



CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JULY 13, 2021 MEETING

MEMBERS PRESENT:

Mr. Larry Barrow, Vice Chair
Mr. Michael Williams
Ms. Sharon Haynes
Mr. Dennis Bass
Mr. Roger Mason
Mr. Mark Turner
Mr. Justin Verst, TPO

MEMBERS ABSENT:

Mr. CJ Peters, Chair

STAFF PRESENT:

Mr. Kirk Hunter, Principal Planner
Mr. Matt Smith, Legal Counsel
Ms. Cindy Minter

Mr. Barrow called the meeting to order at 6 pm. Following the pledge of allegiance, the clerk called the roll. Mr. Barrow, Mr. Williams, Mr. Bass, Ms. Haynes, Mr. Mason, Mr. Turner and Mr. Verst were all present. Mr. Peters was noted as absent. A quorum was present.

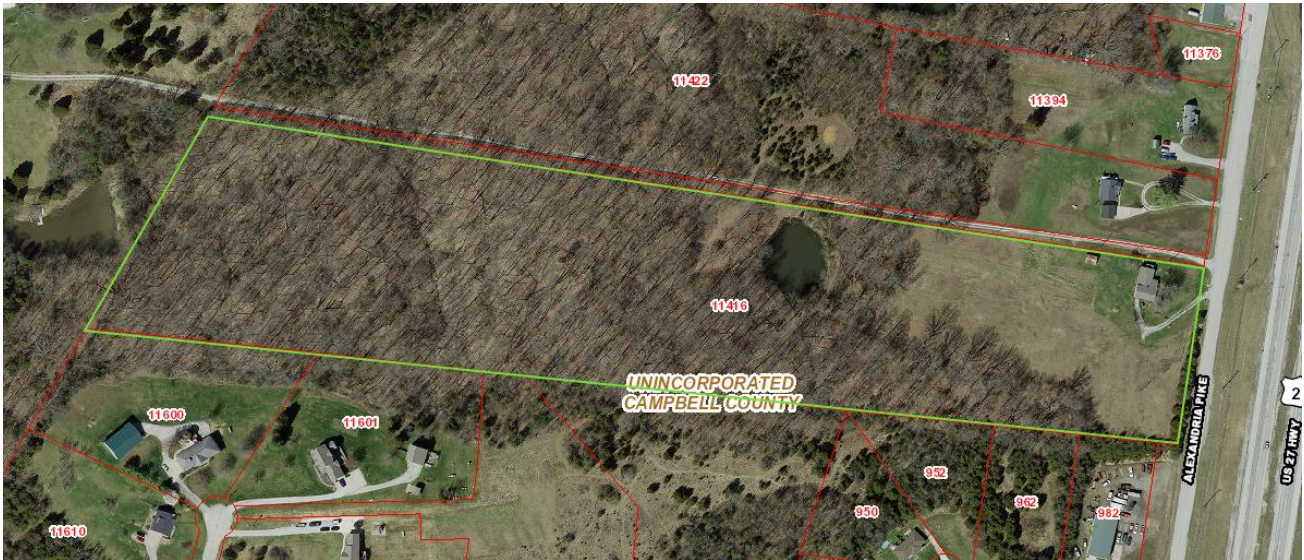
Mr. Barrow then moved on to the second item on the agenda, the approval of the previous meetings minutes. There being no corrections, Mr. Williams made a motion to approve the minutes as submitted. Seconded by Ms. Haynes, a roll call vote found Mr. Barrow, Mr. Williams, Ms. Haynes, Mr. Bass, and Mr. Verst in favor, and Mr. Mason and Mr. Turner abstaining. The motion carried and the minutes were approved.

Mr. Barrow then turned the floor to Mr. Hunter who presented the staff report for the evening's first case as follows:

