

Henderson City-County  
Planning Commission  
October 13, 2020  
Special Called Meeting

The Henderson City-County Planning Commission held a Special Called meeting October 13, 2020 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct, Suite F, *via teleconference*. Members present via teleconference: Chairman David Dixon, Vice-Chairman David Williams, Bobbie Jarrett, Gary Gibson, Rodney Thomas, Gray Hodge, Mac Arnold, Stacy Denton, and Tommy Joe Fridy. Kevin Richard, Kevin Herron, Dickie Johnson, and Doug Bell were absent. Staff present: Director Brian Bishop, Jennifer Marks, Heather Lauderdale, Theresa Curtis and Chris Raymer.

***MEETING BEGAN AT 6:00 PM***

Chairman Dixon: I'd like to call this Tuesday, October 13, 2020 Special Called meeting of this Henderson City-County Planning Commission to order.

I need to read this special statement;

***“Due to the emergency resulting from the Coronavirus (COVID19), and to help protect the community from the spread of COVID19 by limiting in person contact, this October 13, 2020 Special Called meeting of the Henderson City-County Planning Commission is being held by video teleconference.***

***This meeting is being telecast live on Facebook at [www.Facebook.com/Hendersonplanning-live](http://www.Facebook.com/Hendersonplanning-live) page, and elsewhere for the media a public to view. During the public hearing, segments of the meeting the public may offer evidence, comments, positions,***

*suggestions, and questions collectively referred to by comments in accordance with the meeting rules.”*

Madame Secretary, can you call the roll?

Chairman Dixon: Do we have a quorum?

Heather Lauderdale: We do.

Chairman Dixon: Very good, thank you.

Our business here tonight is a Public Hearing concerning amendments to the Henderson County Zoning Ordinance. With that in mind, I'll entertain a motion to go into **public hearing**.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY GRAY HODGE TO GO INTO PUBLIC HEARING.***

Chairman Dixon: Any discussion? All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Very good, we're in public hearing.

Now I'm going to read proposed ground rules for tonight's public hearing. Bear with me, they are a bit lengthy.

***“If the Special Meeting and Public Hearing scheduled for 6:00 p.m. Tuesday, October 13, 2020, have not been sooner concluded and adjourned, it will stop at 9:00 p.m.; and, by motion and vote of the Planning Commission be continued and reconvened virtually the following night, Wednesday, October 14, 2020, at 6:00 p.m. and stop at 9:00 p.m.; and, by motion and vote of the Planning Commission be***

*continued and reconvened virtually at 6:00 p.m. and stop at 9:00 p.m., from night to night thereafter, until finished.*

*The Planning Commission very much wants to hear all evidence, comments, positions, suggestions and questions (collectively referred to as “comments”). All comments will be at the end, after all amended sections have been presented by staff, unless the chairman elects otherwise or unless changed by vote of the Planning Commission.*

*There will be no time limit on attorneys and attorneys will present/comment first:*

- We will begin with attorneys.*
- Then non-attorneys.*

*Attorneys may ask questions directly.*

*Questions from non-attorneys must be presented to the Chairman (either verbally or in writing) along with who the question is to be directed to; and, the Chairman will ask the question. That is, non-attorneys may not ask questions directly.*

*Each non-attorney will initially be given 5 minutes. After every non-attorney has had 5 minutes, if there are non-attorneys who would like additional time, an additional 5 minutes will be given, and this procedure will be repeated, until everyone has had an opportunity to present all they desire to present.*

*Speakers are asked to not repeat something another speaker has said, but may come forward on the virtual platform and say they agree with one or more other speakers and present anything new they may have.*

*Planning Commissioners may comment and ask questions at any time.*

***The Chairman will ask for a motion, second, discussion and vote to approve or change the rules, at the beginning of the public hearing.***

Chairman Dixon: I'm asking for a motion to approve these ground rules as presented.

