the By-Laws of the Campbell County and Municipal Board of Adjustment.
8. File Number: 139-14-TXA-01
Applicant: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
Request: Proposed update to Section 10.10 RMHP Residential Mobile Home Park (RMHP) Zone, of the Zoning Ordinance.
9. Approval of Training
10. Director's Report
11. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,
PLEASE CALL THE P&Z OFFICE AT 859-292-3880.**

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting, if there is a need for the Commission to be aware of, contact the office.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE OCTOBER 14, 2014 MEETING**

MEMBERS PRESENT:

Mr. Larry Barrow
Ms. Deborah Blake
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Michael Williams, TPO
Mr. Justin Verst, Chair, *arrived 7:40 PM*

MEMBERS ABSENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Tony Pfeffer, Vice Chair

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Ryan Hutchinson, Planner
Mr. Matt Smith, Legal Counsel
Ms. Stephanie Turner, Secretary

Mr. Williams called the meeting to order at 7:05 PM. Following roll call, a quorum was found to be present. Mr. Williams asked if everyone had reviewed the September 22, 2014 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Williams called for a motion. Mr. Barrow made a motion to approve the September 22nd meeting minutes. Mr. Stubbs seconded the motion. A roll call vote found Mr. Barrow, Mr. Stapleton and Mr. Stubbs in favor of the motion. Ms. Blake and Mr. Williams abstained. Motion passed.

Mr. Williams introduced case #12-14-PPD-03, Sun Valley Real Estate, with a request for approval of a revision of a plat creating six lots from 39.37 acres on Race Track Road. Mr. Williams called for Mr. Hutchinson to present the staff report and recommendations. Mr. Hutchinson presented the staff report and recommendation as follows:

SUBDIVISION: 12-14-PPD-03

APPLICANT: Sun Valley Real Estate

LOCATION: Race Track Road, Unincorporated Campbell County.

REQUEST: Revision of a plat creating 6 lots from 39.37 acres on Race Track Road.

Considerations:

1. The 2008 Campbell County Comprehensive Plan Update designates the site for higher density single family residential. The Campbell County Zoning Ordinance classifies the plat within the R-1C Zone, an Residential One C, requiring a minimum lot size of 12,500 square feet, lot widths of 70 feet, minimum front yard setback of 35 feet, side yards of 7 feet (one side) and 20 feet (total both sides), and a minimum rear yard depth of 25 feet, not including flag lots and/or mobile home lots.
2. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following issues:
 - a) The Plat indicates a revision of a plat to subdivide 39.37 acres on Race Track Road (collector road) for the creation of 6 new lots, with no public improvements.
 - b) The plat indicates access will come from Race Track Road for all six lots.
 - c) The right of way for Race Track Road indicated on the plat is 60' feet.
 - d) The plan indicates larger irregular shaped acreage lots. The largest lot being 12.27 acres and the smallest being 2.09 acres.
 - e) The plan indicates five of six lots meet the minimum lot width.

- f) The proposed lot six is a remainder of the combined tracts. The flag stem to this existing lot does not meet the minimum requirements.
- g) The plat indicates a common access easement on lots 1 to 3.
- h) Lot six is the only tract that has an existing home the rest of the lots are vacant.
- i) The plat indicates a 12" water main is fronting along Race Track Road.
- j) The applicant has indicated this acreage is not feasible to connect to the northern part of the development. The development showed in gray. Because of the economic conditions it makes more sense for the developer to split these lots from the originally approved subdivision.
- k) County records indicate centralized sanitary sewers are not available for this area. Notation on Plat indicates that on-site sewage disposal systems will be utilized subject to Health Department approval.
- l) The Plat does not note that the new building development on areas containing ground slopes of 20% or greater will require implementation of "Hillside Development Controls" contained within the Campbell County Zoning Ordinance.
- m) The Plat indicates a small portion of Lot 1 along race track road sits within the 100 year flood zone.

Recommendation for Preliminary Plat:

To approve a revised Preliminary Plat for the Parkside Subdivision III, but only subject to the following conditions:

1. That the applicant meets minimum driveway spacing requirements of a collector road, 185' feet.
2. That the Plat be revised with the "Hillside Development Controls..." statement, contained within the Campbell County Zoning Ordinance, prior to approval of the Final Plat.
3. That lot 6 not increased in size unless the rest of the lot can comply with the county zoning and subdivision regulations for the R-1C zone.

Bases for Recommendation for Preliminary Plat:

The proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance, except as noted below:

1. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.23B.1 states: "All land areas located within the County and identified on the Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas, which have slopes of 20%, or greater shall require approval before development may occur...";
2. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 415.D: "Each flag lot shall have a minimum of twenty-five feet (25') of frontage on a publicly dedicated street. Flag lots shall have a panhandle with a uniform and consistent width with a maximum length of two hundred fifty feet (350') from a publicly dedicated street."
3. CAMPBELL COUNTY SUBDIVISION REGULATIONS SECTION 115 SPACING REQUIREMENTS: "Collector roads less than 40 MPH require spacing of 185' feet."

Mr. Hutchinson concluded his report asking if there were any questions he could answer for the Commission. Mr. Williams thanked Mr. Hutchinson for the report and asked if there were any questions for staff at this time.

Mr. Stapleton asked Mr. Hutchinson to put up the slide showing the gravel driveway running back to lots 5 and 6. Which house does that serve? Mr. Hutchinson replied that the only house out there currently is on lot 6. Mr. Stapleton asked about the dark line to the right of that driveway. What is it? Is it the utility easement? Mr. Hutchinson replied that the dark line reflected the access easement for lots 1 through 3. Mr. Stapleton continued that if this is the easement off the road for lot 2, it cutting right up the center of where the driveway is going to be, if that is the standard 12-foot driveway, how is the utility easement going to be put under the driveway? Mr. Stapleton stated it should be to the left or right of the driveway. To his knowledge, you can't put a utility easement directly underneath the driveway. Mr. Stapleton asked if that is existing or just proposed. Mr. Hutchinson replied that it is a proposed access easement. None of this is currently in existence except portions of lot 6. Mr. Stapleton replied that he just doesn't see how this is going to work where you have access off the street and utility easement is centered and it comes up and backslides literally flush to the entire easement back to the road. Mr. Hutchinson replied that it was a common access easement. They don't even have a dimension on the drawing. Certainly, those easements are something that staff wants to see on there and in place, but we are going to leave it up to the individual property owners to negotiate. I'm sure the developer is going to take that into account. You can definitely ask the applicant for additional information on that, but as long as there is an easement shown, that is what staff is concerned about. We do not become involved in private matters between property owners. If there is something specific you want to see in there, we can definitely condition it so it is included, but generally speaking it is a private matter. We would let the developer and the property owner deal with that. Mr. Stapleton asked about the creek coming down from the north side of the property. Where and what does that drain in to? Mr. Hutchinson answered that the water drains down from the top of lot 1 south towards Race Track Road and then goes under the road into the Campbell County Park. Mr. Stapleton asked if there was already a pipe in there. Mr. Hutchinson and Ms. Minter agreed there was a pipe running under Race Track Road currently.

Mr. Barrow asked about the access easement on lots 1, 2 and 3. We are showing one easement for the driveway coming in that is going to service all three lots. Mr. Barrow commented that we have seen this issue many times before where there is an easement for access and then someone sells to someone else or gets mad at someone. Mr. Barrow asked if the easement could be extended over each individual property so that if that problem ever arises that they could just come in the drive and then turn right into their own property rather. Mr. Hutchinson commented that the topography lays pretty nice on this property and the design of the lots is such that they do meet the minimum lot width of 70 feet all the way back. They do not exceed the 4:1 lot ratio because they are more than 5 acres. Theoretically, if they wanted to put their own driveway in so that they come in and then turn off to their individual lot and they could take the drive all the way back. Mr. Barrow stated that they have had trouble in the past, but where that right exists and then there is no problem. Mr. Hutchinson stated that he understood, but that easements are private matters between property owners. The county as a rule does not become involved in those private issues between homeowners. We do like to see the design of the properties to be laid out so that property owners have their own individual and unique access point. Mr. Barrow asked if the Commission could make that a condition of the approval that each property owner has their own access to their own property. Mr. Hutchinson asked Mr. Barrow to repeat what he wants to see as a condition. Mr. Barrow explained that instead of a long driveway servicing all three owners, he would like to see one access point from the road that immediately allows each property owner to be directed to their own property for driveway access to their individual homes. Mr. Hutchinson replied this was a preemptive strike to make certain that if there was a problem then this issue has already been addressed. Mr. Barrow agreed that was his intent. Mr. Hutchinson replied that the Commission could make this a condition of their approval or ask the applicant if they would be willing to add this to their plan.

Mr. Williams asked if there were any other questions of staff at the moment. There being none, Mr. Williams asked the applicant if they would like to step forward. Mr. Joe Kramer of Cardinal Engineering located at 1 Moock Road in Wilder stepped forward to speak on behalf of the applicant. Mr. Kramer started by commenting that the easement providing access to lots 1 through 3 were shown just in a general nature so that they could show how they were going to meet the spacing requirement between driveways on Race Track Road. The easements will be shown in detail on the final plat as 20 feet wide with utilities to be placed 3 feet off the sides of the easement. As far as if they do an easement to allow

each individual lot to have their own driveway, Mr. Kramer stated he did not feel that this was really necessary. There have been issues in the past with lots being created, some even without road frontage, and some without easements, but part of this process is to establish the easement. Once it has been recorded on the final plat, Mr. Kramer stated he was not aware that anyone could take away the right to that easement since it will be put on the final plat and specifically called out as the access easement to lots 1, 2 and 3. He is not aware of any mechanism that would permit that easement to be taken away from them so Mr. Kramer feels the condition to require individual driveways from a mutual access point would be excessive.

Mr. Kramer stated that there are 3 conditions listed in the staff report and they do not have any issues with conditions 1 or 2, but does have some questions and concerns on condition 3. Their real concern is the condition pertaining to lot 6. Mr. Kramer pointed out lot 6 on the slide. Lot 6 is currently 3.9 acres with a 10-foot wide flag stem. This is the driveway we were talking about earlier. From what Mr. Kramer understands from what has been commented here tonight is that if someone purchased lot 6 they would not be allowed to purchase additional land around it and add it to their lot to make it bigger. Mr. Hutchinson asked Mr. Kramer how big was the parcel with the house on it currently. Mr. Kramer replied that it was between 12 and 15 acres. Mr. Dennis MacDonald, managing member of Sun Valley Real Estate, commented from the audience that it was 3.9 acres; it was bought as a 15-acre tract and that is how it exist today.

Mr. Hutchinson pointed out the lot reflect on the County's Property Valuation Administration (PVA) website and replied that this tract was not 15 acres. Mr. Kramer stated that was the issue. He doesn't know where the line came from on the PVA's website. As he read the deeds, this entire piece is all being fed by this 10-foot stem. Mr. Hutchinson asked Mr. Kramer to confirm that he believes that the PVA data is incorrect. Mr. Kramer replied that is correct. There is only one flag stem and if the PVA data is correct it means that one of these parcels would be landlocked. Mr. Kramer stated that as he read the deeds they are one lot. Mr. Hutchinson stated that this condition was based upon the PVA data. The issue being that, if the lot was already that size and then they added to it, you would be enlarging a nonconforming lot. If you allow them to do so and then in the future they want to divide it, we would have to deny their request and it would be an issue. Mr. Kramer stated that he thinks the concern is really the potential for future division of lot 6. If that is it, then the developer can place a restriction on lot 6 that says that lot 6 cannot be divided in the future unless they acquire additional road frontage. They have a 10-foot flag stem that has existed for 20 to 25 years. My concern is that if they were to sell lot 6 and then they want to purchase land from a neighbor in the future they would not be able to do so. The access is still the same, but if he wants to make this lot bigger, Mr. Kramer doesn't see the concern with this. But if you want to prevent a future division, we could add the restriction unless he purchases road frontage and that would take care of the issue. Mr. Hutchinson explained that staff's perspective is that if the information from PVA is wrong it changes the way staff would review the lot. If it is currently 13 acres and you are reducing it in size to 3.9 acres, staff would like to see the reduction in the nonconforming design. However, if the lot is currently 1 acre and you want to increase it to 3.9 acres, you are enlarging the nonconforming design and that is not permitted. You never want to see a lot that does not meet the minimum configuration to get larger. Mr. Hutchinson stated that staff would need some kind of proof as to the validity of the information on the PVA website. Mr. Kramer stated he just didn't want to burden the future homeowner if it was unnecessary. The applicant has copies of the deeds that they can supply to staff if they need them. Mr. Hutchinson stated he would have to do additional research on this parcel.