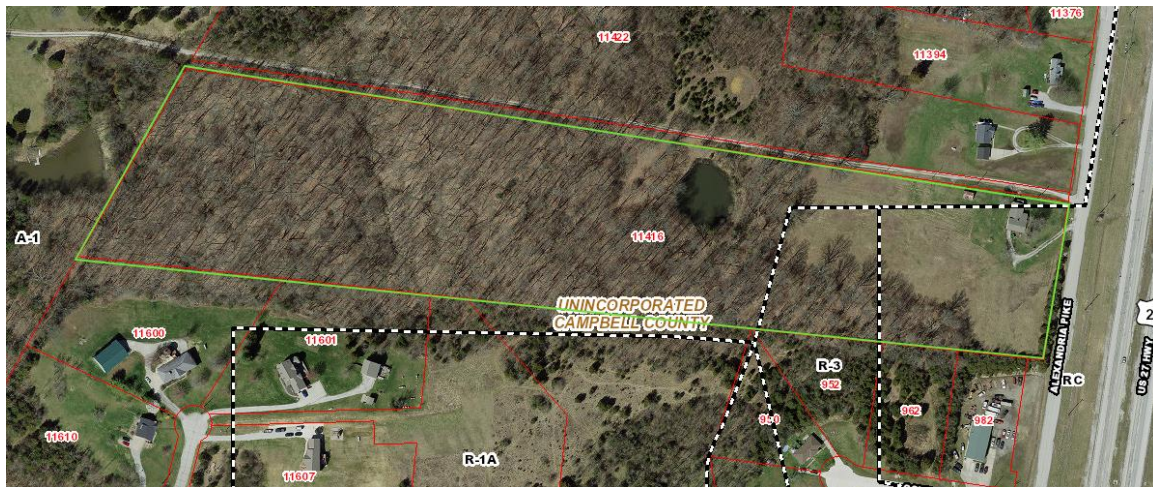
File Number: 245-21-ZMA-01
Applicant: Erik Hermes, representing ACLK Holdings LLC
Location: 11416 Alexandria Pike, Unincorporated Campbell County
Request: Zone change from A-1, RC, and R-3 to RC and A-1 to accommodate proposed self-storage facility

Overview:

The applicant intends to construct a recreational self-storage facility. The area under review consists approximately five (5) acres in Unincorporated Campbell County on Alexandria Pike (Old US27) approximately 300 feet north of Golfview Street. The parcel is currently zoned Agricultural One (A-1) and Rural Commercial (RC).



I. Zone Map Amendment





The official zoning map and online GIS map show the site as within three zones:

- Agricultural-One (A-1), Residential-Three (R-3), and Rural Commercial.

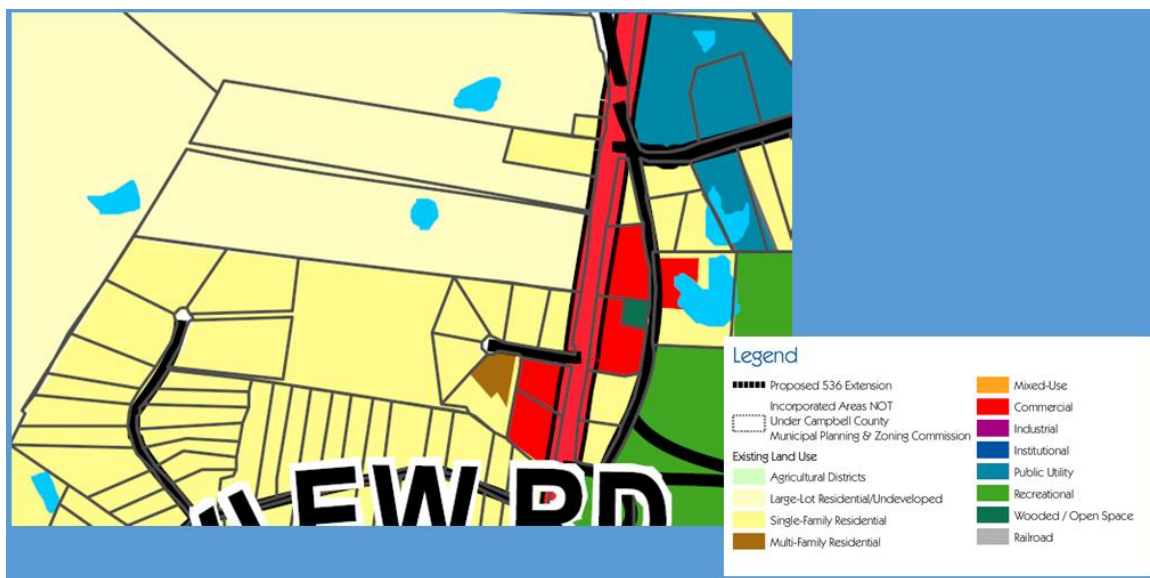
Staff research confirms that the zone map is drawn incorrectly. The R-3 and RC zones are drawn too far north. The subject property is completely within an A-1 zone.