***MOTION WAS MADE BY GRAY HODGE AND SECONDED BY GARY GIBSON TO APPROVE THE MEETING GROUND RULES AS PRESENTED.***

Chairman Dixon: Any discussion?

No discussion? Please call the roll Madame Secretary.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Motion passes, thank you very much. We understand the ground rules, and we can refer back to them as needed.

Mr. Bishop will begin the presentation of the **Amendments to the Henderson County Zoning Ordinance.**

Brian Bishop: I apologize in advance, I know this is going to be a little rocky in the era of COVID, during a public hearing, during ZOOM and Facebook LIVE is probably a little challenging at times but we will do our best to make it work.

Before I get started, can everybody see the screen and can they hear us well?

Bobbie Jarrett: Uh huh.

Gary Gibson: Yes.

Mac Arnold: Yes.

Brian Bishop: Ok, let's get into this. This may be a little redundant for the folks on the Planning Commission but since this is a public hearing, this is the first time the general public has seen this.

So, what we are doing here is we have gone in and comprehensively looked at the Zoning Ordinance which was passed in 1982. It has had some updates here and there but it is largely the same document it was 1982.

As we all know, a lot of stuff has changed since 1982. Some of the topics we're going to discuss tonight were not even on the drawing board back then. As I like to say, a lot has changed since the Reagan era.

The entire Zoning Ordinance was looked at. We compared ourselves to the City of Owensboro, The City of Henderson, Lexington, Louisville, and Warren County just to name a few; we looked state-wide.

There was a committee formed. It started with the Planning Commission Chairman, Herb McKee and he was followed by the current Chairman, Mr. David Dixon. Vice-Chairman David Williams was with us, Planning Commissioner Dickie Johnson, Magistrate Tim Southard, and at-large citizen member, Mr. Dennis Branson.

The technical advisors were the Planning Commission staff which would be myself, Jennifer, and Claudia before she retired on us.

The Henderson County Attorney and his staff, Mr. Steve Gold and Ashley Hampton were very, very helpful. Along the way, they did a great job.

The County Codes Administrator, Mr. Randy Tasa.

The Henderson County Engineer, Mr. Bill Hubiak. And we also had outside assistance from Andy Rideout, Whitney Smith, and Andrew Powell from their respective agencies.

So, here's the process in a nutshell. The update committee reviewed it, which was the folks that I mentioned before.

From there we went to a joint work session with the Planning Commission and the Fiscal Court. Then from there, the Fiscal Court originated the zoning text, which leads us to this point.

We are holding the public hearing, and we have had at least one public hearing. Once this is done, we make the recommendation back to the Fiscal Court and they are the deciding body; they have the ultimate authority here.

With that, is everyone ok? Is there anything you would like me to touch on before we get into the meat of it, so to speak?

Moving on. Some of the notable updates we have added, we have added terms such as Agritourism, Bed and Breakfast, Tourist Destinations; we've also created a new district call Rural Residential which we'll touch on a lot.

We've updated the Signs and Outdoor Advertising section, we added a section that governs Air BNB's, which is another item that did not exist in 1982.

We have addressed the minimum lot size and road frontage requirements, and we have discussed mobile home standards.

So, the first thing we're going to get into is Agritourism. It's one of those things, it's hard to define but you know it when you see it. A lot of times, agritourism takes place on a farm or ranch, and it's a horticultural/agricultural operation that allows the general public to

come in and participate in activities for recreation, entertainment and educational purposes.

A lot of times you'll see this in places like pumpkin patches, stables and things like that. On a local level you would be looking at things such as Cates Farm and Blue Moon Stables.

A small-farm winery falls under this category which we'll kind of touch on briefly, very briefly.

Why is Agritourism important? It is a big business, or a big market that Kentucky is very, very favorable of.

For example, in 2017, \$950 million dollars was generated in the State of Kentucky which does not include wineries. So, nearly a billion dollars was generated in the State of Kentucky by the Agritourism industry.