Mr. Stapleton commented that his view is that if the PVA is wrong in their lot lines he is not sure what it is that we are trying to prove now. Is this wrong or what? Mr. Kramer stated that regardless of how the lot exists they are still trying to subdivide the same amount of acreage in this configuration. Mr. Kramer stated he was just questioning condition 3. The issue with lot 6 has nothing to do with setback requirements or lot size; it is frontage which is only 10 feet. Mr. Hutchinson clarified that lot 6 was nothing more than a remainder tract, but they are calling it lot 6. In the PVA website, they show it as being only a little over 1 acre, but if they are enlarging it to be 3.9 acres, that is where the issues lays. If they currently have 13 acres and want to reduce it to 3.9 acres, we are fine with that. Otherwise, you have a future homeowner that adds even more land to his property and then wants to subdivide and can't because they cannot meet road frontage requirements. The current 10-foot stem is preexisting nonconforming. We want to bring them closer to conforming to current requirements. We do not want to see them further exasperate a nonconforming requirement. This happens and it really upsets the homeowner who argues

that you shouldn't have let me buy the additional land for future generations if you weren't going to allow me to divide at some point in the future for a lot for that child, grandchild or other family member.

Ms. Minter suggested that condition 3 remain attached to the motion by the Commission. After additional research on the website issue, if it is determined that the lot is actually decreasing in size, then this becomes an irrelevant condition. However, if it is increasing in size, we want to see this condition set in place to reduce confusion in the future. Mr. Stapleton that at this point if someone is going to come in and buy lot 6 and then also buys the land behind it, I personally don't think this is an issue. Ms. Minter replied that if an owner came in and bought lot 6 and then bought lot 3 to adjoin to his parcel, that would be great because lot 3 has the necessary road frontage. If an owner came in to buy lot 6 and then a couple of acres off of lot 3, then that would be increasing a nonconforming lot which we don't want to allow. Ms. Blake asked the size PVA currently shows for lot 6. Mr. Hutchinson stated that it shows the lot is just a little over 1 acre.

Mr. Kramer asked if there were any other questions he could answer for the Commission. Mr. Barrow commented that he would still like to see something regarding access for lots 1, 2 and 3. Many times we see people coming to us for issues regarding their access. Changes in ownership have shown issues will still arise with common driveways. Mr. Kramer stated that as long as it doesn't restrict the lot in any way. Mr. Stapleton stated you were next to a really nice subdivision. Mr. Barrow asked Mr. Hutchinson to construct a condition to add to the recommendation that would address this issue. Mr. Hutchinson proposed:

4. *That the applicant provide an additional 25-foot access easement fronting lots 1, 2 and 3 along Race Track Road.*

Mr. Barrow and Mr. Kramer were both fine with this condition.

Mr. Williams asked the applicant if he wished to address the Commission. He did not. Mr. Williams asked if there were any other items for discussion on this case. There being none, Mr. Williams asked if the Commission would be ready to consider a motion. Mr. Barrow made a motion on case #12-14-PPD-03, Sun Valley Real Estate, with a request for approval of a revision of a plat creating 6 lots from 39.37 acres on Race Track Road to approve the request with the conditions listed in the staff report and adding recommendation 4 as previously stated. Ms. Blake seconded the motion. Mr. Williams asked if there were any discussion regarding what the motion would be. Ms. Minter asked Mr. Barrow if the bases for his motion were as listed in the staff report and the discussion here tonight. Mr. Barrow concurred that it was. Mr. Williams called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton and Mr. Stubbs in favor of the motion. Mr. Williams abstained. Motion passed.

Mr. Verst arrived at 7:40 PM and was recognized by Mr. Williams. Mr. Verst assumed the Chair position and Mr. Williams joined the Commission for discussion. Ms. Minter advised the Commission that item 7 on the agenda was an information only item for the Commission. The Board of Adjustment (BOA) would be voting next week to amend their By-Laws. Later tonight, the Commission will review a text change to their By-Laws.

Mr. Verst advised the Commission that this was a public hearing as he introduced case #134-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance. Mr. Verst called for Ms. Minter to present the staff report and recommendations. Ms. Minter presented the staff report and recommendation as follows:

FILE NUMBER: 134-14-TXA-01
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
REQUEST: Proposed update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance.

Background:

On behalf of the Campbell County Planning and Zoning Commission, the Campbell County Planning & Zoning staff is submitting this request for a Public Hearing to modify the text of Section 9.29. The purpose of these proposed revisions are to streamline the planning review and avoid conflict with guidelines and regulations defined by the Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and Federal Communications Commission (FCC).

Proposed Text Amendment:

Per the attachments.

Recommendation:

To recommend the proposed text amendments to the Campbell County Fiscal Court for adoption into the Campbell County Official Zoning Ordinance.

Supporting Information/Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Campbell County & Municipal Planning & Zoning Commission has the authority to recommend that adoption of text changes to the Campbell County Fiscal Court.
2. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure of the Campbell County Zoning Ordinance.
4. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

[A copy of the proposed text amendment is attached to these minutes.] During the review of the proposed text change, Mr. Williams asked about what happens if the cell tower is going to interfere with agriculture use of the property. Ms. Minter explained that the County does not determine that a cell tower is required to be placed on a specific site. The cell tower owner contacts the property owner individually and negotiates to place a cell tower on a site. If the farmer feels that it is going to interfere with their farm or they don't want it on their property, they have the right to refuse to allow the cell tower to be placed on their site. The cell tower owners then go to the next property or farm and ask them to negotiate to allow a cell tower to be placed on the site. The County does not force the issue. That is a private deal between the property owner and the cell tower owner. Mr. Smith stated that since a cell tower is not agriculture, the placement of the cell tower on a farm is not protected under the statute and we are able to regulate it.

Ms. Minter continued her report. Upon reaching the section for temporary towers, Ms. Minter stated that this was a new section we did not have previously, but neighboring counties have seen this type of activity and it is conceivable that it would also occur in Campbell County. Ms. Blake asked her for an example of what would be considered a "temporary" tower. Ms. Minter explained that sometimes there are very large events or major construction occurring that may require a tower or that the tower is needed only for maybe 6 months while repair or alteration is being made to a more permanent tower. Ms. Blake asked for further clarification. Mr. Barrow was able to explain that at times there are instances where temporary tower are needed. For example, there was a temporary relocation of service that did occur recently for the Firefighters Education Association in Highland Heights for approximately 5 months. When they switched from Sprint to ATT, they needed a temporary tower. It did not disrupt the community and it was unnoticed by many citizens in Campbell County.

Ms. Minter concluded her report by asking the Commission if they had any other questions for staff. Mr. Verst asked the Commission if they had any questions for staff. Mr. Smith asked about the cell tower application. It cites KAR regulations and does not include uniform application regulations from KRS. Ms. Minter stated that the cell tower application form she distributed with their packet was just to reflect what we currently require to be completed. Mr. Smith stated that he would advise an additional condition or terminology that stated that our application will conform to statutes set forth in KRS 100.9865 and KRS 100.987. Ms. Minter asked him to expand that thought to give staff language to add to the zoning

ordinance. After a brief discussion, it was proposed that an additional section be added to the end of the proposed text by staff as follows:

- J. *APPLICATION REQUIREMENT: Application for a cell tower shall conform to the requirements as set forth in KRS 100.9865 and KRS 100.987 on a form prescribed by the Planning & Zoning Commission.*

Mr. Verst asked staff if they objected to the addition to the text. Ms. Minter stated she had no objections to the addition.

Mr. Verst asked if there were any other questions for staff. There being none, Mr. Verst reminded the Commission this was a public hearing. Mr. Verst stated that there being no one in the audience, he was closing the public hearing and opened the floor for discussion among the Commission. Mr. Verst asked if there were any points or thoughts to discuss. Mr. Barrow stated that legal counsel added what was needed.

Mr. Verst asked if there were any other comments. There being none, Mr. Verst called for a motion to be made. Mr. Barrow made a motion on case #134-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance to approve the text amendment as presented by staff and adding item "J" as read into the record previously. Mr. Barrow cited the bases for his motion was the items reflected in the staff report and the discussion here tonight. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton, Mr. Stubbs and Mr. Williams in favor of the motion. Mr. Verst abstained. Motion passed.

Mr. Verst advised the Commission that this was a public hearing as he introduced case #137-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission, with a request for an update to the By-Laws for the Commission. Mr. Verst called for Ms. Minter to present the staff report and recommendations. Ms. Minter presented the staff report and recommendation as follows:

FILE NUMBER: 137-14-TXA-01
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission.
REQUEST: Proposed update to the By-Laws of the Campbell County and Municipal Planning and Zoning Commission.

Background:

Staff has submitted a request to modify the By-Laws of the Campbell County and Municipal Planning and Zoning Commission. These bylaws were last updated in 2007. The proposed revisions will largely correlate text with the Bylaws for Board of Adjustment, clarify dates for critical items, align text with current Kentucky Statues, and provide best business practices.

Proposed Text Amendment:

Addition and deletions of text as underlined and struck below within this section (See attachment).

Recommendation:

To adopt the proposed text amendments to the By-Laws of the Campbell County and Municipal Planning and Zoning Commission.

Supporting Information/Bases for Staff Recommendation:

1. Pursuant to KRS 100.167 Minutes and bylaws, and KRS 100.328 Bylaws and procedures, the Campbell County & Municipal Planning & Zoning Commission has the authority to adopt by-laws.
2. The proposed modifications are consistent with KRS 100.
3. Proper notice, in accordance with KRS 424, of the public hearing has been given.

[A copy of the proposed text amendment is attached to these minutes.] Ms. Minter went through the proposed text changes page by page. At the conclusion of her report, Mr. Verst reminded the Commission this was a public hearing. Mr. Verst stated that there being no one in the audience, he was leaving the public hearing open for the time being, but opened the floor for discussion among the Commission. There was intensive discussion on the proposed changes to the By-Laws.

A discussion was held regarding the difference between recusing, abstaining and/or leaving the room when a commission member perceives a potential conflict of interest. The proposed changes reflect the outcome of this discussion. At the conclusion of this discussion, Mr. Smith clarified for the Commission that the Chair is not required to abstain from voting unless there is a tie. That may be tradition for certain areas, but the Chair is fully entitled to vote either for, against or to abstain and/or recuse himself as any other member of the Commission would be entitled to do. The only restriction is that the Chair votes last. Mr. Smith encourages the Chair and/or Acting Chair to vote.

Referencing Page 6, Lines 2 through 5, Mr. Verst asked the question what happens if the Commission does not take action on a case within 60 days of the application. Mr. Smith stated that in those circumstances the case will continue on to the Fiscal Court and/or legislative body for action without a recommendation from the Commission.

A discussion was held regarding the methodology and equipment used to record and preserve the meeting minutes. Ms. Minter and Ms. Turner highlighted the current procedures based upon the current equipment. Mr. Smith recommended that the recordings of the meetings be preserved for to be able to create future transcript. Mr. Williams suggested some general equipment and software. Mr. Minter acknowledged that there were some technological challenges and that she would need to bring a solution back to the planning commission after further research.

The following is a summary of the additional changes made to the text proposed by staff:

1. Page 1, Line 12: capitalize the "r" in "Subdivision Regulations".
2. Page 2, Line 35: delete the word "for".
3. Page 4, Line 14: add "," after "lack of business to conduct or decide".
4. Page 4, Line 15: change "or" to "of".
5. Page 4, Lines 31: replace "for each party" with "by the applicant".
6. Page 4, Line 31: change "one (1) hour" to "thirty (30) minutes" then add "; for the opposition shall be limited to a total of thirty (30) minutes; and for those in favor or neutral to the application shall be limited to a total of fifteen (15) minutes".
7. Page 4, Line 33: add to the end of the paragraph "At the discretion of the chair, only those persons that have registered to speak prior to the start of the meeting may do so."
8. Page 4, Line 38: after "support or opposition to the party with the floor," add "it is encouraged that".
9. Page 4, Line 39: delete "in cross examination".
10. Page 5, Line 27: delete "taken verbally and" and add "by" before "roll call vote".
11. Page 5, Line 27: after "roll call vote" add on all applications before the P&Z. A verbal vote may be taken for administrative procedures."
12. Page 5, Line 27: delete "except that the Chair, if applicable, shall vote last."
13. Page 5, Line 28: change "Abstention" to "Abstentions".
14. Page 6, Line 13: change "mailed" to "provided".
15. Page 6, Line 28: after "Regulations as well as" change "the Zoning Ordinances and Subdivision Regulations" to "those".
16. Page 8, Line 17: change "disqualify themselves" to "disclose the conflict".
17. Page 8, Line 19: delete "of the Board, nor be counted towards the quorum required to decide the application" and add "on behalf of the P&Z, and shall abstain and/or recuse themselves from the vote on the matter"

Mr. Verst asked if there were any additional questions or comments for staff. There being none, Mr. Verst closed the public hearing. Mr. Verst asked if there were any further comments or discussion for the Commission on this case. There being none, Mr. Verst called for a motion. Mr. Williams made a motion on case #137-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell

County & Municipal Planning & Zoning Commission, with a request for an update to the By-Laws for the Commission. Mr. Williams motion was to approve the text amendment as presented by staff and modifying the items previously discussed and read into the record. Mr. Williams cited the bases for his motion was the items reflected in the staff report and the discussion here tonight. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

Mr. Verst advised the Commission that this was a public hearing as he introduced case #139-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 10.10 RMHP Residential Mobile Home Park Zone of the Zoning Ordinance. Mr. Verst called for Ms. Minter to present the staff report and recommendations. Ms. Minter presented the staff report and recommendation as follows:

FILE NUMBER: 139-14-TXA-01
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission
REQUEST: Proposed update to Section 10.10 RMHP Residential Mobile Home Park (RMHP) Zone, of the Zoning Ordinance.

