

## ARTICLE II. ADMINISTRATION

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### Sect. 200 Interpretation of Regulations / Non-conformity

#### Interpretation in case of Conflict with other Resolutions and Private Deeds.

In the interpretation and application of the resolution, the provisions contained herein shall be held to be minimum requirements adopted for the promotion of public health, morals, safety, and general welfare. Any existing resolution ordinance or part thereof which conflicts with the whole or any part of this ordinance is hereby repealed. In the case of any conflict between this ordinance, or part thereof, and the whole or part of any existing or future private covenants or deed, the most restrictive shall apply.

### Sect. 201 Continuance of Non-conforming Uses and Buildings

Any lawful use of land or structure existing at the time of adoption of the 1973 Regulations of this ordinance, or subsequent amendment of this ordinance, may be continued with the following limitations:

- 1.) Non-conforming use not to expand. Nonconforming uses including buildings or structures may not be expanded nor substantially remodeled unless in conformity with this regulation. Residential uses on lots of more than one acre are exempt from this provision.
- 2.) Non-conforming building not to be rebuilt. Any non conforming building or structure which has been damaged to the extent of 50 percent of its current fair cash value, as estimated immediately prior to damage, shall not be repaired or reconstructed except in conformity with this ordinance; provided, however, that a non-conforming residential structure may be rebuilt in the same general yard area if such damage was due to fire or natural causes and if rebuilt within 12 months of the date of damage.
- 3.) Discontinued non-conforming use not to reestablish after one year. No non-conforming use shall be re-established after having been discontinued for twelve (12) months, being presumed to be abandoned. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.
- 4.) Non-conforming uses not to be substituted. No Non-conforming use may be substituted for any other non-conforming use except when the use is typical of that permitted in a more restricted zone and is permitted by the Board of Adjustment after a public hearing.
- 5.) Existing Mobile Homes and Mobile Home Parks. Any previous decision by the Planning Commission or the Board of Adjustment where permission, or conditional permission, was granted is hereby not affected. Non-conforming mobile homes may continue as non-conforming uses provided that

if a mobile home is removed from its lot and not relocated thereon for a period of twelve (12) months, then it shall not be relocated without approval of the Board of Adjustment. Any expansion of existing mobile home parks shall be in conformance with these regulations.

6.) Ordinary repair and maintenance.

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure in accordance with the order of an appropriate public agency and who declares such building or other structures to be unsafe and orders its restoration to a safe condition.

**Sect. 202 Buildings under construction not in violation**

To avoid undue hardship, nothing in this ordinance shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently conducted until completion of the building involved.

**Sect. 203 Height Requirements**

- 1.) The height requirements as prescribed in these regulations shall not apply except as noted in (3) below, to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, flag poles, monuments, ornamental towers and spires, smoke stacks, scenery lofts, tanks water towers, and radio signal sending and receiving towers (commercial carrier or broadcast);
- 2.) Except as noted in (3) below, public, semi-public, or public service buildings, hospitals, educational institutions, or schools may be erected to a height not exceeding 45 feet, and churches and temples may be erected to a height not exceeding 75 feet, when permitted in a district with a lower height above the height regulations for the district.
- 3.) No building or structure of any kind may be build or erected so as to project into the "glide angle space" of any officially established airport runway, as determined by current FAA Landing Space Requirements.

**Sect. 204 Yard Requirements**

- 1.) Where 40% or more of the frontage on one side of street between two intersecting streets, or where 40% or more of the frontage within 200 feet of a lot (when an intersecting street is at a greater distance) is improved with buildings

which have observed an average front yard, with a variation in depth of not more than ten (10) feet, which is more or less than the required front yard for the district, any building hereafter erected or altered in this block shall not be located closer to the front property line than this established line. This regulation shall not be interpreted to require a front yard in excess of 60 feet.

