

COMMONWEALTH OF KENTUCKY
MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2022 – 11

AN ORDINANCE AMENDING THE MCCRACKEN COUNTY ZONING AND SUBDIVISION REGULATIONS SET FORTH IN MCCRACKEN COUNTY ORDINANCE NO. 2019-08, AS AMENDED, BY MAKING REVISIONS AND AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO PERMITTED AND CONDITIONAL LAND USES IN AREAS ZONED AS AGRICULTURAL, COMMERCIAL, RURAL RESIDENTIAL, AND URBAN RESIDENTIAL. FURTHER THIS ORDINANCE MAKES REVISIONS AND AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO THE BOARD OF ADJUSTMENT, DEFINITIONS, MOBILE HOMES PARKS, PARKING, SIGNS, AND STORMWATER CONVEYANCE AND MANAGEMENT. MOREOVER, A NEW SECTION PERTAINING TO RECREATIONAL VEHICLE COMMUNITIES IS ADDED.

WHEREAS, Kentucky Revised Statutes, Chapter 100, provides for the adoption of zoning text, specific provisions and regulations related to and facilitating the implementation thereof and provides for amendments thereto; and

WHEREAS, the McCracken County Fiscal Court and the McCracken County Planning Commission have recognized the need for zoning regulation and subdivision regulation in McCracken County for the purpose of promoting the health, safety, welfare and general prosperity of the County and to ensure that development takes place in a manner compatible with adjacent land uses, is consistent with and appropriate to existing or proposed infrastructure and is adequately served by necessary and essential services; and

WHEREAS, to better address and regulate the evolving nature of land use land use issues and to ensure compliance with developing law, it was proposed that the present amendments and revisions to the McCracken County Zoning Ordinance and Subdivision Regulations be adopted; and

WHEREAS, a public hearing was conducted on September 27, 2022, regarding these proposed amendments and revisions and such measures were approved on said date as reflected herein.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MCCRACKEN COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

The present McCracken County Zoning Ordinance along with Subdivision Regulations, set forth in McCracken County Ordinance 2019-08, as amended, be hereby amended and revised as follows:

Section 1. Planning Commission Approval.

The McCracken County Planning Commission conducted a public hearing on September 27, 2022, and on said date approved the proposed amendments, revisions, and additions contained herein and recommended that the same be adopted by the McCracken County Fiscal Court.

Section 2. Amendments and Revisions to McCracken County Zoning Ordinance, Article II – “Definitions and Interpretations.”

Section 21 – “Definitions” Shall Be Amended and Revised By Striking and Replacing the Text Thereof As Follows:

Home Based Business. In a dwelling house for one family, or one housekeeping unit only, on one lot; provided, however, that nothing herein contained shall prevent the use of a minor part of the dwelling house, or accessory building, for an office or studio by person or persons residing in the dwelling house ~~or the display on the premises of one five square foot announcement sign showing the name or names of the person or persons using such office or studio, and the profession or business conducted in connection therewith,~~ and where there are no more than one non-resident employees, and where customers or clients do not regularly visit the site, and there is no outside storage of equipment or materials.

HOME OCCUPATION.

(1) Any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof; ~~in connection with which there is no sign larger than five square feet,~~ minimal stock in trade, or outside storage of equipment or materials, and not more than two persons other than the residents are to engage in such occupation.

MOBILE HOME PARK. A parcel of land under the control of any person, available to the public in which three or more mobile home lots are occupied or intended for occupancy by mobile homes, ~~campers, or recreational vehicles,~~ and includes any service building, structure, enclosure, or other facility, used as part of the park.

RECREATION VEHICLE COMMUNITY – A parcel of land under the control of any person, available to the public in which two or more recreational vehicles (RV) spaces are occupied or intended for occupancy by campers or recreational vehicles and includes any service building, structure, enclosure, or other facility, used as part of the park.

The amendments reflected in this section shall be incorporated into the standalone McCracken County Zoning Ordinance and said Ordinance shall be transmitted to American Legal Publishing for the generation of an amended Chapter 150 of the McCracken County Code of Ordinances for inclusion in the McCracken County Ordinance Compilation.