So, what we have proposed is that Agritourism such as pumpkin patches, stables or anything like that that come in after this ordinance is passed, the ones before will be grandfathered in, these will be new industries coming in.

So, the first thing we're going to look at is have them go to the Board of Zoning Adjustment as a Conditional Use Permit. And the reason we wanted this is because it gives flexibility to the property owner and the adjoining property owners. All agritourism businesses must meet Health Department requirements in that they provide a sanitary operation. Any area used for music or bands must be 250 feet from any residential district, use or structure. All structures that will house human habitation must meet applicable building codes.

That does not cover buildings such as barns used for livestock, farm machinery or hay; anything like that. Only for buildings that will have humans occupying them for a certain amount of time.

The other item that we added is called a Bed and Breakfast home. These are pretty common in the world but we have never addressed it with the County Zoning Ordinance. Bed and Breakfast is an owner/innkeeper occupied, single family, residential structure that allows transient guests to reside. Often times they will serve breakfast and other meals. According to our ordinance, they can live in the structure or on an adjacent parcel.

Again, this will go to the Board of Zoning Adjustments for Conditional Use. The reasons are the same as agritourism, we want everyone to be able to maximize the use of their property but we also have to worry about and consider the neighbors' concerns and their property value as well.

Tourists destinations; this is something Ms. Jennifer Marks came up with. I think it's a really good idea that we thought of mid-process. So I will turn it over to her for just a little bit.

Jennifer Marks: Thanks, Brian.

So, as you can see there is the definition of what a general tourist destination is, I hate to read it verbatim to you all but for the most part, what a tourist destination is going to provide is the opportunity for not only agricultural purposes but also improvise another outlet with preserving the history of a landmark structure or even a scenic view of places out in the county.

One of the examples that have been brought up a little bit on that is Ellis Park. As you can see, it's the definition there.

So, what we're proposing for this one would, of course, be a conditional use in the Ag zone; it would need to go to the Board of Zoning. The operation must be operated and located in the existing structure that we're referring to as the landmark or scenic view; things that have already existed.

The property must be at least ten (10) acres in size, and have road frontage of at least fifty feet (50') for publically maintained roads; standard stuff there.

Any special events or activities must be located at least three-hundred feet (300') from the adjoining property line. This is something, again, like agritourism, bed and breakfast... we want it to not only provide a larger outlet for different kinds of venues in the county but also protect the adjoining property owners.

Brian Bishop: With that, we're going to touch on short-term rentals. This is something that never existed before or didn't exist in 1982 when this ordinance was passed.

Most people would call this an Air BNB; that's a pretty common name that a lot of people are used to which is a residential dwelling unit that is used for occupancy by guest. Dwelling units may be rented but cannot be occupied for more than thirty (30) days by the same customer.

Bed and Breakfast establishments, boarding houses, hotels/motels shall not be considered short-term rentals. So, we are drawing a clear distinction there.

Again, these are going to be Conditional Uses in R-1, R-2, R-3 and the Ag zone. Guests may not stay longer than thirty (30) days. No outdoor signage is allowed, and the reason for that is that these are one-family residences that need to continue to fit in the neighborhood in which they exist.

They are required to have sufficient parking, and they cannot generate any new parking that would be a burden to the rest of the neighborhood.

All permit holders shall be responsible for collecting and remitting all applicable room occupancy and sales tax required to Federal, state and Henderson County tax authorities.

Everybody good with that so far? I know I'm throwing a lot of stuff at you. I think we have a delay, so I'm going to give it one (1) second.

Not hearing anything, we're going to move on.

The new district that we propose is called Rural Residential. The intent of this district is to be a buffer. We are trying to create a buffer in between the Ag zone where you can have a large farming operation or a large operation that would generate a lot of dust or noise, and the residential zone.