- 2.) On double frontage lots the required front yard shall be provided on each street;
- 3.) The build-able width of a corner lot which is of record at the time of the adoption of these regulations shall not be reduced to less than 32 feet by the application of the required side yard on the street side. Nothing in this section shall be construed to allow reduction of any other required side yard;
- 4.) Where dwelling units are erected above, and as a subordinate use to, commercial and industrial structures in commercial and industrial districts, and each dwelling unit has openings to the outside only on the front and the rear and is no more than two rooms in depth, no side yard is required except such side yard as may be required in the district regulations for a commercial or industrial building on the side of the lot adjoining a residential district;
- 5.) Whenever a lot abuts upon an alley, one-half of the alley width may be considered as a portion of the required yard;
- 6.) Every part of required yard shall be open to the sky, except as authorized by this section and the ordinary projection of sills, belt courses, cornices, and ornamental features, which may project a distance not to exceed 30 inches into the required yard;
- 7.) Free-standing gasoline pumps and pump islands at automobile service stations may occupy the required front and street side yards, provided however that they are not less than 15 feet from street lines;
- 8.) Fences and walls:
  - a.) Required front and street side yards may be occupied by an ornamental fence or wall not to exceed 4 feet in height, except as provided in Section 801 (Vision Clearance);
  - b.) Required side and rear yards may be occupied by an ornamental fence or wall not to exceed 8 feet in height;
  - c.) In all other districts these requirements shall apply when the district abuts a residential district;
- 9.) An open, unenclosed porch or paved terrace may project into a required front yard a distance of not more than 10 feet;

- 10.) A porte-cochere or canopy may project into a required side yard provided every part of such not be less than 5 feet from the side lot line;
- 11.) For the purpose of the side yard regulations, a two-family dwelling, or a multiple family dwelling, shall be considered as one building occupying one lot;
- 12.) Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation;
- 13.) In the R-3 District or any location where constructed, the least dimension of a side yard on which the principal entrances or exits of a multiple family dwelling face shall be 20 feet.
- 14.) Accessory Structure which are not any part of the main building and are separated from the main building shall be located in the rear yard or side yard so long as it does not project further into the front yard than the main structure.
- 15.) Accessory buildings, which are not any part of the main building and are separated from it by 15 feet, may be constructed in a required rear yard, provided such accessory buildings do not occupy a total area greater than 30 percent of the area of the required rear yard in the district in which they are located and are not placed closer than 5 feet to the rear lot line nor closer than 2 feet to a side lot line.
- 16.) Construction of a breezeway connecting building properly located on a lot with respect to all yard requirements shall not constitute a violation of this ordinance unless such breezeway violates the side yard requirements.

## **Sect. 205 Private Noncommercial Swimming Pools**

All swimming pools capable of containing water to a depth, at any point, of twenty four (24) inches or greater, shall be governed in accordance with the following subsections:

### **1.) Location and Setback Requirements**

Swimming pools shall be constructed in the rear yard of the property on which it is an accessory use. The swimming pool shall have a minimum setback of five (5) feet from any rear or side yard lot line.

### **2.) In-ground Pools**

The pool or entire property on which the pool is located, shall be enclosed with a permanent fence not less than four (4) feet in height nor greater than seven (7) feet in height, which includes a gate secured with a lock.

### 3.) Above Ground Pools

An above ground pool shall be enclosed with a permanent fence not less than four (4) feet in height which includes a gate secured with a lock in accordance with the above requirements of Section 205 (b) or in lieu of a fence a deck with adequate railing shall be installed not less than four (4) feet in height. Access into a pool which includes a deck shall be secured by a gate with a lock. Above ground pools greater than four feet in height without access from a deck, shall include retractable steps or removable ladder which prohibits uncontrolled access into the pool when not in use. Decks which are attached to the pool shall not project into any required yard setback for the pool. Pools less than twenty four (24) inches in depth and/or not containing any re-circulating equipment shall be exempt from this requirement.

### **Sect. 206 Public Swimming Pools**

All public swimming pools must comply with all applicable Kentucky State Regulations regarding installation and fencing requirements.

### **Sect. 207 Front Yard Exceptions**

In any district where the average depth of existing front yard of the nearest existing buildings located within 100 feet on each side of a lot and within the same block as such lot is greater than prescribed by this ordinance, then in such cases, the depth of the front yard on such lot shall be not less than the average depth of said existing front yards. If there is only one such building within 100 feet, the depth shall not be less than the average depth of the front yard of such building and the depth specified in this ordinance for the district of area in which the lot is located.