Section 3. Amendments, Revisions and Additions to McCracken County Zoning Ordinance, Article III – “General Regulations.”

A. Section 35 – “Mobile Home Parks” Shall be Amended and Revised By Striking and Replacing the Text Thereof As Follows:

I. All proposed mobile home parks shall comply with all applicable State, Federal, and McCracken County Subdivision Regulations and Zoning Regulations.

~~I.~~ Mobile home parks are:

A. Wherever, three (3) or more mobile homes occupy or are intended for occupancy, on a single lot in ~~any zone~~ the MHP zone; or

B. Wherever, on a lot where there is a principal building and one (1) or more rental or lease spaces, on one lot, less than 12,000 square feet of lot area per structure.

B. Section 39 – “Signs” Shall be Amended and Revised By Striking and Replacing the Text Thereof and Adding Text As Follows:

The purpose of this section is to establish regulations for the control of signs. The regulations further seek to ~~insure~~ ensure the safety of the motorists in the community by reducing the distracting influence of uncontrolled signage. Further, it is not the intent of this ordinance to regulate any sign based upon content.

(A) Definition of this section. The following words and terms shall have the meaning as hereinafter defined unless the context clearly indicates or requires a different meaning.

(1) **SIGN.** Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution, or business or otherwise provides information to the public.

(2) **TEMPORARY SIGN.** Any sign, banner, or advertising display constructed of cloth, canvas, light fabric, cardboard, or other light material, intended or customarily expected to be display for a limited period of time, not to exceed 30 days. Temporary signs may be as large as sixteen (16) square feet. There shall be no more than one (1) temporary sign for every forty (40) feet of road frontage.

(3) **OFF PREMISE SIGN.** Any sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed.

(B) General regulations.

- (1) No sign shall be erected or maintained at any location where by reason of its position, working, illumination, size, shape, or color which may obstruct, impair or otherwise interfere with the view of, or be confused with any authorized traffic-control sign, signal, or device.
- (2) No sign shall be placed in any public right-of-way, except governmental regulatory signs for public good and use that direct and control traffic.
- (3) No sign shall be placed in such a manner as to reduce visibility at driveways, access points, and intersections.
- (4) Signs shall be adequately maintained
- (5) Changeable and electronic signs shall display each message for at least 8 seconds and change overs cannot take more than 2 seconds.
- (6) Changeable and electronic signs must possess and utilize a light sensing device with automatic dimming capabilities to adjust the brightness of the sign, so that the maximum luminescence level is not more than three-tenths foot candles over ambient light measured at a distance of:

<u>Sign face size</u>	<u>Distance measurement</u>
<u>300 square feet or smaller</u>	<u>150 feet</u>
<u>Larger than 300 square feet, but equal or less than 378 square feet</u>	<u>200 feet</u>
<u>Larger than 378 square feet, but equal of less than 672 square feet</u>	<u>250 feet</u>
<u>Larger than 672 square feet (up to maximum sign face size of 1,000 square feet)</u>	<u>350 feet</u>

- (4)
- (5) ~~Signs shall be adequately maintained~~

(C) Off premise sign. Off premise signs are permitted in AG, C, ML, and MH zones.

- (1) Off premise signs must be 500 feet apart in all zones except C zones
- (2) Off premise signs may be double faced (front and back or v shaped) but may not be stacked (top and bottom) unless specifically permitted in a particular zone.

(D) Regulations by district without receiving a variance from the Board of Adjustment:

<u>Zone</u>	<u>Maximum Size</u>	<u>Maximum height above average grade</u>	<u># of signs allowed per parcel</u>	<u>Stacked or v-shaped</u>	<u>Digital</u>
<u>AG</u>	<u>400 sqft</u>	<u>40'</u>	<u>1</u>	<u>No</u>	<u>No</u>
<u>RR</u>	<u>6 sqft</u>	<u>6'</u>	<u>1</u>	<u>No</u>	<u>No</u>
<u>UR</u>	<u>6 sqft</u>	<u>6'</u>	<u>1</u>	<u>No</u>	<u>No</u>
<u>C</u>	<u>700 sqft/sign</u>	<u>60'</u>	<u>1 per 300 ft of road frontage</u>	<u>Yes</u>	<u>Yes</u>
<u>ML</u>	<u>700 sqft</u>	<u>40'</u>	<u>1</u>	<u>No</u>	<u>Yes</u>
<u>MH</u>	<u>400 sqft</u>	<u>40'</u>	<u>1</u>	<u>No</u>	<u>Yes</u>

* nothing in this section shall prevent or limit the number of temporary signs one can post.