Background:

On behalf of the Campbell County Planning and Zoning Commission, the Campbell County Planning & Zoning staff is submitting this request for a Public Hearing to modify SECTION 10.10 RMHP Residential Mobile Home Park (RMHP) Zone of the Campbell County Official Zoning Ordinance. This text amendment is proposed to address the need for decals and to align the text with other sections of our zoning ordinance.

Proposed Text Amendment:

Addition and deletions of text as underlined and struck below including the renumbering of items within this section (See attachment)

SECTION 10.10 RMHP RESIDENTIAL MOBILE HOME PARK ZONE:

B. ACCESSORY USES:

- 3. d. Accessory use structures (~~rev /97~~);

D. OTHER DEVELOPMENT CONTROLS:

- ~~11. Mobile home installations shall comply with all requirements in Section of the Ordinance.~~
- ~~12. Each mobile home must display the County's twenty five (\$25.00) dollar decal.~~

E. SALE OF MOBILE HOMES:

- ~~5. One sign for each unit for sale may be placed in front of, or on inside the unit. aid sign shall not be more than three square feet in area.~~
- ~~6. A general site sign indicating sales may be displayed at the entrance to the site. Said sign shall be a Class 8 sign which when added to the area of all other signs identifying the mobile home park, shall not exceed twenty five (25) square feet in area.~~

Staff Recommendation:

To recommend the proposed text amendments to the Campbell County Fiscal Court for adoption into the Campbell County Official Zoning Ordinance.

Supporting Information/Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Campbell County & Municipal Planning & Zoning Commission has the authority to recommend the adoption of text changes to the Campbell County Fiscal Court.
2. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure of the Campbell County Zoning Ordinance.
4. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

Ms. Minter concluded her report asking the Commission if they had any questions for staff. Mr. Verst asked if there were any questions for staff. There being none, Mr. Verst reminded the Commission this was a public hearing. There was no audience, Mr. Verst closed the public hearing and opened the floor for discussion among the Commission.

There being no comments or questions, Mr. Verst called for a motion. Mr. Williams made a motion on case #139-14-TXA-01, Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court, with a request for an update to Section 10.10 RMHP Residential Mobile Home Park Zone of the Zoning Ordinance. Mr. Williams' motion was to approve the text amendment as presented by staff. Mr. Williams cited the bases for his motion was the items reflected in the staff report and the discussion here tonight. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Mr. Barrow, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

Ms. Minter thanked the Commission for their efforts to obtain the necessary training. There are quite a few training credits that need to be approved for the Commission, the BOA and for staff. Ms. Minter asked the Commission to consider a motion to approve the following training credits:

P&Z Commissioners:

- Larry Barrow (4.5) Telecommunications [1.0 hour]
NKWD: 2013 Water Quality Report [1.0 hour]
CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
CC Conservation District: Backroads Farm Tour [1.5]
- Deborah Blake (4) Telecommunications [1.0 hour]
CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
NKAPC: Ky. Agriculture Law Disc [2.0 hours]
- Steve Stapleton (5) Telecommunications [1.0 hour]
CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
CC Conservation District: Backroads Farm Tour [3.0]
- Ed Stubbs (1) Telecommunications [1.0 hour]
- Mike Williams (2) Telecommunications [1.0 hour]
CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
- Tony Pfeffer (2) Telecommunications [1.0 hour]
CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
- Justin Verst (2) Telecommunications [1.0 hour]
CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]

BOA Members:

- Scott Bachmann (3) CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
NKAPC: Ky. Agriculture Law Disc [2.0 hours]
- Sharon Haynes (3) CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
NKAPC: Ky. Agriculture Law Disc [2.0 hours]
- Roger Mason (3) CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
NKAPC: Ky. Agriculture Law Disc [2.0 hours]
- Dave Schaber (1) CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
- Joe Williams (3) CCP&Z Dept.: Ky. Agriculture Law [1.0 hour]
NKAPC: Ky. Agriculture Law Disc [2.0 hours]
FEMA: Getting to Know Flood Reform Videos [0.75 hour]

Staff:

Ryan Hutchinson (1) Telecommunications [1.0 hour]
Cindy Minter (19) KAMM Annual Conference [19.0 hours]

Mr. Verst asked if there were any questions or discussion on the training. There being none, Mr. Verst called for a motion to approve training. Mr. Barrow made a motion to approve training as submitted by staff. Mr. Williams seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Blake, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

There being no cases to come before the Planning Commission, Mr. Verst called for the Director's Report.

DIRECTOR'S REPORT

Ms. Minter passed out an invitation to participate in an "Agriculture Tax Workshop: "Reducing Your Farm Tax Liability"" being sponsored by Campbell County Farmland Workgroup, Campbell County Conservation District, Campbell County Cooperative Extension Service and the University of Kentucky College of Agriculture. This class does not count towards the HB 55 training requirements. However, you may participate in the event if you so desire.

Ms. Minter next distributed a draft of Goals and Objectives of our Comprehensive Plan and asked the Commission if they wanted to schedule a work session on a special date or do they want to tackle the update after a normally scheduled meeting. The consensus was to work on these after a normally scheduled meeting. Their only request was to add this item to a shorter meeting when there are not so many cases to be heard.

Ms. Minter gave an update on the community rating system for the Floodplain items. Ms. Minter received her official certification on September 8th so we have a Floodplain Manager representing Campbell County. The second item was that we need to have an inspection with Kentucky Division of Water (KDOW) which occurred on October 13th. The next step is to meet with FEMA directly which will occur once KDOW issues their recommendation. This is very important because it will offer some relief in the rates being charged for flood insurance.

Ms. Minter had no other items to present for discussion. Mr. Verst thanked Mr. Smith for his participation and for coming so thoroughly prepared to help the Commission update the By-Laws. It is really a relief to the Commission to know they are so well represented. Mr. Smith thanked them for their kind comments.

Mr. Verst asked the Commissioners if they had any other business to discuss. There being none, Mr. Verst asked for a motion to adjourn. Mr. Williams made a motion to adjourn. Mr. Stubbs seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 9:33 PM.

Respectfully Submitted,

Approved:



Cynthia Minter
Director of Planning & Zoning



Justin Verst
Chair

1 **SECTION 9.29 CELLULAR OR WIRELESS COMMUNICATION SYSTEMS**
2

3 A. **PURPOSE:** The purpose of these regulations is to facilitate the planning and
4 placement of communication facilities and services within the community in
5 accordance with the requirements of the most recent and applicable Kentucky
6 Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and
7 Federal Communications Commission (FCC). These regulations are intended to:
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- 9 1. Accommodate the need for cellular or wireless communication towers and
10 facilities, while regulating their location within Campbell County;
- 11 2. Balance the adverse visual effects of communication towers and support
12 structures through proper siting, design, and screening;
- 13 3. Avoid damage to neighboring properties from cellular or wireless
14 communication towers and support-structure failure; and
- 15 4. Encourage the joint use of any new and existing cellular or wireless
16 communication towers and support structures to reduce their number in
17 the future.

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19
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22
23 B. **EXISTING SITES:** Telecommunication facilities in existence on the date of the
24 adoption of these regulations are subject to the following provisions:
25

- 26 1. A provider that replaces or adds ground equipment and/or equipment
27 shelters within the limits of the existing fence compound and/or replaces
28 antennas or other equipment at the same elevation (RAD center) on the
29 tower shall be viewed as maintenance and repair.
- 30 2. Any proposal by a wireless provider to add equipment at a RAD center on
31 a cellular antenna tower, other than which they are currently located, shall
32 be viewed as a co-location and is subject to approval by Campbell County
33 and Municipal Planning and Zoning Commission or its Duly Authorized
34 Representative.
- 35 3. All proposals to enlarge the fence compound shall be in conformance with
36 current setback and fencing and landscaping standards.

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41 C. **TOWER SITING:** The location, erection, construction, alteration, or enlargement
42 any cellular or wireless communications tower, facility, building, or structure other
43 than fencing shall be subject to review and approval by the Campbell County and
44 Municipal Planning and Zoning Commission.
45

1 The Planning Commission may require the applicant to make a reasonable
2 attempt to co-locate additional transmitting or related equipment. The
3 commission may provide the location of existing cellular antenna towers on which
4 the commission deems the applicant can successfully co-locate its transmitting
5 and related equipment. If the commission requires the applicant to attempt co-
6 location, the applicant shall provide the local planning unit with a statement
7 indicating that the applicant has:

- 8
- 9 1. Successfully attempted to co-locate on towers designed to host multiple
10 wireless service providers' facilities or existing structures such as a
11 telecommunications tower or another suitable structure capable of
12 supporting the applicant's facilities, and that identifies the location of the
13 tower or suitable structure on which the applicant will co-locate its
14 transmission and related facilities; or
 - 15 2. Unsuccessfully attempted to co-locate on towers designed to host multiple
16 wireless service provider's facilities or existing structures such as a
17 telecommunications tower or another suitable structure capable of
18 supporting the applicant's facilities and that:
 - 19 a. Identifies the location of the towers or other structures on which the
20 applicant attempted to co-locate; and
 - 21 b. Lists the reasons why the co-location was unsuccessful in each
22 instance.
- 23

24 The Planning Commission may deny a uniform application to construct a cellular
25 antenna tower based on an applicant's unwillingness to attempt to co-locate
26 additional transmitting or related equipment on any new or existing towers or
27 other structures.

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- 32 D. PUBLIC NOTIFICATION: A Public Hearing on the proposal shall be held by the
33 Planning Commission for the construction of a new or modified cellular
34 telecommunications facility. As part of this hearing, the Planning Commission
35 shall review the proposal for consistency with the Campbell County
36 Comprehensive Plan and Campbell County Zoning Ordinance and Regulations.

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38 If the Planning Commission disapproves of the proposed construction, it shall
39 state the reason for disapproval in its written decision and may make
40 suggestions, which in its opinion, better accomplish the objectives of the
41 Campbell County Comprehensive Plan and Campbell County Zoning Ordinance
42 and other relevant regulations.

- 43
- 44 E. PERMITTED LOCATIONS: Cellular telecommunication facilities are permitted in
45 all zoning districts. Whenever possible, cellular antenna towers, whether

1 temporary or permanent, shall be sited at locations that minimize their adverse
2 effect on adjoining properties and residential uses in the immediate area.

3
4 Non-Preferred Locations - The following locations shall be avoided unless no
5 other reasonable site is available:

- 6
7 1. No cellular antenna tower shall be located in a residential zoning district
8 unless the Planning Commission determines that no other reasonable site
9 is available that meets the applicant's or wireless providers coverage
10 objectives.
11
12 2. No cellular antenna tower shall be located in or within a quarter mile
13 (1,320 feet) of a Historic Landmark/Historic District Overlay District (H) or
14 within a quarter mile of a National Register District or Property unless the
15 Planning Commission determines that no other reasonable site is
16 available that meets the applicant's or wireless providers coverage
17 objectives.
18
19 3. No cellular antenna tower shall be located within a Kentucky Scenic
20 Byway as designated by the State of Kentucky or its viewshed, so as to
21 have a negative impact on the scenic qualities of the roadway and the
22 views from the roadway unless the Planning Commission determines that
23 no other reasonable site is available that meets the applicant's or wireless
24 providers coverage objectives.