### **Sect. 208 Lot of Record**

Where the owner of a lot consisting of one or more adjacent lots of official record at the time of adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or the requirements of this ordinance, an appeal may be filed with the Board of Adjustment for a variance from the terms of this ordinance as provided for herein. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Adjustment.

### **Sect. 209 Maps – Boundaries / Interpretation Rules**

If for any reason the location of any zoning district boundary line is not readily determinable from the official map, the location of the district boundary line shall be determined by the Administrative Official in accordance with the following principals:

- 1.) Where a zoning district boundary follows an alley, a street, or a railroad, the centerline of the alley, street, or railroad right-of-way is the boundary of the district.

- 2.) Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- 3.) Where a zoning district boundary follows a stream or the shore of a body of water, the centerline of the stream or body of water is the boundary of the district.
- 4.) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- 5.) Where a district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control.
- 6.) Where a district boundary line is shown by or established by a specific dimension and/or legal description (ie. through a rezoning request), such specific dimension or legal description shall control.
- 7.) When a tract existing prior to the adoption of these regulations and unchanged since the adoption of these regulations, is zoned two different classifications (said classifications being established by the adoption of the zoning map) then the entirety of the lot or tract may be used in conformity with and subject to the regulations herein established for the zoning district in which the majority of the area is shown (greater than 50%).

## **Sect. 210 Regulations and their Administration Generally**

### **1.) Zoning.**

Land in Spencer County has, by the official zoning map, been designated as being in individual zoning districts, those districts enumerated and described in Articles III, IV, V, VI, & VII herein. The designation given the property will dictate the use of the property and how it may be developed.

The zoning designation given to property in Spencer County may be changed by amending the official zoning map by the process provided herein and compliance with the requirements of state law as contained in KRS Chapter 100. Zoning map amendments may originate by application from the property owner, the Planning Commission of legislative body. No amendment shall become effective unless it is first submitted to and approved by the Planning Commission, or if so disapproved, shall receive a majority vote of the entire Fiscal Court or the Taylorsville City Commission. The Planning Commission shall hold a public hearing on the proposed amendment before making its recommendation. Such public hearing shall be duly advertised with notice published at least once in a newspaper of general circulation throughout the county no less than seven (7) days nor more than twenty-one (21) days before the scheduled hearing. A qualified court reporter may be requested by the applicant, ten (10) days prior to the hearing, who shall be paid by the applicant. The applicant shall deliver the original transcript to the Commission. The Fiscal Court of Spencer County or the City Commission of Taylorsville may from time to

time amend, supplement or change by ordinance the boundaries of districts or regulations herein established within their respective jurisdictions.

### APPLICATION PROCESS.

Applications for amendments to the Zoning Map shall be made only in accordance with this section.

1.) Initiation of Amendment:

Applications for amendment of the Zoning Map shall be filed with the Planning Commission. Map amendment applications may be initiated by the Planning Commission, or any legislative body within the county having zoning authority over an affected property or the owner of the affected property. When requested, the Planning Commission shall provide the applicant with appropriate application forms.

2.) Exemptions:

Applications for amendment to the zoning Map, which are initiated by the Planning Commission, or the legislative body having zoning authority over the affected property shall be exempt from the development plan and binding elements section of this ordinance.

3.) Preapplication conference:

Prior to formal application for amendment of the Zoning Map, the applicant or his agent shall have a conference with the planning commission staff to discuss the effect the Comprehensive Plan, the Zoning Regulations, the Subdivision Regulations and other land development controls would have on the proposed development. It is intended that the conferees discuss apparent characteristics of the site that would affect the proposed development and also discuss what elements may be required on the preliminary development plan of the proposed project.

4.) Application for Amendment:

Applications for amendment of the Zoning Map shall be filed with the Planning commission in accordance with the Planning Commission's rules and this Section of the Zoning Regulations.