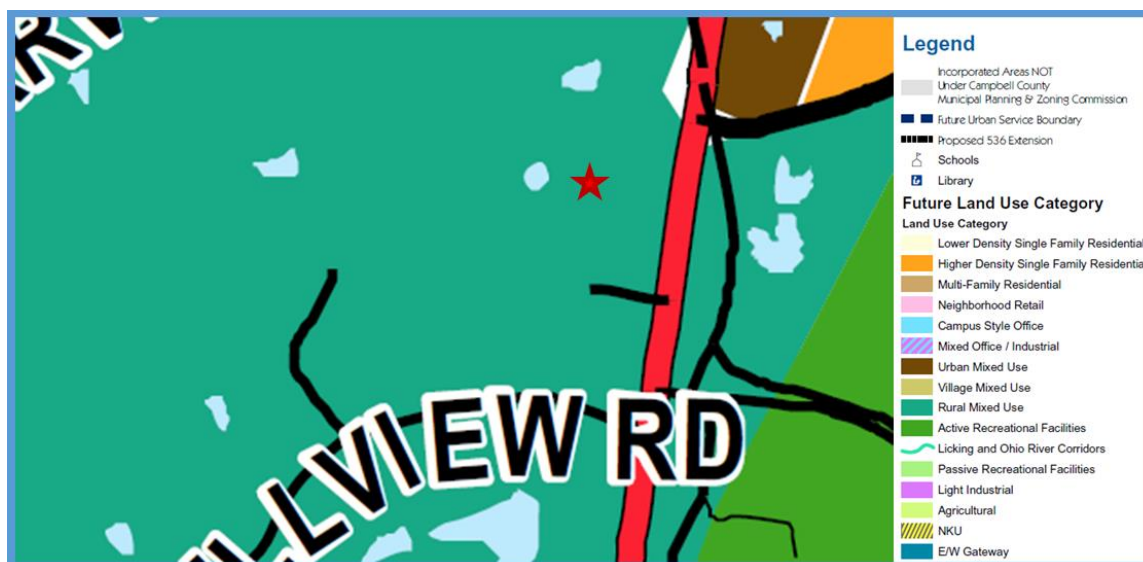
The proposed self-storage facility will locate in the front five (5) acres of the parcel. The applicant only proposes a zone change for the development site.

Considerations:

1. The area under consideration consists of approximately five acres.
2. Agricultural-One (A-1) is defined in the Campbell County Zoning Ordinance, Article X.
3. Adjacent zoning is Agricultural (A-1), Rural Commercial (RC) and Residential-Three (R-3) in the area.
4. Adjacent land uses are agricultural, residential and commercial.
5. The 2008 Campbell County Comprehensive Plan specifies the current land use as *"Large Lot Residential/Undeveloped"*.



6. The future land use category for the site is identified as Rural Mixed Use in the 2008 Campbell County Comprehensive Plan.



7. The Campbell County Zoning Ordinance defines the following permitted and conditional uses for the Agricultural-One (A-1) (section 10.1) and RC Rural Commercial zones (section 10.22) respectively.

Permitted Uses

A-1

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
4. Stands for sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.
8. Animal Hospitals and Veterinary Clinics.
9. Agritourism uses.
10. Butcher/meat processing in connection with other agricultural activities.

Conditional Uses

A-1

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
 - d. tennis courts/clubs
 - e. fishing lakes
 - f. gun clubs and ranges
 - g. boat harbors and marinas
8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.

9. Essential services and public utility stations.
10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
12. Sawmills.
13. Plants for the processing and storage of agricultural products.
14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
15. Kennels.
16. Bed and breakfast establishments.
17. Event facilities.
18. Restaurants.

Permitted Uses

RC

1. Auto repair shops
2. Bakery
3. Bank
4. Barber and beauty shops
5. Drug store
6. Restaurants and taverns excluding drive-ins
7. Farm Equipment- sales and service
8. Food stores
9. Grain, Feed and Seed stores, including sales of fertilizers, garden supplies, etc.
10. Hardware store
11. Lumber companies
12. Offices
13. Paint and wallpaper store
14. Plumber's office and sales of fixtures
15. Police and fire station
16. Post office
17. Tobacco warehouses
18. Contractor's offices and storage areas
19. Service stations
20. Veterinarian offices including small and large animal clinics.
21. Flea market.
22. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
23. Automotive repair and sale of new parts.
24. Mini Warehousing.