~~(C)~~ (E) *Signs permitted in all zones.*

- (1) Signs located wholly within a building or structure.
- (2) Signs affixed to a properly licensed motor vehicle operating upon public thoroughfares.
- (3) Any sign erected by a governmental agency.

~~(D)~~ (F) *Signs prohibited in all zones.*

- (1) Flashing or blinking signs and devices. This does not apply to scrolling LED boards or electronic signs whose display changes on a regular schedule.
- (2) Signs attached to stationary vehicles.

C. A New Section pertaining to Recreational Vehicle Communities Shall Be Codified as Section 42 – “Recreational Vehicle Communities” and State the Following:

Section 150.042 – Recreational Vehicle Communities

I. Recreational vehicle communities are:

- A. Wherever, two (2) or more campers or recreational vehicles occupy or are intended for occupancy, on a single lot in an appropriate zone; or
- B. Wherever, on a lot where there is a principle building and one (1) or more rental or lease spaces, on one lot, less than 1,500 square feet per recreation vehicle.

II. Recreational Vehicle Community requirements.

- A. minimum area requirements. No recreational vehicle community shall be permitted on an area of less than 1 acre. However, the community may develop in stages as long as it complies with an overall approved development plan.
- B. Space requirements. Each space shall be a minimum of 1,500 square feet with a minimum of fifteen (15) feet provided between each recreational vehicle.
- C. Setback. No recreational vehicle or accessory structure shall be closer than thirty (30) feet to any public street R-O-W. No recreational vehicle or accessory structure shall be closer than fifteen (15) feet to any privately maintained street R-O-W within the recreational vehicle community. No recreational vehicle or accessory structure shall be closer than twenty-five (25) feet to any property boundary line of the park.
- D. Perimeter. All recreational vehicle community boundary lines excluding public road right-of-ways shall have either a six (6) feet high fence that is 90% visually solid or four (4) feet tall shrubs and/or evergreen trees that will attain six (6) feet in height within three (3) years and also be 90% visually solid year-round if the recreational vehicle community abuts an existing residential property. Chain link fences are not allowed to be used for screening purposes.

E. Drainage. Recreational vehicle community street and ditch drainage shall meet or exceed § 190.46(G) of the McCracken County Subdivision Regulations, or §§150.085 through 150.094 of this chapter.

F. Recreational vehicles cannot be made into permanent structures. They cannot have decks or skirting. Wheels cannot be removed and the recreational vehicle must remain transient. Recreational vehicles cannot be permanently connected to utilities.

The amendments reflected in this section shall be incorporated into the standalone McCracken County Zoning Ordinance and said Ordinance shall be transmitted to American Legal Publishing for the generation of an amended Chapter 150 of the McCracken County Code of Ordinances for inclusion in the McCracken County Ordinance Compilation.

Section 4. Amendments and Revisions to McCracken County Zoning Ordinance, Article IV – “District Regulations”.

A. Section 41 – “Agricultural District (AG)” shall be amended and revised by striking as permitted uses in such district and by sequentially renumbering the section to accommodate the removal of such uses:

- ~~22. Government Buildings and facilities;~~
- ~~23. Government owned parks and recreation areas;~~

The permitted use previously enumerated as use number 24, “Home based business;” shall be renumbered as permitted use number 22. Each subsequent enumerated permitted use shall be likewise sequentially renumbered to make accommodation for the removal of the presently removed uses up to the use identified as “Conditional uses permitted on review.”