(A.) Demonstration of Appropriateness:

All applications for amendment to the Zoning Map shall be accompanied by the following where applicable:

- (1) A statement describing how the proposed map amendment would conform to the Comprehensive plan.
- (2) A statement why the existing zoning classification of the property in question is inappropriate or improper.

(3) A statement describing what major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the comprehensive Plan, and which have substantially altered the basic character of the area involved. This statement shall include the following:

(a) A list of major economic, physical or social changes;

(b) A description of how said changes were not anticipated by the Comprehensive Plan;

(c) A description of how said changes altered the basic character of the area.

(d) A description of how said changes make the proposed amendment to the Zoning Map appropriate;

(4) A statement describing how utilities and essential public services will be provided to the property in question;

(5) A description of the anticipated time period in which implementation of the proposed uses will be initiated provided the amendment is approved.

(B.) Property Owners Signature:

Unless made by the Planning commission or a legislative body, all applications for amendment to the zoning Map shall be signed by the owner(s) of the affected property. Leaseholders, option holders, developers, and agents should also be identified.

(C.) Responsibility for Accuracy:

The applicant shall be held responsible for the accuracy of the information submitted as part of the Zoning Map Amendment application.

(D.) Development Plan:

All applications for any proposed amendment to the Zoning Map shall include a development plan in accordance with the provisions and requirements of section 212 of this ordinance.

## 2.) **Variances.**

Dimensional Variance. As defined in KRS 100, a dimensional variance is a departure from the dimensional terms of this ordinance as relates to the height, width, length or location of structures, and the size of yards and open spaces. Variances must meet the requirements of KRS 100.



Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records:

- a.) The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- b.) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.
- c.) Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.

The Board shall not, per KRS 100, possess the power to grant a variance to permit a use of any land, building or structure which is not permitted by the zoning regulation in the zone in question. A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

### **3.) Conditional Uses.**

A Conditional Use is a use which is essential or desirable or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions of location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation. The Board of Adjustment has the power to hear and decide applications for Conditional Use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations but which may be suitable only in specific locations in the zone and only if certain conditions are met. The uses allowed as conditional are listed in Section 210(3)(B) or in the specific zone in which they are allowed. Conditions specific to individual uses are listed there also.

The Board may approve, modify, or deny any application for a Conditional Use permit. If it approves such a permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the Conditional Use Permit, along with a reference to the specific section in the zoning regulation listing the Conditional Use under consideration. The Board shall have power to revoke Conditional Use Permits, or variances for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel the violator to remove offending structures or uses at his own costs and may have judgment for such other cost as allowed by law.

The Administrator shall review all Conditional Use Permits, except those for which all conditions have been complied within a previous review (as provided for herein). The Administrator is given the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the Conditional Use Permit. If the landowner is not complying with all of the conditions listed on the Conditional Use Permit, the Administrator shall report the fact in writing to the chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the Conditional Use Permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Board of Adjustment. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the Administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Administrator to revoke the Conditional Use Permit and take the necessary legal action to cause the termination of the activity on the land which the Conditional Use Permit authorized.

Once the Board of Adjustments has completed a Conditional Use Permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicated that the conditions have been satisfied and the conclusion in the margin of the copy of the Conditional Use Permit which is on file with the County Clerk, as required in KRS 100.344 at the expense of the applicant. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

1.) Conditions applicable to all Conditional Use applications:

All requests for Conditional Use Permits shall meet the following mandatory requirements as well as being reviewed for the requirements, if any, listed for the conditional use in each specific zone under "Conditional Uses Permitted":

- A.) The proposed use must blend in with surrounding uses and is not a detriment to the area;
- B.) Adequate public or private utilities are provided on site to serve the particular needs of the specific use proposed;
- C.) Traffic circulation is adequate both to and from the site;
- D.) Adequate parking and traffic flow areas are provided on site; and
- E.) When necessary to insure compliance with the forgoing requirements, limitations may be placed on the hours of operation and/or on the duration of the permit.

2.) Uses Conditional in all zones

The following uses are conditional uses allowed in all zoning districts after review and approval of a conditional use permit by the Board of Adjustments. These uses are subject to the requirements listed above as applicable to all conditional use applications as well as any other deemed necessary by the Board of Adjustment to allow the particular use to blend with its unique surroundings.