25
26 F. DESIGN GUIDELINES:

- 27
28 1. Tower Design:
29
30 a. Stealth towers (such as clock towers, church steeples, flagpole
31 towers, etc. with concealed antennas) shall be permitted in all
32 zoning districts.
33
34 b. Monopole towers shall be permitted in all zoning districts and shall
35 have a grey, or galvanized steel finish. The monopole and
36 foundation shall be designed to accommodate as many co-locators
37 as possible. An alternate color may be approved by the planning
38 commission based upon site environs.
39
40 c. Lattice towers shall be permitted in non-residential zoning districts
41 and shall have a grey or galvanized steel finish. The lattice tower
42 and foundation shall be designed to accommodate as many co-
43 locators as possible. Lattice towers shall only be permitted when
44 the tower height is greater than 199 feet.
45

1 d. Guyed towers shall be permitted in agricultural zones only and shall
2 have a grey or galvanized steel finish. The guyed tower and
3 foundations must be designed to accommodate as many co-
4 locators as possible. Guyed Towers shall only be permitted when
5 the tower height is greater than 199 feet.
6

7 2. Tower Heights:
8

9 a. The overall height of a cellular antenna tower in a residential zone
10 shall be limited so it does not have to be lit or marked per FAA
11 standards.
12

13 b. The overall height of a cellular antenna tower in a non-residential
14 zone (except agricultural zones) shall be limited to 199 feet.
15

16 c. The overall height of a cellular antenna tower in an agricultural
17 zone shall be limited to 315 feet.
18

19
20 3. Setback Requirements:
21

22 a. Cellular antenna towers shall be setback a minimum of one (1)
23 times the tower height (tower, antennas and lightning rod) from any
24 public or private street.
25

26 b. Cellular antenna towers shall be setback a minimum of two (2)
27 times the tower height (tower, antennas, and lightning rod) from any
28 residence or residentially zoned property.
29

30 c. Cellular antenna towers shall be setback a minimum of one (1)
31 times the tower height (tower, antennas, lightning rod) from
32 agriculturally zoned property.
33

34 d. Cellular antenna towers shall be setback a minimum of one-fourth
35 ($\frac{1}{4}$) the tower height (tower, antennas, lightning rod) from any non-
36 residentially zoned properties (does not apply to agriculturally
37 zoned properties).
38

39 e. All accessory structures associated with the cellular antenna tower
40 shall be located as close to the tower base or tower legs as
41 possible. All accessory structures and fences shall be located a
42 minimum of fifty (50) feet from adjoining property lines.
43

44 4. Lighting: Cellular antenna towers shall not be lit, except as required by the
45 Federal Aviation Administration (FAA).
46

1 5. Access and Parking:
2

3 a. If applicable, a proposed access point on a public shall meet the
4 Campbell County Zoning Ordinance and Regulations regarding the
5 number of curb cuts permitted on a property, spacing of driveways,
6 and required sight distance.
7

8 b. The first twenty (20) feet of a proposed driveway (measured from
9 the right-of-way line) that is used exclusively to access a cell tower
10 site shall be paved.
11

12 c. One parking space and/or turnaround area shall be provided
13 immediately to the side of the cell tower compound.
14

15 6. Fencing and Landscaping: A privacy fence, not less than eight (8) feet,
16 shall enclose the base of the cellular antenna tower and associated
17 ground equipment. In addition, the outside perimeter of the fence
18 compound (except the access gate) shall be bound on all sides by a ten
19 (10) foot wide landscaping buffer.
20

21 7. Signage: No signs and/or commercial advertising shall be located on the
22 cellular antenna tower, on the fence surrounding the tower and equipment,
23 or on any buildings accessory to the cellular antenna tower, with the
24 exception of signs providing ownership, safety, and emergency
25 information.
26

27 8. Mitigating Design Standards: The Planning Commission shall consider the
28 following mitigating design standards for Cellular Antenna Towers
29 Proposed in Residential Zoning Districts and other Non-Preferred
30 Locations.
31

32 a. The Planning Commission shall have the power to require a stealth
33 tower in a residential zone or other non-preferred locations.
34

35 *Example Considerations:*
36

37 1. *Is the cellular antenna tower proposed at a location*
38 *that minimizes adverse impacts on adjoining*
39 *properties, residential uses, historic properties, or*
40 *scenic byways?*
41

42 2. *Would a stealth tower design help mitigate these*
43 *impacts and still allow the wireless provider(s) to fulfill*
44 *their coverage objectives? If so, what type of stealth*
45 *tower should be used?*
46

134-14-TXA-01
PROPOSED TEXT

- 1 1. Tower Height Waiver: A written statement and propagation plots shall be
2 submitted by the wireless provider's radio frequency department indicating
3 why the increased tower height is needed to fulfill coverage objectives.
4

5 *Note: The wireless provider locating at the highest elevation of the tower*
6 *shall submit this documentation in the event that a building to suit*
7 *company proposes a new cellular antenna tower with a height*
8 *waiver.*
9

- 10 2. Setback Waiver - Applicants shall submit an explanation indicating why
11 the setback waiver is being sought. The applicant shall be responsible to
12 identify other areas on the subject site where the setback(s) can be met or
13 better achieved and where their coverage objectives will be met.
14

- 15 I. KENTUCKY PUBLIC SERVICE COMMISSION NOTIFICATION: Upon the
16 approval of an application for the construction of a cellular antenna tower by the
17 Planning Commission, the applicant shall notify the Public Service Commission
18 within ten (10) working days of the approval. The notice to the Public Service
19 Commission shall include a map showing the location of the construction site. If
20 an applicant fails to file notice of an approved uniform application with the Public
21 Service Commission, the applicant shall be prohibited from beginning
22 construction of the cellular antenna tower until such notice has been made.
23
24

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- 4 a. If applicable, a proposed access point on a public shall meet the
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9 b. The first twenty (20) feet of a proposed driveway (measured from
10 the right-of-way line) that is used exclusively to access a cell tower
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14 immediately to the side of the cell tower compound.
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20 (10) foot wide landscaping buffer.
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42
43 2. *Would a stealth tower design help mitigate these*
44 *impacts and still allow the wireless provider(s) to fulfill*

1 The following information shall be submitted by the applicant if the following
2 waivers are sought:
3

- 4 1. Tower Height Waiver: A written statement and propagation plots shall be
5 submitted by the wireless provider's radio frequency department indicating
6 why the increased tower height is needed to fulfill coverage objectives.
7

8 *Note: The wireless provider locating at the highest elevation of the tower*
9 *shall submit this documentation in the event that a building to suit*
10 *company proposes a new cellular antenna tower with a height*
11 *waiver.*
12

- 13 2. Setback Waiver - Applicants shall submit an explanation indicating why
14 the setback waiver is being sought. The applicant shall be responsible to
15 identify other areas on the subject site where the setback(s) can be met or
16 better achieved and where their coverage objectives will be met.
17

- 18 I. KENTUCKY PUBLIC SERVICE COMMISSION NOTIFICATION: Upon the
19 approval of an application for the construction of a cellular antenna tower by the
20 Planning Commission, the applicant shall notify the Public Service Commission
21 within ten (10) working days of the approval. The notice to the Public Service
22 Commission shall include a map showing the location of the construction site. If
23 an applicant fails to file notice of an approved uniform application with the Public
24 Service Commission, the applicant shall be prohibited from beginning
25 construction of the cellular antenna tower until such notice has been made.
26

- 27 J. APPLICATION REQUIREMENT: Application for a cell tower shall
28 conform to the requirements as set forth in KRS 100.9865 and KRS
29 100.987 on a form prescribed by the Planning & Zoning Commission.
30
31

1 BY-LAWS OF THE

2 CAMPBELL COUNTY AND MUNICIPAL PLANNING AND ZONING COMMISSION

3 Revised _____
4

5 **ARTICLE 1 – Authority and Purpose**

6
7 The role, or authority, of the Campbell County and Municipal Planning and
8 Zoning Commission (hereinafter “P&Z”) is to serve as the planning unit for all
9 unincorporated Campbell County and the areas within each members jurisdiction and to
10 perform the duties and responsibilities placed upon joint planning units by the applicable
11 Kentucky Revised Statutes (KRS), Chapter 100 et seq and the applicable Campbell
12 County ~~Zoning Ordinance~~Ordinance and ~~s~~Subdivision regulations as well as those of
13 each participating municipality. As stated in ~~K.R.S.~~KRS 100, the purpose of the P&Z is
14 to perform planning functions, or operations, so as to formulate plans for the physical
15 development and the social and economic well-being of the planning unit and the areas
16 they serve. This is accomplished through the preparation and adoption of the Campbell
17 County Comprehensive Plan, the Campbell County Zoning RegulationsOrdinance, the
18 Campbell County Subdivision Regulations as well as the Zoning Ordinances and
19 ~~subdivision regulations~~ of the individual municipalities they serve and other planning
20 studies and practices that P&Z may deem necessary.
21

22 **ARTICLE 2 – Jurisdiction**

23
24 As specified in the original agreement that created the P&Z and any subsequent
25 supplement agreement(s), the P&Z serves only its 4 Municipal members and all
26 unincorporated areas within Campbell County.
27

28 **ARTICLE 3 – Appointment and Terms of Members**

29
30 Members of the P&Z are appointed in conformity with the provisions of
31 ~~K.R.S.~~KRS 100.133 and any duly adopted agreement(s), which established the P&Z.
32 The P&Z consists of nine (9) members appointed by the Mayors of ~~Melbourne,~~
33 ~~Crestview, Silver Grove and Southgate~~the Municipal members and the Judge/
34 Executive of the Campbell County Fiscal Court. One appointment shall be made by the
35 Mayor of each Municipal member with the remaining balance being made by the Judge/
36 Executive for a total of nine (9) members. At least two thirds (2/3) of these members
37 shall be citizen members. The following represents a breakdown of the appointments:
38

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- 1 ~~_____ A. Judge Executive _____ 5 members~~
- 2 ~~_____ B. Mayor of Melbourne _____ 1 member~~
- 3 ~~_____ C. Mayor of Crestview _____ 1 member~~
- 4 ~~_____ D. Mayor of Silver Grove _____ 1 member~~
- 5 ~~_____ E. Mayor of Southgate _____ 1 member~~

6
7 The term of office of each member is four (4) years, except for elected public
8 officials, whose term shall be the same as their official term in office. The term of office
9 shall be staggered and continue in that staggered pattern.

10
11 Vacancies on the P&Z during an unexpired term shall be filled within sixty (60)
12 calendar days by the appropriate appointing authority. If the authority fails to act within
13 that period, the ~~Planning Commission~~P&Z shall fill the vacancy. ~~W~~when a vacancy
14 occurs other than through the expiration of a term of office, ~~and~~ it shall be filled for the
15 remainder of that term. All members of the P&Z shall, before entering upon their duties,
16 qualify by taking the oath of office as set forth in Section 228 of the Constitution of the
17 Commonwealth of Kentucky before any judge, notary public, clerk of court, county
18 judge/executive, or justice of the peace within the district or county in which he or she
19 resides.

20
21 Removal of a P&Z member during an unexpired term may be made by the
22 resignation of the member, or ~~by~~removal by the appointing authority due to inefficiency,
23 malfeasance, conflict of interest, poor attendance, or improper, unlawful or unethical
24 behavior or action.:

25
26 **ARTICLE 4 – Officers and their Duties**

27
28 The P&Z shall, at its first regular meeting of each calendar year, elect from its
29 membership a Chairperson, Vice~~–~~Chairperson, Temporary Presiding Officer and any
30 other officers the P&Z deems necessary. These officers must be citizen members and
31 any officer shall be eligible for re-elections at the expiration of his or her term. The
32 specific duties of each officer ~~is~~are listed below.

33
34 **Chairperson.** The chairperson shall be the presiding officer of all business
35 meetings and public hearings of the P&Z. The chair assures for proper order
36 through parliamentary procedure at each meeting or public hearing. The chair
37 shall serve as the chair of the Executive Committee and shall execute documents
38 on behalf of the P&Z at its direction of the request of its duly authorized
39 representative. The chair shall set the meeting and public hearing agenda and,
40 where applicable, represents the P&Z before any member legislative unit. The
41 chair shall act as an “ex-officio” member of any P&Z committee. The chair is also

1 responsible for making all committee appointments and calling all meetings and
2 public hearings to order.

3
4 **Vice-Chairperson.** The Vice-Chair shall assist the Chair~~person~~ upon request
5 and shall automatically assume the duties of the Chair in his or her absence,
6 including calling any meeting or public hearing to order.

7
8 **Temporary Presiding Officer.** The Temporary Presiding Officer shall be a
9 citizen member of the P&Z selected by the P&Z to assume duties of the Chair in
10 the absence of the Chair~~person~~ and Vice-~~e~~Chair~~person~~. He or she may also
11 preside over ~~any and all~~ business meetings or public hearing in the presence of
12 the Chair and at the request of the Chair.