B. Section 41 – “Agricultural District (AG)” shall be amended and revised by designating the following as a conditional use in such district:

- 6. Recreational vehicle community

C. Section 42 – “Rural Residential District (RR)” shall be amended and revised by designating the following as a conditional use in such district:

- 6. Recreational vehicle communities

D. Section 43 – “Urban Residential (UR)” shall be amended and revised by striking as a permitted use in such district and by sequentially renumbering the section to accommodate the removal of such use:

- ~~8. Government buildings and facilities;~~

The permitted use previously enumerated as use number 9, “Home based business as defined;” shall be renumbered as permitted use number 8. Each subsequent enumerated

permitted use shall be likewise sequentially renumbered to make accommodation for the removal of the presently removed uses up to the use identified as “Two-family dwellings, duplexes and town homes.”

E. Section 45 – “Commercial (C)” shall be amended and revised by designating the following as a permitted use in such district and by sequentially renumbering the section to accommodate the addition and inclusion of such use:

13. Recreational vehicle community

The permitted use previously enumerated as use number 13, “Retail establishments”, shall be renumbered as permitted use number 14. Each subsequent enumerated permitted use shall be likewise sequentially renumbered to make accommodation for the inclusion of the presently added use up to the use identified as “Other similar uses as approved by the Planning Commission following a public hearing.”

F. Section 48 – “Parking” Shall be Amended and Revised By Striking and Replacing the Text Thereof and Adding Text As Follows:

In all zoning districts, off-street parking spaces for the storage and parking of motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, or enlarged after the effective date of these regulations, shall be provided as herein prescribed.

(A) *General.* The following parking requirements represent minimum standards.

- (1) *VariANCES.* When it can be clearly shown that an intended use shall require less parking than that which is required by this section because of significant variation in operation or activity, the Planning Commission may grant a reduction in the parking requirements.
- (2) *Multiple uses on site.* For sites with more than one use, the parking requirement shall be the sum of spaces required for each use, except as adjusted pursuant to subsection (F) of this section.
- (3) *Exemptions.* Any off-street parking facility constructed after the effective date of this section must comply with the design standards set forth in this section.
- (4) *Surface.* All parking lots containing at least four spaces shall be constructed of a durable, dust free material, unless otherwise approved by the Planning Commission.

B) *Design approval.* All lots or portions of lots being developed for vehicular parking which contain at least four spaces shall have the design approval of the Planning and Zoning Administrator and the County Road Engineer prior to issuance of a building permit. Those administrative officials shall ensure that the intent and specific provisions of this section are observed.

(C) *Off-street parking requirements for residential land uses.*

Housing Type and Requirement	Parking
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Single family:	
3 bedrooms or less	2 per unit
4 bedrooms or more	3 per unit
Duplexes, triplexes, apartment buildings:	
2 bedrooms or less	2 per unit
3 bedrooms or more	3 per unit
Mobile homes	2 per unit plus 1 per 5 units guest parking

(D) *Off-street parking requirements for nonresidential land uses.*

GFA—Gross floor area measured in square feet.

GLA—Gross leasable area measured in square feet.

Use	Parking Requirement
Assembly operations	1 per 800 GFA
Auto sales:	
Outdoor display	1 per 3,000 sq. ft.
Indoor display/office	1 per 750 GFA
Repair facilities	1 per 150 <u>300</u> GFA

Bars and lounges	1 per 200 <u>300</u> GFA
Bowling alley	4 <u>1</u> per alley
Car wash	10 per tunnel (parking and stacking)
Places of worship	1 per 3 seats
Day care facilities	1 per 400 GFA; and a paved unobstructed pick-up space with adequate stacking areas (as determined by the Planning and Zoning Administrator) shall be provided in addition to the standard parking requirements; and a safe pedestrian walkway system (as approved by the Planning and Zoning Administrator) through the parking areas to the building entrance, with a minimum 15-foot safety zone between the parking spaces and the front building entrance.
Financial institutions	1 per 300 GFA
Finishing operations	1 per 800 GFA
Golf courses	50 per nine holes
Group homes	1 per 600 GFA
Hotel/motel	1 per room plus 1 per additional 100 GFA of ballrooms/banquet rooms/meeting rooms and similar spaces.
Hospitals	2.25 spaces per bed <u>as determined by the Planning Commission</u>
Industrial	1 per 800 GFA
Library	1 per 300 GFA
Manufacturing	1 per 800 GFA