1. Automobile Sales, New and Used.
2. Self Service Car Wash.
3. Churches for the purpose of recognized religious worship.
4. Childcare center.
5. Public, parochial or private schools.
6. Publicly owned or operated parks or recreational facilities.
7. Private recreational facilities including indoor and outdoor uses.

Further, no such conditional use shall be permitted until and unless the following performance criteria are fully met:

1. Any lot containing such conditional use shall contain a minimum of one (1) acre of land.
 2. Each such conditional use shall be separated from any residential zone by a landscaped side yard in accordance with Section 10.22 of this ordinance.
 3. In addition to the front yard requirements established by Section (C) of this ordinance, each such conditional use shall have a landscaped area extending from the minimum setback line of the property a minimum of fifty (50) feet to the start of the paved area intended or used for display of vehicles for sale.
 4. No flashing lights, streamers, or lights strung on overhead wires or lines shall be permitted. All signs shall be in conformance with the requirements of Article XIV of this ordinance.
 5. Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and light trucks having a gross vehicle weight rating (G.V.W.R.) of one (1) ton or less. Sale of motorcycles, either new or used, shall not be permitted.
25. The Campbell County Zoning Ordinance defines the zone requirements for the NC zone (section 10.1):

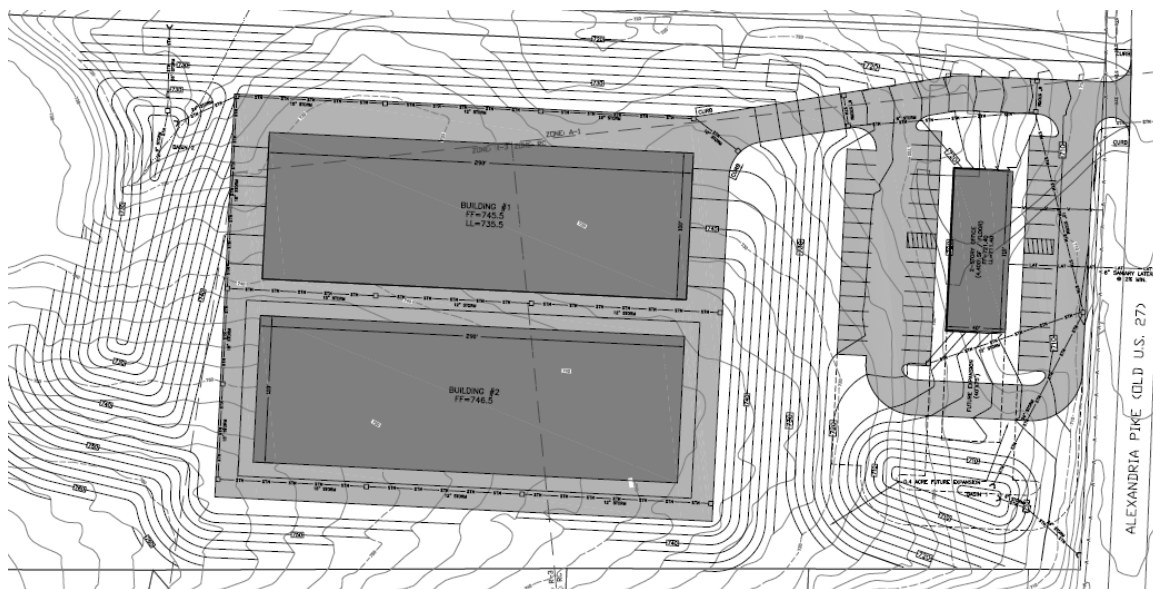
<u>Zone Requirements</u>	<u>A-1</u>
Minimum Lot Area	One (1) Acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	Total - Twenty five (25) feet One Side - Ten (10) feet
Minimum Rear Yard Depth	Thirty-Five (35) feet
Maximum Building Height	Thirty-Five (35) feet

26. The Campbell County Zoning Ordinance defines the zone requirements for the Rural

Commercial (RC) zone (section 10.22):

<u>Zone Requirements</u>	<u>RC</u>
Minimum Lot Area	One (1) acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	Restrictions when adjacent to a street or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the County's Building Code, shall be required. A side yard is never to be less than fifteen (15) feet.
Minimum Rear Yard Depth	Forty (40) feet
Maximum Building Height	Forty (40) feet

27. The applicant has provided a site plan



Site Plan Detail



Site Plan Detail Showing Development Site in Relation to the Entire Parcel

28. Article 17 of the Campbell County Zoning Ordinance also states that the zoning map or maps shall not be amended, changed, or modified in such manner as to create a freestanding zone of less than five (5) acres.