So, basically this is going to be a buffer in between the two (2) zones, and if you would pay close attention to the map on the screen. This is Bluegrass Estates Subdivision, we're going to touch back on this because this is a prime example of where this zone would do well; is the best way to say it.

In the Rural Residential zone, single-family detached dwellings would be allowed on lots with one (1) to five (5) acres in size. The production of agricultural, horticultural crops including the use of greenhouses and high-tunnels are for personal use only. That is for the people that reside on the lot and it's not used for a commercial endeavor.

Accessory buildings or uses customary and incidental to any of the permitted uses, when located on the same lot are allowed. Conditional uses would be manufactured homes. The keeping of livestock no more than what can be supported by the underlying land conditions.

This is where we consulted with Mr. Andy Rideout with the Extension office; he was very helpful there.

Home occupations as defined in the Henderson County Zoning Ordinance; that is a list of pre-defined occupations that are already described in the Zoning Ordinance.

This is Bluegrass Estates. You'll notice that there are roughly twenty-three (23) lots I believe there. They are all highlighted in yellow, and then this is why we wanted to talk about this neighborhood.

So, you'll notice that the lots here along Hwy 41 and the intersection of Hwy 283 are all zoned agricultural, which is the white shading; then yellow is R-1.

The difference here is once these neighborhoods go from what we call a Minor Subdivision, which is five (5) lots or more into a Major, the Planning Commission's policy has always been to require a Major Subdivision. In certain situations, that's completely reasonable and it makes a ton of sense but in this case, not so much most likely because you'll have this lot here that's roughly 1.3 acres, and then this lot here that's 2.8 acres; it comes from the exact same parent tract, they would use the exact same uses which is a one-family residence. But say this person wanted to have a goat or a pig for a 4H project, they can legally have that on this lot. This person in yellow, cannot.

Our proposal would be that this be Rural Residential if this were to develop in the future that way the Board of Zoning Adjustment would have the final say; not the final say but the property owner to make their case and then for the neighbors to voice their concerns or opinions; it's a public hearing, much like what we're doing right now.

Non-conforming uses is Ms. Jennifer Marks' department.

Jennifer Marks: Really quick, one more thing on the Rural Residential; that would not be where no one is going to be required to make that, that is going to be an as-needed or newer development and things like that. If you're already a certain way, you would be grandfathered in the way that you are now. We're not retroactively doing that zoning.

Brian Bishop: Good point, sorry about that.

Jennifer Marks: To the non-conforming uses, first we're going to look at what the intent of the update is but one thing that I wanted to note since this is a public hearing, I know this is probably a little repetitive to our Planning Commission members but keep in mind that a non-conforming use is a structure or use that does not conform to the applicable provisions of this ordinance but they did exist prior to the adoption or amendments of the ordinance.

So, when we're referring to all the stuff in this section here, that is what that is referring to.

The intent of this update, of course, was just to go through and realize there are lots of non-conformities that do come up every time we have a new amendment and things like that, a lot of times we're creating non-conformities or we're having less non-conformities it really just depends on the things that are coming up with.

Ok, so here are some of the changes that we were going to have in the non-conforming uses and structures, the best way to do this is probably read it to you; I'm sorry.

A nonconforming use may continue indefinitely; however, if any nonconforming use ceases for any reason, or has been discontinued or abandoned, for eighteen (18) consecutive months or more; that is the change we are putting in there. Previously it was twelve (12) months, now we're extending to eighteen (18) months.

Correct, Brian?

Brian Bishop: Correct.

Jennifer Marks: Except where government action impedes access to the premises, all nonconforming rights shall be nullified and any subsequent use of land shall be in conformity with the regulations of this Ordinance.

If anybody has questions, we can definitely take those.

The second one: No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

The Board of Zoning Adjustment shall not permit a change from one nonconforming use to another unless it is determined that the new nonconforming use falls in the same classification as the prior use; this part here is the new section; or it is determined to be more restrictive than the existing nonconforming use, subject to KRS 100.253.