13
14 **Article-ARTICLE 5 – Nomination and Election of Officers**

15
16 The nomination of officers of the P&Z shall be made at its first regular meeting of
17 each calendar year~~regularly scheduled business meeting in the month of January in~~
18 ~~each succeeding year~~. If there is no business to be conducted at that meeting, the P&Z
19 shall may meet for the sole purpose of electing officers. An ad hoc committee shall may
20 be appointed by the Chair in ~~December of each year~~ a preceding meeting for the
21 purpose of nominating individuals to each officer position. Election of officers may take
22 place immediately upon nomination and voting shall may take place by written, ~~secret~~
23 ~~ballot~~ or voice ballot at the option of the Chair. A nominated member receiving a
24 majority vote shall be declared elected for that particular office and shall serve a term of
25 one (1) year or until his or her successor is nominated and elected. Officer vacancies
26 shall may be filled by calling a special meeting following the above nomination and
27 election procedures.

28
29 **ARTICLE 6 – Appointment of Professional staff and Consultants Serving the P&Z**

30
31 The ~~Planning Commission~~P&Z may delegate some of its duties to its
32 professional staff. These individuals shall be considered as P&Z's "duly authorized
33 representatives".

34
35 **Legal Counsel.** The P&Z may be represented by an attorney or firm of attorneys
36 selected by the Campbell County Fiscal Court who is qualified to practice law
37 within the Commonwealth of Kentucky. This attorney shall ~~and is not be~~
38 a member of the P&Z nor hold an elective or appointive office in a jurisdiction that
39 appoints members to the P&Z. Said attorney should attend ~~all~~ regular meetings
40 and ~~any~~ other meetings at the request of the Chair. The attorney shall provide

1 legal review, advice and any other services as needed or requested by the Chair,
2 Vice-Chair, Temporary Presiding Officer or staff. Said attorney shall receive as
3 compensation an agreed upon hourly rate or yearly retainer as agreed upon
4 between the attorney and the Fiscal Court.

5
6 **ARTICLE 7 – MEETINGS AND HEARINGS**~~Meetings and Hearings~~

7
8 The P&Z shall hold its regularly scheduled meeting on the second Tuesday of
9 each succeeding month at ~~a time that it prescribes~~ 7:00 P.M., or by call of the Chair, in
10 the Campbell County Courthouse located in Alexandria, Kentucky. Other specially
11 scheduled business meetings may be called by the Chair in accordance with notice
12 requirements included in the KRS. ~~but only with at least seven days prior, public~~
13 ~~notification of the date, time and location.~~ Scheduled business meetings may also be
14 canceled by the Chair due to an emergency, lack of business to conduct or decide or
15 lack or quorum.

16
17 Public hearings shall be held during the course of the ~~regularly scheduled~~
18 business meetings, unless a hearing is known to be of such a magnitude that holding it
19 during the course of a ~~regularly scheduled~~ business meeting would disrupt the orderly
20 progression of that meeting. In that event, the Chair may request that the public hearing
21 be continued or moved to another scheduled date provided it meets ~~all~~ regulatory and
22 statutory guidelines regarding the timing and notice of such a meeting. Scheduled public
23 hearings may be canceled by the Chair due to an emergency, or due to the lack of an
24 individual request before the P&Z.

25
26 **ARTICLE 8 – Business Meetings and Public Hearings.**

27
28 Under no circumstances may the P&Z entertain a request by any citizen for an
29 advisory opinion.

30
31 Public hearing testimony for each party shall be limited to a total of one (1) hour
32 unless additional time is granted by the Chair, for good cause, prior to the start of the
33 hearing. This time limit is exclusive of cross examination. ~~Only those persons that have~~
34 ~~registered to speak prior to the start of the hearing may do so.~~

35
36 In order to preserve time, prevent actions designed to disrupt the progress of the
37 hearing and ensure the orderly flow of the hearing, if more than one person is present in
38 support or opposition to the party with the floor, one person should represent ~~all the~~
39 group in cross examination.

1 ARTICLE 8 – Minutes and Records

2
3 The P&Z and its committees shall keep minutes and complete records of
4 proceedings pursuant to KRS 100.167 as amended. At a minimum, the minutes shall
5 include findings, determinations, the names of members making and seconding motion,
6 the number of votes for and against each motion, and if any member is absent or
7 disqualified from voting, indicating the reason. Minutes of proceedings and/or
8 committees shall be provided to the entire P&Z prior to the next meeting.

9
10 Minutes approved by the P&Z at its official business meeting shall serve as the
11 official record of the P&Z. Minutes need not be read aloud at the business meeting for
12 approval unless a member of P&Z requests a reading for approval and adoption.

13
14 ARTICLE 9 – ~~Form and Character of Motions~~ Parliamentary Procedure

15
16 Formal action on requests before the P&Z shall only occur at business meetings.
17 The form and character of motions by members of the P&Z shall conform to those
18 stated in Robert's Rules of Order, revised edition and all motions shall be
19 accompanied by the reasons or basis for the action, including any applicable findings of
20 fact and a summary of the evidence supporting the position. Business may only be
21 conducted once a determination of a quorum has been made. A majority of the P&Z
22 members shall constitute a quorum. A majority of the quorum present at the business
23 meeting or public hearing shall be required to pass a motion; except a vote of a majority
24 the entire P&Z membership shall be required for the adoption or amendment of the by-
25 laws.

26
27 Votes on motions shall be taken verbally and roll call vote except that the Chair,
28 if applicable, shall vote last. Abstention from voting ~~shall not be~~ counted with the
29 majority in the determination of a motion but shall be recorded. Any member ~~abstaining~~
30 not wanting his or her vote to be counted shall state the reason(s) therefore into the
31 record prior to ~~the discussion~~ discussion, deliberation, vote, and shall leave the
32 room abstaining. Members shall only abstain from voting due to a conflict of interest or
33 any other matter that affects their ability to be unbiased. Passing a vote by a member
34 shall be reflected in the minutes and reflect the majority vote. In the event of a tie vote,
35 the motion proposed shall be defeated.

36
37 ARTICLE 10 – Applications, Agendas and Decisions of the P&Z

38
39 KRS 100.211 defines, "administratively complete" as a proposal for a zoning map
40 amendment is accurate and complete by meeting all the applicable requirements of this

1 chapter and any other applicable administrative regulatory requirements or approvals
2 formally required by the local legislative body or applicable state law. P&Z is required to
3 make its recommendation to the legislative body within sixty (60) days of the date of the
4 receipt of the administratively complete application for the proposed amendment (unless
5 the applicant waives the 60 day requirement).

6
7 Only those applications determined by staff to be complete according to
8 requirements included in the applicable Zoning Ordinance or Subdivision Regulations
9 shall be included on the Commission P&Z's agenda. The determination of
10 completeness shall not be based on the perceived merits of the proposal but on
11 whether all submission requirements have been met.

12
13 Copies of the proposed agenda shall be mailed to each member no later than six
14 (6) business days preceding the next regular or special meeting. A copy of the minutes
15 from the previous meeting, as well as copies of any applicable staff reports, should also
16 be attached to the agenda.

17
18 The decision of the P&Z shall be based upon the evidence and information
19 presented at the public meeting or hearing from whatever source derived, and shall
20 include, but not be limited to, ~~any and all~~ recommendations by P&Z staff or their duly
21 authorized representatives.

22
23 **ARTICLE 11 – Requirements for the Submission of Requests, Applications and**
24 **Fees**

25
26 The requirements for the submission of applications and requests are set forth
27 in the Campbell County Zoning Ordinance, the Campbell County Subdivision
28 Regulations as well as the Zoning Ordinances and Subdivision Regulations of the
29 individual municipalities they serve. Applicable fees and associated fees are set forth in
30 the Campbell County Zoning Ordinance and the Campbell County Subdivision
31 Regulations. All applications or requests before the P&Z shall must be complete or they
32 will not be placed on the agenda and no P&Z action will be taken. Staff shall determine
33 if all necessary information has been submitted; in no case shall this review exceed five
34 (5) business days.

35
36 **ARTICLE 12 – Instruments and Documents of P&Z Business ~~m~~Meetings and**
37 **Public Hearings**

38
39 In accordance with ~~K.R.SKRS~~ 100.221, as amended, the P&Z shall provide
40 adequate facilities such as a tape recorder and ample microphones to record the entire

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1 proceedings of all hearings and meetings. P&Z may provide a court reporter or
2 stenographer for public hearings. Transcripts of any proceedings made therefrom shall
3 be at the expense of the party requesting them at the prevailing rate charged by court
4 reporters in the area.

5
6 The official instruments of the P&Z are the record of notice, the agenda, the
7 minutes of each business meeting and public hearing and each project or
8 application/request file. Such instruments are public record and are open to the public
9 for inspection or duplication pursuant to the applicable statutory requirements and
10 responsibilities. The P&Z shall keep accurate and proper minutes and records of ~~all the~~
11 proceedings, including findings and determinations. The minutes shall, among other
12 things, indicate by name, the member making a motion, second to a motion, a member
13 disqualifying himself or abstaining from a motion and how each member voted. All of
14 this shall be immediately, after adoption, filed in the office of the P&Z.

15
16 **ARTICLE 13 – Committees of the P&Z**

17
18 The P&Z, as recommended by the Chair, may establish standing committees and
19 committee member assignments by a simple motion passed by a majority of a quorum.
20 ~~These committees and committee member assignments may be created by the first~~
21 ~~business meeting of February in each succeeding year, with the exception of the initial~~
22 ~~creation of a committee. In that event, subsequent committee assignments may be~~
23 ~~made in accordance with the article.~~ The Chair may also appoint a special committee
24 that he or she may deem proper without formal action by the P&Z. These appointments
25 shall be made known to all members of P&Z. Such appointments of special committees
26 shall be recorded in the minutes of the P&Z. The current standing committee(s) of the
27 P&Z are as follows:

28
29 **Executive Committee.** The Executive Committee is composed of officers of the
30 P&Z and is responsible for all functions, operations and duties of the P&Z
31 members and staff.

32
33 **Zone Change/Concept Plan Committee.** At the request of the Chair or vote of
34 majority of a quorum of P&Z, ~~t~~The Zone Change/Concept Review Plan
35 Committee reviews and offers a recommendation to the P&Z on ~~all~~Zoning Map
36 Amendment and Concept Development Plan requests.

37
38 Committee meetings shall be held in accordance with the adopted schedule by
39 the P&Z. Such meetings shall be open to the public and public notification shall be
40 made in advance of said meeting as to the date, time and place of said meeting. This

1 | notice shall be in compliance with all notification requirements set forth in ~~K.R.S.~~KRS
2 | ~~400~~KRS 100, et seq.

3
4 | In the event of a conflict of interest regarding one or more committee members
5 | on a particular matter, he or she shall announce said conflict and remove themselves
6 | from participation and the Chair shall appoint an interim committee member to serve
7 | on that single matter.

8
9 | **ARTICLE 14 – Conduct and Attendance of P&Z Members**

10
11 | Members of the P&Z shall be prepared and be on time for each regularly
12 | scheduled business meeting, Committee Meeting and Public Hearing. ~~In general, any~~
13 | ~~P&Z member with a conflict of interest (direct or indirect financial interest in the outcome~~
14 | ~~of a matter) must state that fact on the record and withdraw from any participation for a~~
15 | ~~particular request for which the conflict of interest exists at a business meeting,~~
16 | ~~committee meeting or public hearing. Members who have a direct or indirect financial~~
17 | ~~interest in the outcome of an application pending before the P&Z shall disqualify~~
18 | ~~themselves at the beginning of discussion, shall not participate in the ensuing~~
19 | ~~discussion of the Board, nor be counted towards the quorum required to decide the~~
20 | ~~application. For the purposes of this Article, it should be noted that “indirect financial~~
21 | ~~interest” as used in KRS 100.171(1) and these Bylaws is not defined. However,~~
22 | ~~members should not equate indirect financial interest with speculative interest. A direct~~
23 | ~~interest affects the member’s immediate personal or financial interest. An indirect~~
24 | ~~interest affects that status through an intervening party, such as a close family member.~~
25 | ~~Disqualifications shall be noted in the Board’s minutes and shall not be counted as~~
26 | ~~abstentions. Withdrawal from participation shall also include removing one's self from~~
27 | ~~the room at the time of any proceedings on the request.~~

28
29 | During ~~all~~ business meetings and public hearings, the P&Z shall give the public
30 | fair and reasonable opportunity to speak, subject to any applicable time limitations.
31 | Public comments shall be addressed during public hearings and business meeting to
32 | the Chair or other presiding officer. When a public comment is irrelevant, inflammatory
33 | or prejudicial, the Chair may instruct the P&Z to disregard the comment.