- The proposed zone map amendment is approximately five (5) acres and is adjacent to an approximately thirty (30) acre RC zone that stretches along US27 from Terry Jolly Way to 300 feet south of Parkside Drive.



29. Article XVII, Section 17.0 Amendment of Maps and Zones:

FINDINGS NECESSARY FOR MAP AMENDMENT: Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan by the Planning and Zoning Commission for the County or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.

1. That the original zoning classification given to the property was inappropriate or improper; and

2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.

Staff Comments:

1. The amendment is in agreement with the adopted comprehensive plan.
2. The proposed use is consistent with the future land use map as identified in the Comprehensive Plan.
3. The current (A-1) zoning classification is not appropriate for self-storage (Mini Warehousing).

Staff Recommendations:

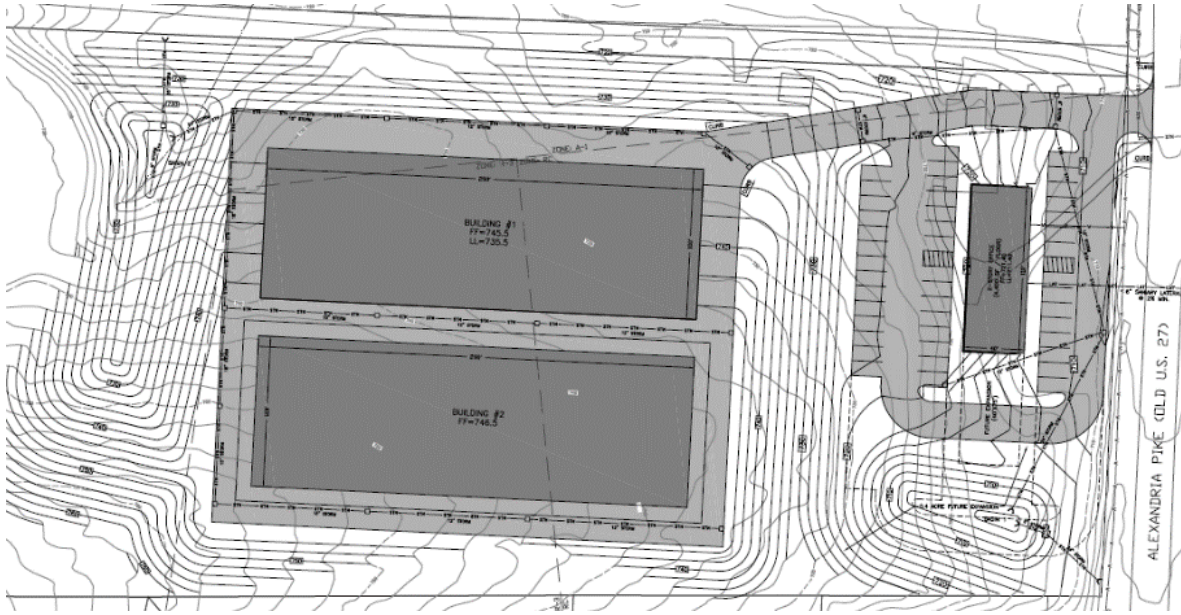
To approve a Zone Map Amendment from A-1 to RC, and to refer these recommendations to the Campbell County Fiscal Court for further action with the following condition:

1. The applicant provide a plat map and/or boundary description of the area to be re-zoned.

Bases for Recommendation:

1. Notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Campbell County Zoning Ordinance.
2. As defined in Article 17, the Planning Commission has the authority to review such Zone map Amendments and provide recommendations to the legislative body.
3. The proposed Zone Map Amendment has been reviewed for consistency with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Campbell County Zoning Ordinance.