Medical centers/offices	1 per 200 GFA
Offices:	
Under 50,000 GFA	4.5 per 1,000 GFA
50,000 to 100,000 GFA	4 per 1,000 GFA
100,000+ GFA	3.5 per 1,000 GFA
Receiving	1 per 5,000 GFA
Research	1 per 1,000 GFA
Restaurant:	
Quick style	1 per 30 GFA (of the public dining area)
Drive through	8 stacked spaces (per window)
Sit down style	1 per 3 seats
<u>Food Truck</u>	<u>8 per truck if parked in a vacant lot</u>
Retail stores	1 per 300 GFA
Schools:	
Elementary	2 per classroom
Intermediate	1.5 per classroom
Secondary	1 per 1,000 GFA
Higher or vocational	10 per classroom plus

	(a) 1 per campus vehicle.
	(b) Additional visitor parking to be 25 percent of total parking.
	(c) Parking must be in reasonable proximity to destination points.
Service stations	4 per bay or work area
Shipping facilities	1 per 5,000 GFA
Shopping centers:	
Under 400,000 GLA	3.5 per 1,000 GLA
400,000+ GLA	4 per 1,000 GLA
Storage areas/facilities	1 per 5,000 GLA
Theater:	
Freestanding	1 per 3 seats
In shopping center	1 per 4 seats
Warehouse	1 per 5,000 GFA

When computing number of seats and GFA or GLA for parking, where no individual seating (such as and like sports facilities and places of worship) is provided, every 24 inches will be considered a seat.

When calculating the required parking for a specific intended use that does not appear in this section, the Zoning Administrator shall make a determination of a similar use that does appear in this section.

(E) *General design and handicap parking.*

- (1) *Traffic visibility sight triangle required.* All points of ingress and egress shall maintain seven-foot sight triangles. Landscaping shall not exceed 24 inches in height above grade.
- (2) Parking lots shall provide handicap parking as may be required by Kentucky Building Code or the American Disabilities Act, whichever is more stringent:

(F) *Adjustment for mixed use developments.* The Planning Commission may authorize an adjustment in the total parking requirement for separate uses located on the same site or for separate uses located on adjoining sites and served by a common parking facility. An application for such an adjustment must include a site plan showing the location of parking and extent of various uses, the requested reduction in the parking requirement, and supporting data addressing why such a reduction should be permitted.

(G) **Landscaping. General Requirements:** All landscaping materials shall be installed in a sound manner and according to accepted good construction and planting procedures. Any landscape material, which fails to meet the minimum requirements of this chapter at the time of installation, shall be removed and replaced with acceptable materials. The person in charge of, or in control of, the property whether as owner, lessee, tenant, occupant or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance free from refuse, debris, noxious weeds and unwanted grass at all times. All unhealthy or dead plant material shall be replaced within four (4) months or by the next fall or spring planting season, whichever comes first; while other defective landscape material shall be replaced or repaired within two (2) months. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Topping or heading back trees, as defined by the International Society of Arboriculture, is prohibited. The severe cutting of limbs to stubs larger than three (3) inches in diameter is prohibited. Utility companies are exempt from this requirement.

These regulations apply only to the overlay district along the commercial corridors of US Highways 45, 60 and 62 from the Paducah city limits to:

- a) the US Highway 45 and Old US Highway 45 intersection on the south side of Lone Oak
- b) US Highway 60 and Fisher Road intersection by Barkley Regional Airport and,
- c) US Highway 62 and McCracken Boulevard intersection.

- (1) All parking lots of more than four (4) parking spaces shall include planted trees in accordance with schedule 1, below:

Schedule 1

<u>Number of Spaces</u>	<u>Number of Trees Required</u>

<u>1 to 4 spaces</u>	<u>No trees required</u>
<u>5 to 30 spaces</u>	<u>1 tree for each 6 spaces or fraction thereof up to 30 spaces</u>
<u>31 to 100 spaces</u>	<u>5 trees for the first 30 spaces, plus 1 tree for each additional 7 spaces or fraction thereof</u>
<u>101 to 196 paces</u>	<u>15 trees for the first 100 spaces, plus 1 tree for each additional 8 spaces or fraction thereof</u>
<u>197 to 304 spaces</u>	<u>27 trees for the first 196 spaces, plus 1 tree for each additional 9 spaces or fraction thereof</u>
<u>305 to 504 spaces</u>	<u>39 trees for the first 305 spaces, plus 1 tree for each additional 10 spaces or fraction thereof</u>
<u>505 or more spaces</u>	<u>59 trees for the first 505 spaces, plus 1 tree for each additional 11 spaces or fraction thereof</u>