34
35 | Any P&Z member absent from three (3) consecutive business meetings or public
36 | hearings or five (5) business meetings during the course of a calendar year, without
37 | being excused by the Chair, may be removed for cause, or neglect of duty in
38 | accordance with Article 3 of these bylaws.

39
40 | **ARTICLE 15 – ~~P&Z Training and~~ Orientation and Continuing Education**

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1
2 Each member and staff shall comply with the training and education
3 requirements established by House Bill 55 (HB55). Each member and staff shall be
4 responsible for obtaining written documentation of any continuing education course for
5 which credit is claimed. That documentation shall be filed with the secretary of the P&Z.
6

7 ~~(1) (a) Each planning commissioner shall, within one (1) year prior to~~
8 ~~appointment, or within one hundred twenty (120) days of appointment,~~
9 ~~attend a minimum of four (4) hours of orientation training in one (1) or~~
10 ~~more of the subjects listed in section (4) of this article.~~

11
12 ~~(b) Each planning commissioner shall certify his or her attendance by a~~
13 ~~written statement filed with the secretary of his or her respective planning~~
14 ~~commission within one hundred forty (140) days of appointment. Each~~
15 ~~statement shall identify the date of each program attended, its subject~~
16 ~~matter, location, sponsors, and the time spent in each program.~~

17
18 ~~(2) (a) Each planning commissioner shall, within each period of two (2)~~
19 ~~consecutive calendar years, starting at the date of the individual's~~
20 ~~appointment, attend no less than eight (8) hours of continuing education in~~
21 ~~any of the subjects listed in section (4) of this article.~~

22
23 ~~(b) Each planning commissioner shall certify his or her attendance by a~~
24 ~~written statement filed with the secretary of his or her respective planning~~
25 ~~commission by December 31 of each calendar year. Each statement shall~~
26 ~~identify the date of each program attended, its subject matter, location,~~
27 ~~sponsors, and the time spent in each program.~~

28
29 ~~(3) The planning commission or the legislative body of the city, county, urban-~~
30 ~~county, charter county government, or consolidated local government in which the~~
31 ~~planning commission has jurisdiction or, in the case of a joint planning unit, has~~
32 ~~representation in, shall be responsible for providing training as required by subsections~~
33 ~~(1) and (2) of this section or for providing funding to each planning commissioner so that~~
34 ~~each individual may obtain training as required by sections (1) and (2) of this article~~
35 ~~from other sources.~~

36
37 ~~(4) The subjects for the education required by sections (1) and (2) of this article~~
38 ~~shall include, but not be limited to, the following: land use planning; zoning; floodplains;~~
39 ~~transportation; community facilities; ethics; public utilities; wireless telecommunications~~
40 ~~facilities; parliamentary procedure; public hearing procedure; administrative law;~~

1 ~~economic development; housing; public buildings; building construction; land~~
2 ~~subdivision; and powers and duties of the board of adjustment. Other topics reasonably~~
3 ~~related to the duties of planning officials or planning professionals may be approved by~~
4 ~~majority vote of the planning commission prior to December 31 of the year for which~~
5 ~~credit is sought.~~

6
7 ~~(5) The planning commission shall keep in its official public records originals of all~~
8 ~~statements and the written documentation of attendance required in section (6) of this~~
9 ~~article filed with the secretary of the planning commission pursuant to sections (1)(b)~~
10 ~~and (2)(b) of this article for three (3) years after the calendar year in which each~~
11 ~~statement and appurtenant written documentation is filed.~~

12
13 ~~(6) Each planning commissioner shall be responsible for obtaining written~~
14 ~~documentation signed by a representative of the sponsor of any continuing education~~
15 ~~course for which credit is claimed, acknowledging the fact that the individual attended~~
16 ~~the program for which credit is claimed. That documentation shall be filed with the~~
17 ~~secretary of the planning commission as attachments to the statements required by~~
18 ~~sections (1)(b) and (2)(b) of this article.~~

19
20 ~~(7) If a planning commissioner fails to:~~

21
22 ~~(a) Complete the requisite number of hours of orientation training and~~
23 ~~continuing education within the time allotted under sections (1) and (2) of~~
24 ~~this article;~~

25
26 ~~(b) File the statement required by sections (1)(b) and (2)(b) of this article; or~~

27
28 ~~(c) File the documentation required by section (6) of this article;~~

29
30 ~~the planning commissioner shall be subject to removal from office according~~
31 ~~to the provisions of KRS 100.157.~~

32
33 **ARTICLE 16 – Duties of the Chair Regarding Public Conduct Before the P&Z**

34
35 During all meetings, the public has a duty and obligation to remain in civil order.
36 Any conduct that interferes with the equitable rights of others to provide comment or
37 which interferes with the orderly progression of business of the P&Z, the individual or
38 individuals will be ruled "out of order" by the Chair and the Chair shall direct the
39 offenders to remain silent. Once this occurs and the disruptive behavior continues, the
40 Chair shall instruct the offender(s) to leave the room. If the person(s) fail(s) to comply,

1 the Chair, or his designee, shall then contact the Campbell County Police Department
2 or other legal authorities to remove the individual(s) from the room where the meeting is
3 being held for the benefit of the public.

4
5 **ARTICLE 17 – Recording of Final Plats**

6
7 All final plats approved by the P&Z shall be recorded by the P&Z applicant at the
8 expense of the applicant at the office of the County Court Clerk.

9
10 **ARTICLE 18 – Separability/Severability**

11
12 Should any article of these bylaws be found to be unlawful by any Court, for any
13 reason whatsoever, the remaining articles shall remain in full force and effect as each
14 and all of them are severable from one another.

15
16 **ARTICLE 19 – Reimbursement or Compensation**

17
18 Reimbursement for expenses or compensation, or both may be authorized for
19 citizen members of the P&Z. Reimbursement for expenses may be authorized for
20 public officials and employees of participating cities and counties who are members or
21 staff of the P&Z, but such members shall receive no additional compensation.

22
23 **ARTICLE 20 – Adoption and Amendment of By-Laws**

24
25 These P&Z by-laws shall be binding upon review by the members thereto and
26 legal counsel and upon adoption by a majority vote of the general membership of the
27 P&Z. These by- laws may be amended by a majority vote of the general membership of
28 the P&Z. ~~Any and all p~~Proposed amendments to the duly adopted by-laws shall be
29 presented to the P&Z members for consideration at lease seven (7) days before the
30 P&Z takes action on them. The date of the meeting where the action is proposed shall
31 count as one of the seven (7) days. Adoption or amendment of these by-laws takes
32 effect immediately following a successful vote.

33
34 **THESE BY-LAWS WERE ADOPTED AND APPROVED BY THE CAMPBELL**
35 **COUNTY AND MUNICIPAL PLANNING AND ZONING COMMISSION AND MADE**
36 **EFFECTIVE THIS _____ DAY OF _____, 200714.**

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Draft P&Z By-laws

1 |
2 | ~~DAVID SCHABER~~ JUSTIN VERST
3 | CHAIRMAN

4 ATTEST:

5

6

7 | PETER KLEAR CYNTHIA MINTER

8 DIRECTOR

1 BY-LAWS OF THE

2 CAMPBELL COUNTY AND MUNICIPAL PLANNING AND ZONING COMMISSION

3 Revised October 14, 2014

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32 The P&Z consists of nine (9) members appointed by the Mayors of ~~Melbourne,~~
33 ~~Crestview, Silver Grove and Southgate~~the Municipal members and the Judge/
34 Executive of the Campbell County Fiscal Court. One appointment shall be made by the
35 Mayor of each Municipal member with the remaining balance being made by the Judge/
36 Executive for a total of nine (9) members. At least two thirds (2/3) of these members
37 shall be citizen members. The following represents a breakdown of the appointments:

- ~~A. Judge Executive 5 members~~
- ~~B. Mayor of Melbourne 1 member~~
- ~~C. Mayor of Crestview 1 member~~
- ~~D. Mayor of Silver Grove 1 member~~
- ~~E. Mayor of Southgate 1 member~~

The term of office of each member is four (4) years, except for elected public officials, whose term shall be the same as their official term in office. The term of office shall be staggered and continue in that staggered pattern.

Vacancies on the P&Z during an unexpired term shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that period, the ~~Planning Commission~~P&Z shall fill the vacancy. ~~When~~ a vacancy occurs other than through the expiration of a term of office, ~~and~~ it shall be filled for the remainder of that term. All members of the P&Z shall, before entering upon their duties, qualify by taking the oath of office as set forth in Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, county judge/executive, or justice of the peace within the district or county in which he or she resides.

Removal of a P&Z member during an unexpired term may be made by the resignation of the member, or ~~by~~ removal by the appointing authority due to inefficiency, malfeasance, conflict of interest, poor attendance, or improper, unlawful or unethical behavior or action.;

ARTICLE 4 – Officers and their Duties

The P&Z shall, at its first regular meeting of each calendar year, elect from its membership a ~~Chairperson~~, ~~Vice-Chairperson~~, Temporary Presiding Officer and any other officers the P&Z deems necessary. These officers must be citizen members and any officer shall be eligible for re-elections at the expiration of his or her term. The specific duties of each officer ~~is~~are listed below.

Chairperson. The ~~chairperson~~ shall be the presiding officer of all business meetings and public hearings of the P&Z. The chair assures ~~for~~ proper order through parliamentary procedure at each meeting or public hearing. The chair shall serve as the chair of the Executive Committee and shall execute documents on behalf of the P&Z at its direction of the request of its duly authorized representative. The chair shall set the meeting and public hearing agenda and,

1 where applicable, represents the P&Z before any member legislative unit. The
2 chair shall act as an "ex-officio" member of any P&Z committee. The chair is also
3 responsible for making all committee appointments and calling all meetings and
4 public hearings to order.
5

6 | **Vice-Chairperson.** The Vice-Chair shall assist the Chair~~person~~ upon request
7 and shall automatically assume the duties of the Chair in his or her absence,
8 including calling any meeting or public hearing to order.
9

10 | **Temporary Presiding Officer.** The Temporary Presiding Officer shall be a
11 citizen member of the P&Z selected by the P&Z to assume duties of the Chair in
12 the absence of the Chair~~person~~ and Vice-~~e~~Chair~~person~~. He or she may also
13 preside over ~~any and all~~ business meetings or public hearing in the presence of
14 the Chair and at the request of the Chair.
15

16 | **Article ARTICLE 5 – Nomination and Election of Officers**
17

18 | The nomination of officers of the P&Z shall be made at its first regular meeting of
19 each calendar year~~regularly scheduled business meeting in the month of January in~~
20 ~~each succeeding year.~~ If there is no business to be conducted at that meeting, the P&Z
21 ~~shall~~ may meet for the sole purpose of electing officers. An ad hoc committee ~~shall~~ may
22 be appointed by the Chair in ~~December of each year~~ a preceding meeting for the
23 purpose of nominating individuals to each officer position. Election of officers may take
24 place immediately upon nomination and voting ~~shall~~ may take place by written, ~~secret~~
25 ~~ballot~~ or voice ballot at the option of the Chair. A nominated member receiving a
26 majority vote shall be declared elected for that particular office and shall serve a term of
27 one (1) year or until his or her successor is nominated and elected. Officer vacancies
28 ~~shall~~ may be filled by calling a special meeting following the above nomination and
29 election procedures.
30

31 | **ARTICLE 6 – Appointment of Professional staff and Consultants Serving the P&Z**
32

33 | The ~~Planning Commission~~ P&Z may delegate some of its duties to its
34 professional staff. These individuals shall be considered as P&Z's "duly authorized
35 representatives".
36

37 | **Legal Counsel.** The P&Z may be represented by an attorney or firm of attorneys
38 selected by the Campbell County Fiscal Court who is qualified to practice law
39 within the Commonwealth of Kentucky. This attorney shall ~~and is not be~~ a
40 member of the P&Z nor hold an elective or appointive office in a jurisdiction that

1 | appoints members to the P&Z. Said attorney should attend ~~all~~-regular meetings
2 | and ~~any~~-other meetings at the request of the Cehair. The attorney shall provide
3 | legal review, advice and any other services as needed or requested by the Chair,
4 | Vice-~~Chair~~, Temporary Presiding Officer or staff. Said attorney shall receive as
5 | compensation an agreed upon hourly rate or yearly retainer as agreed upon
6 | between the attorney and the Fiscal Court.