II. Considerations of Stage I Plan



The applicant has provided a site plan of the area at a scale one (1) inch to thirty (30) feet. The plan have been reviewed for compliance with Section 9.19 SITE PLAN REQUIREMENTS. The site plan identifies and locates, where applicable, the following:

- The existing proposed finished topography of the subject property shown by contours with intervals of two (2) feet;
- No residential housing units are proposed;
- Three buildings are shown on the plan.
 - Two 100' X 290' storage buildings.
 - One 40' X 110' two-story office with a future expansion of 40' X 75'.
- No lot divisions are proposed at this time.
- No landscaping is shown
- No signs are proposed at this time;
- Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
- Storm sewer and natural drainage system, including pipe culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the

quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property;

- Location of all off-street parking and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking. Forty-Four (44) parking spaces are proposed on this plan.
 - Article XI, Section 11.1 Specific Off-Street Parking Requirements requires the following:
 - Offices for professional business and financial real estate and business purposes other than medical offices and/or clinics:
 - One (1) parking space for each two hundred (200) square feet of gross floor area.
 - Wholesale establishments, warehouses, and storage buildings
 - One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.
 - The proposed 4,400 square-foot office building would require twenty-two (22) spaces.
 - The future 3,300 square-foot expansion would add an additional sixteen (16) spaces to that requirement; however, the site plan implies that additional parking would be provided for the expansion.
 - Self-storage facilities typically do not require more than one or two employees at a time.
 - The proposed parking exceeds the required minimums set forth in the ordinance.
- No new streets are proposed.
- No lighting is proposed at this stage
- Erosion and sediment control is not indicated at this stage
- No schedule of development is proposed at this time

Summary of Applicants Request:

1. Approval of Stage I plans for a self-storage facility

Staff Recommendations:

1. To approve the proposed Stage I plan subject to Zone Map Amendment approval by the Campbell County Fiscal Court.

Bases for Staff Recommendation:

1. The submitted request is appropriate for this site since it is in compliance with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations;
2. Proper notice of public hearing was given in accordance with KRS Chapter 424 and Zoning Ordinance Section 18.

Following the presentation, there was some discussion amongst commission and staff regarding neighboring uses. They also discussed site plan details including but not limited to water and sewer, lighting, parking, and availability of public utilities.

The applicant, Mr. Eric Hermes then spoke. He introduced himself and property owner Matt Holt. Mr. Rich Hoge, who owns neighboring property, spoke next, he expressed concern regarding security, fencing and landscape screening.

The applicant explained the details of automated gate access, and hours of operation in response to Mr. Hoge's concerns.

There being no additional discussion, Mr. Williams made a motion to approve to the zone map amendment for A-1 to RC and forward it to the Fiscal Court, and to adopt the Stage 1 plans as submitted pending the approval of the zone change by the Fiscal Court. Ms. Haynes seconded the motion. A roll call vote found all in favor, and the motion passed.

Mr. Hunter then presented the second case for the evening as follows:

CASE: 085-21-TXA-14

APPLICANT: Campbell County Fiscal Court

REQUEST: Proposed alterations to text regarding outdoor dining

On behalf of the Campbell County Planning & Zoning Commission, staff is submitting this request for a Public Hearing to modify Article X of the Campbell County Official Zoning Ordinance. We respectfully submit this report and recommendation for review prior to the public hearing scheduled before the Campbell County & Municipal Planning and Zoning Commission on Tuesday, July 13, 2020 at 6:00 PM at the Campbell County Fiscal Court, 1098 Monmouth Street in Newport, KY.

BACKGROUND:

Campbell County currently permits Eating and Drinking Establishments within its Commercial Zones (NC, HC, NSC, & RC). Outdoor Seating is commonly considered a *customary accessory* use to an eating and drinking establishment. However, the zoning text effectively prohibits

outdoor dining in all but the HC (Highway Commercial) zone. The prohibition of outdoor seating comes from the development controls in each respective section:

"All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, loading, or unloading areas."

~ CC Z.O. Art. X, §10.17, §10.20, & §10.22

In the Neighborhood Commercial (NC), Neighborhood Shopping Center (NSC) and Rural Commercial, the use of eating and drinking (or "Restaurants and Taverns" in the case of the RC zone), must be within a completely enclosed building.

***"BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors."*

~ CC Z.O. Art. VII, §7.0 Words and Phrases

Outdoor seating and/or dining is currently not specifically listed as a permitted or conditional use in any zone in Unincorporated Campbell County. The nearest that the County Zoning Ordinance gets to outdoor dining specifically is in the HC zone where *"Eating and drinking places including drive-ins"* is a permitted use; however, the HC zone does not have the same development control requiring all business activities to be within a completely enclosed building.