- (2) Trees shall be at least one and one-half (1½) inches in diameter at a point six (6) inches above the ground, when planted; tree type shall be approved by the Zoning Administrator and shall be protected from potential damage by vehicles. Thirty (30) percent of required trees shall be placed within the perimeter of the actual parking surface area in those parking lots of over twenty (20) spaces.
- (3) Interior landscaping for vehicular use areas (VUAs). Landscaping shall include trees, shrubs, flowers, or other living matter and shall be provided for vehicular use areas in accordance with the following standards:
- a. A minimum of five (5) percent of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area. The VUA landscaping shall only be required for uses that have more than twenty (20) parking spaces. This section shall not apply to parking lots that are used for the sole purpose of selling vehicles.
 - b. The VUA landscaping shall contain a variety of trees and be dispersed in the form of planting islands or peninsulas throughout the VUA. The minimum size of planting areas shall be two hundred (200) square feet with the minimum dimensions of ten feet (10') by twenty feet (20').
 - c. No more than one (1) tree shall be planted per two hundred (200) square feet of islands of peninsulas.
 - d. Planting islands within the VUA shall be required at the end of every other parking row, when parking rows are provided in the interior portions of the parking lot. (Illustration #1)

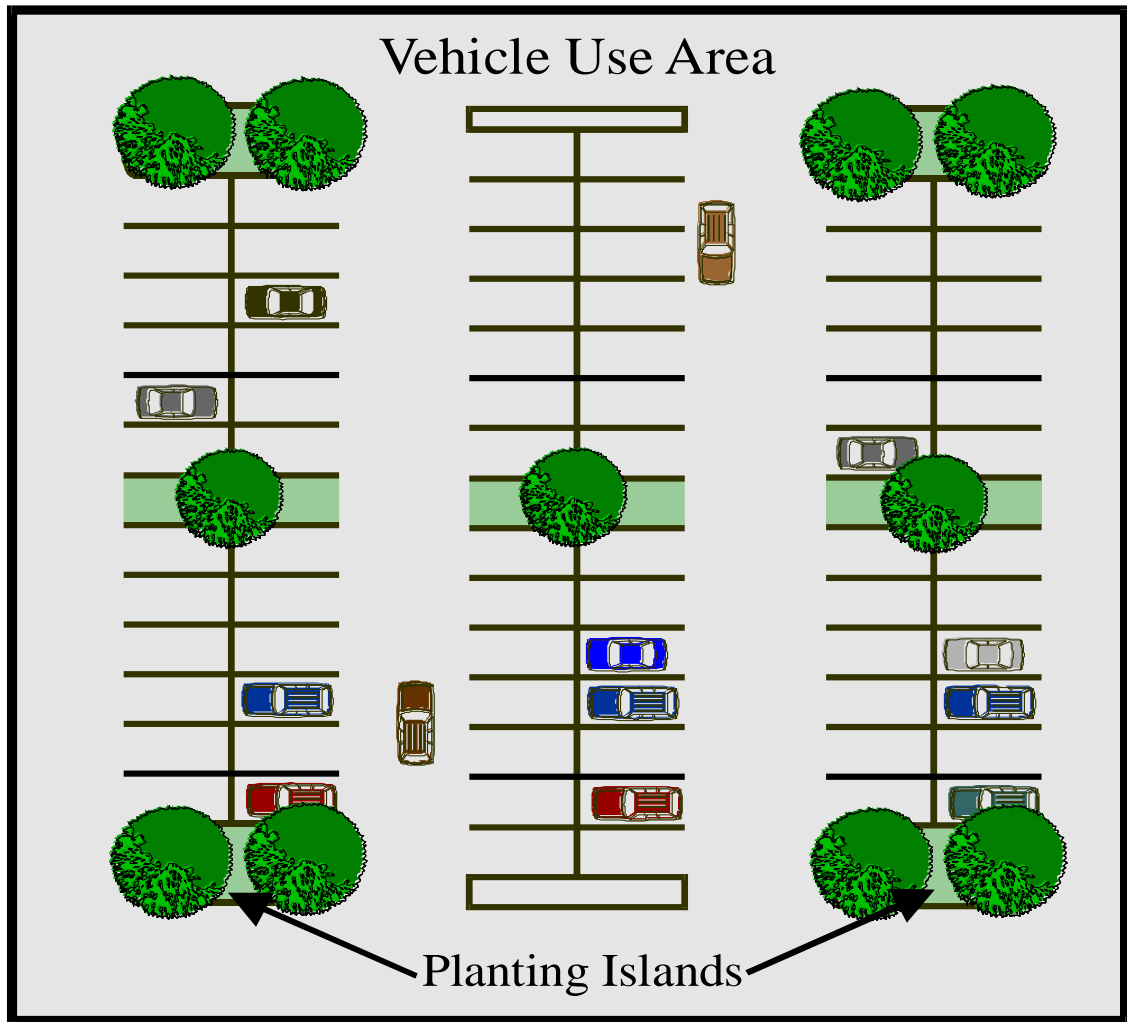


Illustration #1

1. All planting islands shall be planted with grass, low ground cover, shrubs, flowers, or any combination of these. Hard surfaces or gravel are not permitted in lieu of plant materials.
2. All planting islands shall have a minimum of six (6) inch curbs installed to protect the planting area from vehicular traffic.
3. All plant material (other than grass, or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of two (2) feet, six (6) inches from the edge of pavement or face of curb.
4. Sign landscaping. Landscaping shall be located around the base of freestanding signs. The landscaping shall be ornamental in nature with shrubs, flowers and other ornamental plant materials. Sign landscaping is not required for freestanding signs permitted before the adoption of this article. The amount of landscape area required shall be one (1) square foot of landscape area per one

(1) square foot of sign area. At least fifty (50) percent of the required landscaping area shall be planted with trees and/or shrubs.