7 |
8 | **ARTICLE 7 – MEETINGS AND HEARINGS**Meetings and Hearings
9 |

10 | The P&Z shall hold its regularly scheduled meeting on the second Tuesday of
11 | each succeeding month at ~~a time that it prescribes~~7:00 P.M., or by call of the Cehair, in
12 | the Campbell County Courthouse located in Alexandria, Kentucky. Other specially
13 | scheduled business meetings may be called by the Chair in accordance with notice
14 | requirements included in the KRS. ~~but only with at least seven days prior, public~~
15 | ~~notification of the date, time and location.~~ Scheduled business meetings may also be
16 | canceled by the Chair due to an emergency, lack of business to conduct or decide, or
17 | ~~lack of~~ quorum.

18 |
19 | Public hearings shall be held during the course of the ~~regularly scheduled~~
20 | business meetings, unless a hearing is known to be of such a magnitude that holding it
21 | during the course of a ~~regularly scheduled~~ business meeting would disrupt the orderly
22 | progression of that meeting. In that event, the Chair may request that the public hearing
23 | be continued or moved to another scheduled date provided it meets ~~all~~ regulatory and
24 | statutory guidelines regarding the timing and notice of such a meeting. Scheduled public
25 | hearings may be canceled by the Chair due to an emergency, or due to the lack of an
26 | individual request before the P&Z.

27 |
28 | **ARTICLE 8 – Business Meetings and Public Hearings.**
29 |

30 | Under no circumstances may the P&Z entertain a request by any citizen for an
31 | advisory opinion.
32 |

33 | Public hearing testimony ~~by for each party the applicant~~ shall be limited to a
34 | total of ~~one (1) hour thirty (30) minutes; for the opposition shall be limited to a~~
35 | total of thirty (30) minutes; and for those in favor or neutral to the application
36 | shall be limited to a total of fifteen (15) minutes unless additional time is granted
37 | by the Cehair; for good cause, prior to the start of the hearing. This time limit is
38 | exclusive of cross examination. At the discretion of the chair, only those persons

1 ~~that have registered to speak prior to the start of the meeting may do so. Only~~
2 ~~those persons that have registered to speak prior to the start of the hearing may do so.~~
3

4 In order to preserve time, prevent actions designed to disrupt the progress of the
5 hearing and ensure the orderly flow of the hearing, if more than one person is present in
6 support or opposition to the party with the floor, it is encouraged that one person
7 should represent all the group in cross-examination.
8

9 **ARTICLE 8 – Minutes and Records**

10
11 The P&Z and its committees shall keep minutes and complete records of
12 proceedings pursuant to KRS 100.167 as amended. At a minimum, the minutes shall
13 include findings, determinations, the names of members making and seconding motion,
14 the number of votes for and against each motion, and if any member is absent or
15 disqualified from voting, indicating the reason. Minutes of proceedings and/or
16 committees shall be provided to the entire P&Z prior to the next meeting.
17

18 Minutes approved by the P&Z at its official business meeting shall serve as the
19 official record of the P&Z. Minutes need not be read aloud at the business meeting for
20 approval unless a member of P&Z requests a reading for approval and adoption.
21

22 **ARTICLE 9 – ~~Form and Character of Motions~~ Parliamentary Procedure**

23
24 Formal action on requests before the P&Z shall only occur at business meetings.
25 The form and character of motions by members of the P&Z shall conform to those
26 stated in Robert's Rules of Order, revised edition and ~~all~~ motions shall be
27 accompanied by the reasons or basis for the action, including any applicable findings of
28 fact and a summary of the evidence supporting the position. Business may only be
29 conducted once a determination of a quorum has been made. A majority of the P&Z
30 members shall constitute a quorum. A majority of the quorum present at the business
31 meeting or public hearing shall be required to pass a motion; except a vote of a majority
32 the entire P&Z membership shall be required for the adoption or amendment of the by-
33 laws.
34

35 Votes on motions shall be taken verbally and by roll call vote on all
36 applications before the P&Z. A verbal vote may be taken for administrative
37 procedures, except that the cChair, if applicable, shall vote last. Abstentions from voting
38 shall not be counted with the majority in the determination of a motion ~~but shall be~~
39 recorded. Any member abstaining not wanting his or her vote to be counted shall state

1 the reason(s) therefore into the record prior to ~~the discussion~~ discussion, deliberation,
2 ~~vote, and shall leave the room abstaining.~~ Members shall only abstain from voting due
3 to a conflict of interest or any other matter that affects their ability to be unbiased.
4 Passing a vote by a member shall be reflected in the minutes and reflect the majority
5 vote. In the event of a tie vote, the motion proposed shall be defeated.

6
7 **ARTICLE 10 – Applications, Agendas and Decisions of the P&Z**

8
9 KRS 100.211 defines, "administratively complete" as a proposal for a zoning map
10 amendment is accurate and complete by meeting all the applicable requirements of this
11 chapter and any other applicable administrative regulatory requirements or approvals
12 formally required by the local legislative body or applicable state law. P&Z is required to
13 make its recommendation to the legislative body within sixty (60) days of the date of the
14 receipt of the administratively complete application for the proposed amendment (unless
15 the applicant waives the 60 day requirement).

16
17 Only those applications determined by staff to be complete according to
18 requirements included in the applicable Zoning Ordinance or Subdivision Regulations
19 shall be included on the CommissionP&Z's agenda. The determination of
20 completeness shall not be based on the perceived merits of the proposal but on
21 whether all submission requirements have been met.

22
23 Copies of the proposed agenda shall be mailed provided to each member no
24 later than six (6) business days preceding the next regular or special meeting. A copy
25 of the minutes from the previous meeting, as well as copies of any applicable staff
26 reports, should also be attached to the agenda.

27
28 The decision of the P&Z shall be based upon the evidence and information
29 presented at the public meeting or hearing from whatever source derived, and shall
30 include, but not be limited to, ~~any and all~~ recommendations by P&Z staff or their duly
31 authorized representatives.

32
33 **ARTICLE 11 – Requirements for the Submission of Requests, Applications and**
34 **Fees**

35
36 The requirements for the submission of applications and ~~requests~~ are set forth
37 in the Campbell County Zoning Ordinance, the Campbell County Subdivision
38 Regulations as well as the Zoning Ordinances and Subdivision Regulations those of the
39 individual municipalities they serve. Applicable fees and associated fees are set forth in

1 | the ~~Campbell County Zoning Ordinance and the Campbell County Subdivision~~
2 | ~~Regulations~~. All applications or requests before the P&Z ~~shall~~ must be complete or they
3 | will not be placed on the agenda and no P&Z action will be taken. Staff shall determine
4 | if all necessary information has been submitted; in no case shall this review exceed five
5 | (5) business days.

6 |
7 | **ARTICLE 12 – Instruments and Documents of P&Z Business mMeetings and**
8 | **Public Hearings**

9 |
10 | ~~In accordance with K.R.S.KRS. 100.221, as amended, the P&Z shall provide~~
11 | ~~adequate facilities such as a tape recorder and ample microphones to record the entire~~
12 | ~~proceedings of all hearings and meetings. P&Z may provide a court reporter or~~
13 | ~~stenographer for public hearings. Transcripts of any proceedings made therefrom shall~~
14 | ~~be at the expense of the party requesting them at the prevailing rate charged by court~~
15 | ~~reporters in the area.~~

16 |
17 | The official instruments of the P&Z are the record of notice, the agenda, the
18 | minutes of each business meeting and public hearing and each project or
19 | application/request file. Such instruments are public record and are open to the public
20 | for inspection or duplication pursuant to the applicable statutory requirements and
21 | responsibilities. The P&Z shall keep accurate and proper minutes and records of all the
22 | proceedings, including findings and determinations. The minutes shall, among other
23 | things, indicate by name, the member making a motion, second to a motion, a member
24 | disqualifying himself or abstaining from a motion and how each member voted. All of
25 | this shall be immediately, after adoption, filed in the office of the P&Z.

26 |
27 | **ARTICLE 13 – Committees of the P&Z**

28 |
29 | The P&Z, as recommended by the Chair, may establish standing committees and
30 | committee member assignments by a simple motion passed by a majority of a quorum.
31 | ~~These committees and committee member assignments may be created by the first~~
32 | ~~business meeting of February in each succeeding year, with the exception of the initial~~
33 | ~~creation of a committee. In that event, subsequent committee assignments may be~~
34 | ~~made in accordance with the article. The Chair may also appoint a special committee~~
35 | ~~that he or she may deem proper without formal action by the P&Z. These appointments~~
36 | ~~shall be made known to all members of P&Z. Such appointments of special committees~~
37 | ~~shall be recorded in the minutes of the P&Z. The current standing committee(s) of the~~
38 | ~~P&Z are as follows:~~

1 **Executive Committee.** The Executive Committee is composed of officers of the
2 P&Z and is responsible for all functions, operations and duties of the P&Z
3 members and staff.
4

5 **Zone Change/Concept Plan Committee.** At the request of the Chair or vote of
6 majority of a quorum of P&Z, the Zone Change/Concept Review-Plan
7 Committee reviews and offers a recommendation to the P&Z on all Zoning Map
8 Amendment and Concept Development Plan requests.
9

10 Committee meetings shall be held in accordance with the adopted schedule by
11 the P&Z. Such meetings shall be open to the public and public notification shall be
12 made in advance of said meeting as to the date, time and place of said meeting. This
13 notice shall be in compliance with all notification requirements set forth in ~~K.R.S.~~ KRS
14 100, et seq.
15

16 In the event of a conflict of interest regarding one or more committee members
17 on a particular matter, he or she shall announce said conflict and remove themselves
18 from participation and the Chair shall appoint an interim committee member to serve
19 on that single matter.
20

21 **ARTICLE 14 – Conduct and Attendance of P&Z Members**

22

23 Members of the P&Z shall be prepared and be on time for each regularly
24 scheduled business meeting, Committee Meeting and Public Hearing. ~~In general, any~~
25 ~~P&Z member with a conflict of interest (direct or indirect financial interest in the outcome~~
26 ~~of a matter) must state that fact on the record and withdraw from any participation for a~~
27 ~~particular request for which the conflict of interest exists at a business meeting,~~
28 ~~committee meeting or public hearing. Members who have a direct or indirect financial~~
29 ~~interest in the outcome of an application pending before the P&Z shall disqualify~~
30 ~~themselves disclose the conflict at the beginning of discussion, shall not participate in~~
31 ~~the ensuing discussion on behalf of the P&Z and shall abstain and/or recuse~~
32 ~~themselves from the vote on the matter. of the Board, nor be counted towards the~~
33 ~~quorum required to decide the application. For the purposes of this Article, it should be~~
34 ~~noted that “indirect financial interest” as used in KRS 100.171(1) and these Bylaws is~~
35 ~~not defined. However, members should not equate indirect financial interest with~~
36 ~~speculative interest. A direct interest affects the member’s immediate personal or~~
37 ~~financial interest. An indirect interest affects that status through an intervening party,~~
38 ~~such as a close family member. Disqualifications shall be noted in the Board’s minutes~~
39 ~~and shall not be counted as abstentions. Withdrawal from participation shall also~~

1 ~~include removing one's self from the room at the time of any proceedings on the~~
2 ~~request.~~

3
4 During all-business meetings and public hearings, the P&Z shall give the public
5 fair and reasonable opportunity to speak, subject to any applicable time limitations.
6 Public comments shall be addressed during public hearings and business meeting to
7 the Chair or other presiding officer. When a public comment is irrelevant, inflammatory
8 or prejudicial, the Chair may instruct the P&Z to disregard the comment.

9
10 Any P&Z member absent from three (3) consecutive business meetings or public
11 hearings or five (5) business meetings during the course of a calendar year, without
12 being excused by the Chair, may be removed for cause, or neglect of duty in
13 accordance with Article 3 of these bylaws.

14
15 **ARTICLE 15 – P&Z Training and Orientation and Continuing Education**

16
17 Each member and staff shall comply with the training and education
18 requirements established by House Bill 55 (HB55). Each member and staff shall be
19 responsible for obtaining written documentation of any continuing education course for
20 which credit is claimed. That documentation shall be filed with the secretary of the P&Z.