As of this writing, there are no NSC zones on the Unincorporated Campbell County Official Zoning Map. Staff does not recommend any changes to the Neighborhood Shopping Center (NSC) zone text at this time.

PROPOSED TEXT AMENDMENTS:

Based upon the findings that the Planning Commission finds it desirable to increase and add flexibility for Outdoor Dining, proposed modifications to the permitted, accessory and/or conditional use(s) as summarized below:

1. Update definitions in **Article VII, Section 7.0 WORDS AND PHRASES**
2. Permit Outdoor Dining (Outdoor Eating and/or Drinking Area) with a capacity of no more than ten (10) seats be added as an accessory use to Restaurants and Eating Establishments within the Rural Commercial (RC) Zone.
3. Allow Outdoor Dining (Outdoor Eating and/or Drinking Areas) to be added as a Conditional Use to the NC and RC zones with the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.

- b. Such area shall not exceed seventy (70) percent of the maximum seating capacity of the premises and the total number of outdoor seats shall not exceed seventy-five (75) in the RC zone and twenty-five (25) in the NC zone.
 - c. Non-amplified entertainment shall be limited to the hours between 9:00 AM and 10:00 PM within the outdoor dining areas.
 - d. Amplified entertainment shall be permitted only on Friday and Saturday between the hours of noon and 10:00 PM.
 - e. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved.
4. Edit development controls in each respective section to include outdoor seating and/or dining.

As the prohibition of outdoor seating comes from the development controls, staff notes that simply editing the development controls would lift the outdoor dining prohibition. This would eliminate the need to identify outdoor dining as a specific accessory use or conditional use. It would then be considered a customary accessory use; however, it limits the County's ability to review, approve, add conditions or deny the use in specific cases.

STAFF RECOMMENDATION:

To approve the proposed text amendment(s) to the Campbell County Official Zoning Ordinance and forward the recommendation to the Campbell County Fiscal Court for adoption.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

- 3. Per Kentucky Revised Statutes (KRS) 100.203, the Campbell County Fiscal Court has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications, uses, etc.
- 4. Pursuant to the Campbell County Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
- 5. Proper notice has been given in accordance with Article XVII Amendment Procedure of the Campbell County Zoning Ordinance.
- 6. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

Following Mr. Hunter's presentation, the commission discussed the possible changes and the best implementation. The debated capacity limitations based on zone, and or proximity to residences or residential zones.

The commission also asked staff to explain comparable language in other communities, which Ms. Minter did. The commission also discussed other uses within these zones as they compare to restaurants.

Commission and staff then worked through the proposed text changes together line by line. When they had completed, the text for proposal read as follows:

PROPOSED TEXT AMENDMENTS:

Based upon the findings that the Planning Commission finds it desirable to increase and add flexibility for Outdoor Dining, proposed modifications to the permitted, accessory and/or conditional use(s) as summarized below:

1. Update definitions in **Article VII, Section 7.0 WORDS AND PHRASES**
2. Permit Outdoor Dining (Outdoor Eating and/or Drinking Area) with a capacity of no more than ten (10) seats be added as an accessory use to Restaurants and Eating Establishments within the Rural Commercial (RC) Zone.
3. Allow Outdoor Dining (Outdoor Eating and/or Drinking Areas) to be added as a Conditional Use to the NC and RC zones with the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed seventy (70) percent of the maximum seating capacity of the premises and the total number of outdoor seats shall not exceed seventy-five (75) in the RC zone and twenty-five (25) in the NC zone.
 - c. Non-amplified entertainment shall be limited to the hours between 9:00 AM and 10:00 PM within the outdoor dining areas.
 - d. Amplified entertainment shall be permitted only on Friday and Saturday between the hours of noon and 10:00 PM.
 - e. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved.

Edit development controls in each respective section to include outdoor seating and/or dining.

ARTICLE VII, SECTION 7.0 WORDS AND PHRASES

OUTDOOR EATING AND/OR DRINKING AREA. A porch, patio, deck or other area used for consumption of food and/or beverages by the public which is not completely enclosed within the exterior building walls, windows and doors of a limited restaurant, full service restaurant or a drinking establishment and which may or may not have a solid roof cover.

SECTION 10.17 NC NEIGHBORHOOD COMMERCIAL ZONE:

B. ACCESSORY USES:

...