5. Building landscaping. Any blank facade or portion of a facade of a building that is not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall that does not have windows used for display or entry doors for employees or the general public. Buildings, which are ten thousand (10,000) square feet or smaller shall be exempt, from the requirements of this section.

(i) Trees shall be provided on an average of at least one (1) tree per forty (40) linear feet of blank facade as defined above and shrubs shall be provided on an average of at least one (1) shrub per ten (10) linear feet of blank facade. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building facade.

(ii) Facades that abut VUAs shall have a minimum eight (8) feet wide planting area. This planting area can be reduced by four (4) feet if sidewalks are installed.

H. Enforcement

1. Inspections will be conducted by the McCracken County planning office after installation of landscaping to assure compliance with the submitted and approved Site Plan.
2. The removal or destruction of landscape material previously approved by the County shall constitute a violation of the Zoning Ordinance. Replacement of landscape material shall be of like size as that which was removed or destroyed.
3. Violation of this chapter shall be grounds for the refusal of a Certificate of Occupancy, require replacement of landscape material, and/or will subject those in violation to established fines and penalties of the Zoning Ordinance.

I. Waiver of Requirements.

The Planning Commission shall have the authority to grant a waiver of any of the requirements in this Section upon written request, which outlines the rationale for the waiver. The Planning Commission shall review each written request and grant a waiver only: under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; or, when an innovative or alternative approach can be made which still meets the intent and purpose of this Section.

The amendments reflected in this section shall be incorporated into the standalone McCracken County Zoning Ordinance and said Ordinance shall be transmitted to American Legal Publishing for the generation of an amended Chapter 150 of the McCracken County Code of Ordinances for inclusion in the McCracken County Ordinance Compilation.

Section 5. Amendments and Revisions to McCracken County Zoning Ordinance, Article VI – “Stormwater Conveyance and Management”.

Section 69 – “Construction Certification” shall be amended by striking and replacing the following word in the last sentence of the Section:

... Any request for deviation from the approved plan during construction shall be submitted to the Planning ~~Commission~~ Department in writing for approval.