21
22 ~~(1) (a) Each planning commissioner shall, within one (1) year prior to~~
23 ~~appointment, or within one hundred twenty (120) days of appointment,~~
24 ~~attend a minimum of four (4) hours of orientation training in one (1) or~~
25 ~~more of the subjects listed in section (4) of this article.~~

26
27 ~~(b) Each planning commissioner shall certify his or her attendance by a~~
28 ~~written statement filed with the secretary of his or her respective planning~~
29 ~~commission within one hundred forty (140) days of appointment. Each~~
30 ~~statement shall identify the date of each program attended, its subject~~
31 ~~matter, location, sponsors, and the time spent in each program.~~

32
33 ~~(2) (a) Each planning commissioner shall, within each period of two (2)~~
34 ~~consecutive calendar years, starting at the date of the individual's~~
35 ~~appointment, attend no less than eight (8) hours of continuing education in~~
36 ~~any of the subjects listed in section (4) of this article.~~

37
38 ~~(b) Each planning commissioner shall certify his or her attendance by a~~
39 ~~written statement filed with the secretary of his or her respective planning~~
40 ~~commission by December 31 of each calendar year. Each statement shall~~

1 identify the date of each program attended, its subject matter, location,
2 sponsors, and the time spent in each program.
3

4 ~~(3) The planning commission or the legislative body of the city, county, urban-~~
5 ~~county, charter county government, or consolidated local government in which the~~
6 ~~planning commission has jurisdiction or, in the case of a joint planning unit, has~~
7 ~~representation in, shall be responsible for providing training as required by subsections~~
8 ~~(1) and (2) of this section or for providing funding to each planning commissioner so that~~
9 ~~each individual may obtain training as required by sections (1) and (2) of this article~~
10 ~~from other sources.~~
11

12 ~~(4) The subjects for the education required by sections (1) and (2) of this article~~
13 ~~shall include, but not be limited to, the following: land use planning; zoning; floodplains;~~
14 ~~transportation; community facilities; ethics; public utilities; wireless telecommunications~~
15 ~~facilities; parliamentary procedure; public hearing procedure; administrative law;~~
16 ~~economic development; housing; public buildings; building construction; land~~
17 ~~subdivision; and powers and duties of the board of adjustment. Other topics reasonably~~
18 ~~related to the duties of planning officials or planning professionals may be approved by~~
19 ~~majority vote of the planning commission prior to December 31 of the year for which~~
20 ~~credit is sought.~~
21

22 ~~(5) The planning commission shall keep in its official public records originals of all~~
23 ~~statements and the written documentation of attendance required in section (6) of this~~
24 ~~article filed with the secretary of the planning commission pursuant to sections (1)(b)~~
25 ~~and (2)(b) of this article for three (3) years after the calendar year in which each~~
26 ~~statement and appurtenant written documentation is filed.~~
27

28 ~~(6) Each planning commissioner shall be responsible for obtaining written~~
29 ~~documentation signed by a representative of the sponsor of any continuing education~~
30 ~~course for which credit is claimed, acknowledging the fact that the individual attended~~
31 ~~the program for which credit is claimed. That documentation shall be filed with the~~
32 ~~secretary of the planning commission as attachments to the statements required by~~
33 ~~sections (1)(b) and (2)(b) of this article.~~
34

35 ~~(7) If a planning commissioner fails to:~~
36

37 ~~(a) Complete the requisite number of hours of orientation training and~~
38 ~~continuing education within the time allotted under sections (1) and (2) of~~
39 ~~this article;~~
40

1 ~~(b) File the statement required by sections (1)(b) and (2)(b) of this article; or~~

2
3 ~~(c) File the documentation required by section (6) of this article;~~

4
5 ~~the planning commissioner shall be subject to removal from office according~~
6 ~~to the provisions of KRS 100.157.~~

7
8 **ARTICLE 16 – Duties of the Chair Regarding Public Conduct Before the P&Z**

9
10 During all meetings, the public has a duty and obligation to remain in civil order.
11 Any conduct that interferes with the equitable rights of others to provide comment or
12 which interferes with the orderly progression of business of the P&Z, the individual or
13 individuals will be ruled "out of order" by the Chair and the Chair shall direct the
14 offenders to remain silent. Once this occurs and the disruptive behavior continues, the
15 Chair shall instruct the offender(s) to leave the room. If the person(s) fail(s) to comply,
16 the Chair, or his designee, shall then contact the Campbell County Police Department
17 or other legal authorities to remove the individual(s) from the room where the meeting is
18 being held for the benefit of the public.

19
20 **ARTICLE 17 – Recording of Final Plats**

21
22 All final plats approved by the P&Z shall be recorded by the P&Z applicant at the
23 expense of the applicant at the office of the County Court Clerk.

24
25 **ARTICLE 18 – Separability/Severability**

26
27 Should any article of these bylaws be found to be unlawful by any Court, for any
28 reason whatsoever, the remaining articles shall remain in full force and effect as each
29 and all of them are severable from one another.

30
31 **ARTICLE 19 – Reimbursement or Compensation**

32
33 Reimbursement for expenses or compensation, or both may be authorized for
34 citizen members of the P&Z. Reimbursement for expenses may be authorized for
35 public officials and employees of participating cities and counties who are members or
36 staff of the P&Z, but such members shall receive no additional compensation.

37
38 **ARTICLE 20 – Adoption and Amendment of By-Laws**

137-14-TXA-01
Draft P&Z By-laws
As Approved by P&Z

1 These P&Z by-laws shall be binding upon review by the members thereto and
2 legal counsel and upon adoption by a majority vote of the general membership of the
3 P&Z. These by- laws may be amended by a majority vote of the general membership of
4 the P&Z. ~~Any and all p~~Proposed amendments to the duly adopted by-laws shall be
5 presented to the P&Z members for consideration at lease seven (7) days before the
6 P&Z takes action on them. The date of the meeting where the action is proposed shall
7 count as one of the seven (7) days. Adoption or amendment of these by-laws takes
8 effect immediately following a successful vote.

9
10 **THESE BY-LAWS WERE ADOPTED AND APPROVED BY THE CAMPBELL**
11 **COUNTY AND MUNICIPAL PLANNING AND ZONING COMMISSION AND MADE**
12 **EFFECTIVE THIS _____ DAY OF _____, 200714.**

13
14
15
16
17
18 DAVID SCHABER
19 JUSTIN VERST
20 CHAIRMAN

21 ATTEST:

22
23
24 PETER KLEAR
25 CYNTHIA MINTER
DIRECTOR

139-14-TXA-01
Proposed Text Amendment &
As Approved by P&Z

SECTION 10.10 RMHP RESIDENTIAL MOBILE HOME PARK ZONE:

A. USES PERMITTED:

1. Mobile homes, only.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Dwelling unit for the owner, operator or manager on a site 10,000 square feet in area.
3. Structures and uses related to and for the exclusive use of residents of the mobile home park as follows, but excluding any commercial operations:
 - a. Recreational facilities and areas;
 - b. Community center;
 - c. Laundry facilities;
 - d. Accessory use structures ~~(rev /97)~~;
4. Fences and walls, as regulated by Article XIII of this Ordinance.
5. Signs, as regulated by Article XIV of this Ordinance.

C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Site for a Mobile Home Park - Ten (10) acres
2. The width of said park - A minimum distance of three hundred (300) feet, as measured along a deeded right-of-way. The park shall be a platted subdivision with lots and streets in accordance with the provisions of this section and the Campbell County Subdivision Regulations, approved by the planning commission. The park may be phased to achieve completion of the ten acre minimum area through review of the phasing process by the planning commission.
3. Minimum Lot Area - Six thousand (6,000) square feet provided. In the case of this zone, only one principal building (mobile home) as defined herein may be permitted on one lot
4. Minimum Lot Width - Fifty (50) feet and shall abut a deeded right-of-way
5. Minimum Front Yard Depth - Twenty (20) feet
6. Minimum Side Yard Width - Fifteen (15) feet
7. Minimum Rear Yard Depth - Twenty (20) feet

C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES cont...

1. Maximum Building Height - Twenty-five (25) feet

139-14-TXA-01
Proposed Text Amendment &
As Approved by P&Z

- 1 2. Minimum Setback of All Buildings and Structures within Mobile Home
2 Parks at All Park Boundary Lines - Thirty (30) feet, except that the
3 Planning and Zoning Commission may increase or reduce this distance
4 where due to topography, street location, structures on adjacent
5 properties, or shape of this lot, this distance should or may be revised
6

7 D. OTHER DEVELOPMENT CONTROLS:
8

- 9 1. In a mobile home park in which lots are to be platted the following
10 conditions shall be used.
11

- 12 a. The minimum side yard on each side of the lot shall be fifteen feet.
13 b. The minimum rear yard depth shall be twenty (20) feet.
14 c. Not more than one (1) principal building shall be permitted on any
15 lot.
16 d. The minimum lot width shall be fifty (50) feet.
17 e. Street-All streets within the mobile home park shall be within
18 deeded and accepted public right-of-way and constructed according
19 to the appropriate subdivision regulations, having a minimum width
20 of twenty-eight (28) feet.
21

22 (1) Streets shall be provided and placed in the site where
23 necessary to furnish principal traffic ways for convenient
24 access to each mobile home and other important facilities in
25 the area.
26

27 (2) Ingress and egress to the individual lots shall be only over an
28 interior road developed as part of the mobile home park.
29

- 30 2. In a mobile home park in which lots will not be platted the following
31 conditions shall be used.
32

- 33 a. The minimum side yard distances between mobile homes shall be
34 at least fifteen (15) feet.
35 b. The minimum rear yard distance between mobile homes shall be At
36 least twenty (20) feet.
37 c. More than one principal building may be permitted on a lot.
38 d. The minimum street frontage for each mobile home as measured
39 along a line parallel to and twenty (20) feet from the street shall be
40 fifty (50) feet, except that on cul-de-sacs or irregularly shaped lots. -
41 the Planning and Zoning Commission may vary this required
42 frontage.
43 e. All streets within a mobile home park shall be paved with concrete
44 at lease six (6) inches thick or the accepted equivalent of gravel and

139-14-TXA-01
Proposed Text Amendment &
As Approved by P&Z

1 asphaltic concrete, (as set forth in the Subdivision Regulations) to a
2 width of at least twenty-four (24) feet.

3
4 (1) Streets shall be provided and placed on the site where
5 necessary to furnish principal traffic ways for convenient
6 access to each mobile home and other important facilities in
7 the area.

8 (2) Ingress and egress to the individual lots shall be only over an
9 interior road developed as part of the mobile home park.

10 (3) Turning radius on a street twenty-four (24) feet wide shall be
11 a minimum of thirty-five (35) feet.

12 (4) In all other respects, the interior streets shall be built to
13 County specifications regarding curbs, crowns, and drainage
14 as set forth in the Subdivision Regulations.

15
16 3. A mobile home; including accessory structures, decks or patios, shall not
17 cover more than 50% of the mobile home site.

18 4. A deck or patio slab of at least one hundred eighty (180) square feet shall
19 be provided on each mobile home site and conveniently located at the
20 entrance of each mobile home'

21 5. Fire hydrant location and types shall be approved by the local fire
22 department prior to construction.

23 6. All proposed rules and regulations or deed restrictions shall be submitted
24 with the plans prior to approval and shall be included as a condition to
25 approval.

26 7. Not less than five (5) percent of the gross area of the mobile home park
27 shall be set aside, designed, constructed, and equipped as a recreational
28 area. A minimum of one-half (1/2) acre per recreation site shall be provided.

29 8. No lighting shall be permitted which would glare from this zone onto any
30 street, road, highway, deeded right-of-way, or into any residential zone.

31 9. Where any yard in this zone abuts another zone, a ten (10) foot wide
32 screening area, as regulated by Section 9.17 of this Ordinance shall be
33 required.

34 10. A site plan, as regulated by Section 9.1 of this Ordinance shall be required
35 for any use in this zone.

36 ~~11. Mobile home installations shall comply with all requirements in Section of~~
37 ~~the Ordinance.12. Each mobile home must display the County's twenty-~~
38 ~~five (\$25.00) dollar decal.~~

39
40 E. SALE OF MOBILE HOMES: Sale of new mobile homes for on or off site use may
41 be permitted as a conditional use in this zone. The following conditions must be
42 met before consideration of any application will be given:

43
44 1. The site must be in a mobile home park meeting all existing requirements
45 in this zone.

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Proposed Text Amendment &
As Approved by P&Z

- 1 2. The number of mobile homes for sale or show shall not exceed ten (10)
- 2 percent of the total number, rounded up to the nearest whole number, of
- 3 available lots in the development.
- 4 3. Each unit for sale must occupy a lot which is equal in size, landscaping
- 5 and paving to average lot in the development.
- 6 4. No additional outdoor lighting, flags, or pennants shall be permitted to
- 7 define the units for sale.
- 8 ~~5. One sign for each unit for sale may be placed in front of, or on inside the~~
- 9 ~~unit. said sign shall not be more than three square feet in area.~~
- 10 ~~6. A general site sign indicating sales may be displayed at the entrance to the~~
- 11 ~~site. Said sign shall be a Class 8 sign which when added to the area of all~~
- 12 ~~other signs identifying the mobile home park, shall not exceed twenty-five~~
- 13 ~~(25) square feet in area.~~
- 14