- A.) Airports/landing strips
- B.) Aviaries/Zoos
- C.) Marinas/Boat Rentals
- D.) Radio Towers (not cell)
- E.) Community Buildings
- F.) Private Clubs

**Sect. 211 Administrative Appeals**

An appeal to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Administrator or where it is alleged that there is error in any order, requirement, decision, grant, or refusal of the Administrator or in other matters specifically indicated in this resolution, on which the Board is required to pass.

Appeals shall be filed with the Administrator and the Board within thirty (30) days after the appellant or his agent receives notice of the action appealed from, or within sixty (60) days in matters where it alleged there is error in the administrative review of the Board. The notice of appeal shall state the grounds appealed from and be transmitted by the appellant to all parties of record. The Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with applicable state law, as well as written notice to the appellant and the Administrative official at least one week prior to the hearing and shall decide it within sixty days. The affected party may appear at the hearing in person or by attorney.

**Sect. 212 Development/Site Plans**

Development plans, as described more fully in Article XII are required to be submitted as part of the process requesting a zoning map amendment. Additionally, development plans are required to be submitted and approved by the Planning Commission per the process outlined in Section 210 and the administrative

procedures as periodically adopted by the Planning Commission prior to the approval of subdivision plats and rezoning request and the initiation of construction. Approval of development plans is ministerial in nature and do not require in themselves a public hearing prior to approval but may be the subject of a public hearing if part of a process that otherwise requires a public hearing.

## **Sect. 213 Entities Involved**

### 1.) Planning Commission.

The Spencer County Planning Commission has been established pursuant to applicable sections of KRS 100. The commission shall adopt and maintain By-Laws for the transaction of business as per KRS 100.167, as amended.

The Planning Commission shall consist of eight (8) members appointed by the County Judge/Executive with the approval of the Spencer County Fiscal Court and the Mayor of Taylorsville with the approval of the City Commission. Each Commissioner shall serve four year terms as per KRS 100.143. Any vacancies on the Commission shall be filled within 60 days by the appropriate appointing authority. If the no action is taken within that time, then the Planning Commission shall fill the vacancy.

The Planning Commission is hereby authorized and empowered to undertaken any and all activities as provided for in state law.

### 2.) Legislative Body-Fiscal Court / City Commission.

The legislative bodies in Spencer County are Spencer County Fiscal Court and the Taylorsville City Commission. Spencer County Fiscal Court is the legislative body for unincorporated Spencer County (the area outside the local cities). It is made up of five (5) Magistrates and the County Judge Executive all of whom are duly elected through an election cycle established by state law and local regulation. Taylorsville City Commission is the legislative body within the city limits of Taylorsville. It is made up of four (4) Commission members and the Mayor all of whom are duly elected through an election cycle established by state law and local regulation.

Legislative bodies in Spencer County have the following duties and responsibilities as relates to these regulations and the planning and development process:

- (a.) Final Adoption of Zoning regulations
- (b.) Final approval authority for zoning map amendment requests
- (c.) Final approval authority for the goals and objectives for the community's comprehensive plan
- (d.) Final approval authority for related regulations and ordinances used as part of the land development process or effecting same

including but not limited to floodplain regulation, access management regulations etc..

3.) Board of Adjustment.

A.) Authorization

A Board of Adjustment is authorized for the administration of this ordinance with Kentucky Revised Statutes, Section 100.217. The Board shall consist of five (5) members, three (3) of whom must be citizen members of which to be appointed by the County Judge Executive with the approval of Fiscal Court and two (2) City members to be appointed by the Mayor of the City of Taylorsville with the approval of the City Commissioners and not more than two (2) of whom may be citizens members of the Planning Commission. The filling of vacancies, taking oaths, and removal from office shall be only as provided in KRS 100.217. The Board of Adjustment shall annually elect a chairperson, vice chairperson, secretary and other officers it deems necessary. Any officer shall be eligible for reelection at the expiration of his/her term.

B.) Powers Of The Board.