4. Outdoor Dining (Outdoor Eating and/or Drinking Area) with a capacity of no more than ten (10) seats, and with no outdoor entertainment.

C. CONDITIONAL USES: ...

1. ...

2. Outdoor Dining (Outdoor Eating and/or Drinking Areas) with the following minimum requirements:

- a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
- b. Such area shall not exceed seventy (70) percent of the maximum seating capacity of the premises.
- c. Non-amplified entertainment shall be limited to the hours between 9:00 AM and 10:00 PM within the outdoor dining areas.
- d. Amplified entertainment shall be permitted only on Friday and Saturday between the hours of noon and 10:00 PM.
- e. The operational hours for outdoor entertainment may be varied as a part of this conditional use permit based on the development controls within the approved site plan.
- f. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.

...

E. OTHER DEVELOPMENT CONTROLS:

...

6. All uses and/or business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, loading, or unloading areas and outdoor dining areas under B.4 or C.,2.

SECTION 10.20 NSC NEIGHBORHOOD SHOPPING CENTER ZONE:

B. ACCESSORY USES:

...

4. Outdoor Dining (Outdoor Eating and/or Drinking Area) with a capacity of no more than ten (10) seats, and with no outdoor entertainment.

C. CONDITIONAL USES: ...

1. ...

2. Outdoor Dining (Outdoor Eating and/or Drinking Areas) with the following minimum requirements:

- a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
- b. Such area shall not exceed seventy (70) percent of the maximum seating capacity of the premises.
- c. Non-amplified entertainment shall be limited to the hours between 9:00 AM and 10:00 PM within the outdoor dining areas.
- d. Amplified entertainment shall be permitted only on Friday and Saturday between the hours of noon and 10:00 PM.
- e. The operational hours for outdoor entertainment may be varied as a part of this conditional use permit based on the development controls within the approved site plan.
- f. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.

...

E. OTHER DEVELOPMENT CONTROLS:

...

6. All uses and/or business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, loading, or unloading areas and outdoor dining areas under B.4 or C.,2.

SECTION 10.22 RURAL COMMERCIAL:

B. ACCESSORY USES: ...

4. Outdoor Dining (Outdoor Eating and/or Drinking Area) with a capacity of no more than twenty-four (24) seats, and with no outdoor entertainment.

C. CONDITIONAL USES - No building or zoning permit nor certificate of occupancy shall be issued for any of the following uses, nor shall any of the following uses or any customary accessory buildings or uses in connection therewith be permitted until and unless the location of said uses, as determined and set forth in a Development Plan conforming with the requirements for site plans established by Section 9.19 of this ordinance shall have been reviewed and approved by the Board of Adjustment, and a conditional use permit in accordance with Section 9.14 of this ordinance issued therefore:

1. Outdoor Dining (Outdoor Eating and/or Drinking Areas) with the following minimum requirements:
- a. Such area shall be designed to clearly identify the limits of the outdoor dining area.

- b. Such area shall not exceed seventy (70) percent of the maximum seating capacity of the premises.
- c. Non-amplified entertainment shall be limited to the hours between 9:00 AM and 10:00 PM within the outdoor dining areas.
- d. Amplified entertainment shall be permitted only on Friday and Saturday between the hours of noon and 10:00 PM.
- e. The operational hours for outdoor entertainment may be varied as a part of this conditional use permit based on the development controls within the approved site plan.
- f. Accessory structures associated with the use shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.

E. OTHER DEVELOPMENT CONTROLS:

6. All uses and/or business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, loading, or unloading areas and outdoor dining areas under B.4 or C.,2.

Once the commission was happy with this phrasing, Mr. Barrow opened the floor to a motion. Mr. Verst made a motion to forward the recommendations for modifications to the Zoning Ordinance to the Fiscal Court as transcribed by staff at this hearing. The motion was seconded by Mr. Mason, a roll call vote found all in favor, none abstaining or opposed. The motion passed.

Following the motion approval, Mr. Verst added a note to staff to review the county ordinance as it pertains to noise in relation to this text amendment.

Ms. Minter added for the administrator's report that there would likely be a meeting in August. There was some discussion about the possibility of a September meeting.

There being no additional discussion, Mr. Barrow asked for a motion to adjourn. Mr. Mason made the motion, seconded by Mr. Williams, an oral vote found all in favor and the meeting was adjourned at 8:15 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

Sign

Print