

## 6.7 CONDITIONAL USES -

6.71 Power to Issue Conditional Use Permits - The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community for uses which are specifically named in the Zoning Regulations. Conditional uses may be suitable only in specific locations in the zone only if certain conditions are met:

6.711 Procedure - In applying for a conditional use permit, the applicant shall submit a plan to the Board of Adjustments or its representatives as set forth in Article V, Section 5.23, outlining procedure for building permit applications.

6.712 Notice - Within thirty (30) days of the receipt of a conditional use zoning permit request, the Board of Zoning Adjustment shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes, Chapter 424. When a conditional use is proposed, an appropriate sign stating the proposed conditional use, the property involved, and the time, date and location of the public hearing shall be posted on the property ten (10) days before the public hearing. The Secretary of the Board of Adjustments shall post the sign.

6.713 Action - The Board may approve, modify, or deny any application for a conditional use permit. If it approves such 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 of the Zoning Regulation listing the conditional use under consideration.

6.714 Filing - All conditional use permits approved by the Board of Zoning Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.

## 6.72 Revocation of Conditional Use Permit -

6.721 Power - The Board of Adjustments may revoke a conditional use permit if the landowner does not comply with the conditions therein, or if the landowner violated any federal, state, or local laws, codes, regulations, or ordinances in the use of the land. Furthermore, the Board shall have the power to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

6.722 Procedure -

A. Annual Review - The Administrative Officer shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met.

B. The Administrative Officer - shall review any conditional use permit, except those for which all conditions have been satisfied, on the request of the Board of Adjustments to determine if the use of the conditions in the permit are being met and to determine if the land violates any laws or regulations.

6.723 Power to Inspect - The Administrative Officer shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the land owner is complying with all the conditions which are listed on the conditional use permit, or to ascertain if the land is being used for illegal purposes.

6.724 Report of Violation - If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Officer shall report the fact in writing to the Chairman of the Board of Adjustments. 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 Adjustments.

6.725 Public Hearing - The Board shall hold a hearing on the report within thirty (30) days, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.

6.726 Action of Board of Adjustments - If the Board of Adjustments finds that the facts alleged in the report of the Administrative Officer 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 Adjustments may authorize the Administrative Officer 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 user permit authorizes.

6.73 Time Limit - In any case where a conditional use permit has not been exercised within one (1) year from its date of issuance, such conditional use shall not revert to its original designation unless there is a public hearing. Once there is a public hearing, the conditional use permit shall revert to its original use unless the Planning Commission issues a new conditional use permit. ("Exercised" as set out in this section shall mean that binding contracts for the construction of the main building or other improvements have been let, or in the absence of contracts, that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment is under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as designated in the permit.)

6.74 Conditional Use as a Permitted Use - Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such a type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied, and enter the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in Kentucky Revised Statutes 100.329. Thereafter, said use, if it continues to meet the other requirements of the regulation, will be treated as a permitted use.

If any other sections of this regulation are violated, the permitted use shall revert to a conditional use and steps may be taken to revoke the permit in accordance with this section of this regulation.