The amendments reflected in this section shall be incorporated into the standalone McCracken County Subdivision Regulations and said amended document shall be transmitted to American Legal Publishing for the generation of an amended Chapter 150 of the McCracken County Code of Ordinances for inclusion in the McCracken County Ordinance Compilation.

Section 6. Amendments and Revisions to McCracken County Zoning Ordinance, Article VII – “Administration and Enforcement”.

Section 72 – “Board of Adjustment” shall be amended by revising subsection (B) (4):

(4) Procedures for all appeals to Board. Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order requirement, interpretation, grant, refusal, or decision of any zoning administrative or enforcement officer. Such appeal shall be taken within 30 days ~~after the appellant or his agent receives notice of the action~~ of a final decision by ~~of~~ the official by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and parties of records. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, any interested person may appear and enter his or her appearance, and all shall be given an opportunity to be heard;

The amendment reflected in this section shall be incorporated into the standalone McCracken County Subdivision Regulations and said amended document shall be transmitted to American Legal Publishing for the generation of an amended Chapter 150 of the McCracken County Code of Ordinances for inclusion in the McCracken County Ordinance Compilation.

Section 5. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 6. Compliance With Open Meetings Laws.

The McCracken County Fiscal Court hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of said legislative body and that all deliberations of the Fiscal court, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 7. Conflicts.

All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

Section 8. Effective Date.

This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on _____.

MCCRACKEN COUNTY FISCAL COURT

BY: _____
Craig Z. Clymer
McCracken County Judge Executive

ATTEST:

Jamie Huskey
McCracken County Clerk

Introduced and publicly read on _____.

Publicly read and adopted on _____.

Recorded by County Clerk on _____.

Published by *The Paducah Sun* on _____.

It is hereby Ordered that Pursuant to KRS Chapter 67, the reading of Ordinance No. 2022 - 11 shall be conducted in summary format as follows:

COMMONWEALTH OF KENTUCKY
MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2022 – 11

AN ORDINANCE AMENDING THE MCCRACKEN COUNTY ZONING AND SUBDIVISION REGULATIONS SET FORTH IN MCCRACKEN COUNTY ORDINANCE NO. 2019-08, AS AMENDED, BY MAKING REVISIONS AND AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO PERMITTED AND CONDITIONAL LAND USES IN AREAS ZONED AS AGRICULTURAL, COMMERCIAL, RURAL RESIDENTIAL, AND URBAN RESIDENTIAL. FURTHER THIS ORDINANCE MAKES REVISIONS AND AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO THE BOARD OF ADJUSTMENT, DEFINITIONS, MOBILE HOMES PARKS, PARKING, SIGNS, AND STORMWATER CONVEYANCE AND MANAGEMENT. MOREOVER, A NEW SECTION PERTAINING TO RECREATIONAL VEHICLE COMMUNITIES IS ADDED.

Summary: The action effectuated in the present Ordinance is authorized and required by Kentucky Revised Statutes, Chapter 100 and operates to amend the McCracken County Zoning Ordinance regulations by amending definitions of Home Based Business, Home Occupation, Mobile Home Park, and adding a definition of Recreation Vehicle Community. Additionally, amending regulations pertaining to temporary, off premise, and changeable digital signs. Further, creates a new section pertaining to the regulation of Recreational Vehicle Communities. Moreover, amends the permitted uses in the Agricultural District by removing Government buildings and facilities and Government owned parks and recreation areas, and adds Recreational vehicle community as a conditional use. In addition, adds Recreational Vehicle Communities as a conditional use for Rural Residential. Further removes Government buildings and facilities as a permitted use in Urban Residential. Moreover, adds Recreational vehicle community as a permitted use within the commercial zone. Additionally, amends the regulations pertaining to requirements for parking surfaces and number of parking spaces, adds requirements for Landscaping of parking areas, and adds enforcement and waiver provisions. Further, amends Section in Article VI, Stormwater Conveyance and Management, pertaining to Construction certification, which shall now be by the planning Department, not the Commission. Lastly,

amends the appeals process contained in the section pertaining to the Board of Adjustment within Article VII, Administration and Enforcement.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2022 – 11.

Public Inspection: Ordinance No. 2022 – 11 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive’s Office during ordinary business hours.