When approving any application, the Board may impose such additional conditions as it deems necessary to safeguard the public welfare, safety, health, morale, convenience, and best interests of the adjoining property and neighborhood.

The Board of Adjustment shall have the power to hear and decide the following matters as provided for elsewhere herein:

- 1.) Interpretation and Administrative Reviews
- 2.) Dimensional Variances.
- 3.) Conditional Uses.

C.) Uses Not Specifically Permitted in Zoning Districts.

In addition to the powers enumerated above, The Board of Zoning Adjustment shall have the power to review the determination of the administrator as to which uses are of the same general character as uses specifically permitted in zoning districts and thus allow uses in zoning districts which although not specifically permitted, will not be out of character with other uses in the district.

4.) Engineers/Technical personnel.

As part of the process of the development and use of land, materials of a technical nature are required. These technical materials are submitted and reviewed by

professionals in several fields. These professionals are either employed by governmental bodies or public facility providers, by an applicant desiring a particular use of land, and/or someone opposed to a particular use of land. The list of professionals involved in the development process includes but is not limited to:

- (a.) Civil Engineers
- (b.) Transportation Engineers
- (c.) Sanitarians
- (d.) Architects
- (e.) Landscape Architects
- (f.) Land use planners
- (g.) Surveyors
- (h.) Attorneys

As stated above, the role of professionals with varying technical expertise is to provide required technical information at the appropriate time in the regulatory or review process. For instance, a survey of property is required for several of the review processes provided for in these regulations. Such a survey must be prepared and certified by a licensed surveyor. These regulations and administrative policies, in some circumstances, specify the particular required roles of professional understanding that other professional maybe involved even though not required by these regulations.

5.) Staff.

The Planning Commission, with the assistance of the legislative bodies, shall secure the full-time professional services of an individual to serve as Administrator, Building Official, Flood Program Administrator, and Chief Zoning Enforcement Officer whose tasks are specified herein. The title of "director" shall be construed in this ordinance as the individual responsible for any of above mentioned tasks. Other individuals may be secured by the commission in order to accomplish the duties prescribed by this ordinance pursuant to KRS 100.173, as amended.

Planning Commission staff is responsible for and has the authority to interpret and administer this regulation. The "administrator", which may be the "director" or other designee, is specifically empowered to determine which uses are of the same general character as uses specifically permitted in zoning districts and thus allow uses in zoning districts which although not specifically permitted, will not be out of character with other uses in the district. Additionally they serve an advisory role with the Planning Commission and the board of adjustment providing staff reports and processing application and materials relating to request for action from those boards. Staff also serves as liaisons between the Planning Commission, Board of Adjustments, technical professionals, elected officials and the public. In that role they distribute and share information as provided in regulations, policies, application and/or other sources.

6.) Applicants/Public.

By the very nature of the process to develop and use land in Spencer County, the public is involved. Owners and developers of land may act as applicants. Neighbors or other concerned citizens may express their support or concerns relating to a particular proposal or project.

The burden of proof shall rest with the applicant in all proceedings required by this ordinance. Applicants and/or owners are charged with providing any and all information required by these regulations and administratively adopted policies regarding the development process. They must sign applications and verify the completeness and truthfulness of all submittals and testimony offered on their behalf.

The public at large may submit in writing or verbally as appropriate and legally tendered, their opinion concerning any application or proposal to be addressed under these regulations. The public is charged with complying with all administrative and procedural guidelines applicable to providing such information

**Sect. 214 Enforcement/Violations**

Enforcement.

(1) Any person, firm, corporation or entity who violates any of the provisions of these regulations for which no other penalty is provided, shall upon conviction be fined not less than \$10.00 but no more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.

(2) Any person, owner, agent or entity who violates these regulations shall upon conviction be fined not less than \$100.00 nor more than \$500.00 for each lot or parcel which was the subject of a sale or transfer, or a contract for sale or transfer in violation of these regulations. Any person who fails to file applications for a building permit shall be subject to a penalty fee in an amount determined by the Commission.

(3) These regulations readopted pursuant to KRS100.334, and other applicable laws. The commission and/or its designee shall have such power as provided by KRS 100.337, and other applicable laws, to enforce these regulations.