In regards to non-conforming structures;

A nonconforming structure may be altered to the extent necessary to comply with a lawful order of government officials.

No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Voluntary demolition of a nonconforming structure nullifies its nonconforming rights. Should a nonconforming structure or nonconforming portion of a structure be voluntarily destroyed, moved, or removed to an extent of fifty-five (55) percent or more of its replacement cost at the time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.

On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered routine maintenance and shall not affect the nonconforming status of that structure.

Brian Bishop: Good?

Jennifer Marks: Yeah.

Brian Bishop: Guys, are there any questions on that? I know that's a complicated topic to talk about.

Is everybody good? We'll give it one second for the delay. Ok, I think we're good.

Moving on from there, we're going to talk about the proposed minimum lot size changes. The current requirement is one (1) acre, which is 43,560 square feet, and a minimum of one-hundred feet (100') of road frontage.

A proposal from this committee would be  $\frac{3}{4}$  of an acre, which is 32,670 square feet, and the proposed lot width would be fifty feet (50') which is what the requirement was prior to the 2012 updates.

The bar chart that you're going to see on the screen consists of four (4) neighborhoods; Thornridge Subdivision, Country Club, Spring Meadow, and then Holloway Hills. Those are the neighborhoods that basically go from Hwy 351 to Hwy 60; the corridor. The reason why that was chosen was because that is where we are seeing the most residential growth and it seems like where most neighborhoods would be going at this time.

So, on the bar chart you'll notice there are three (3) numbers. The number on the left is the largest lot in that neighborhood, the number in the middle is the smallest and the number on the right is the average.

So, Thornridge average lot size is .93. The Country Club is average lot size is .577. Spring Meadow, the average lot size is .79, and Holloway Hills the average lot size is 1.2 acres.

So, this is why this is important. So if you see this map here, that is Thornridge Subdivision. There are a total of 57 lots in that

neighborhood. If we were to use today's standards and try to re-create this subdivision, 42 of those 57 lots would not be able to exist. So, the lots in blue could not be created by today's standards. That is a big deal for this neighborhood because if you look at this, as I said 42 lots would be gone, a total of \$135,395.67 would be lost to the county or that's what the county could gain if this subdivision was re-created.

So, this is the Country Club. Again, this subdivision could not exist. So, there are roughly 97 lots in there. 96 of those 97 would not exist using today's standards, which is one (1) acre, and one-hundred feet (100').

Another thing to keep in mind when Jennifer brought up nonconformities; when we changed the lot size from one (1) acre to one-hundred feet (100') road frontage, we made all these lots nonconforming.

Everybody good so far, I know that's a big deal.

So, we'll move to Spring Meadow. Again, you're going to have several lots here; there is a total of 34 lots. By using today's standards, the lots that are highlighted would not be used. So, 29 out of 34 lots could not be created by today's standards which would be \$73,200.48 in the real world.

Missy Vanderpool: Per year.

Chairman Dixon: So, by the proposed standards how many more lots would be created?

Brian Bishop: We have a map for that. The better way to describe it would be how fewer lots would be created, and I have a map for that we're going to get to in just one second.

Mrs. Vanderpool?

Missy Vanderpool: I was just saying that's yearly. So, that \$73,000 a year...

Brian Bishop: Exactly. That is yearly and would increase as taxes increase as well.

So, this is Holloway Hills. This subdivision fares much better than the previous subdivisions because the lots are a lot bigger. As I mentioned before the average lot size in this subdivision is 1.2 acres.

So, when you use today standards, one-hundred feet (100') and one (1) acre, you would only lose two (2) lots, which is good; that's a much better trade. As is said before, those other subdivisions could not be duplicated in today's world.

So, to Chairman Dixon's question, this is what we did; this is one cul-de-sac in Thornridge Subdivision; it's the very back, Oakhurst Drive.

So, you're going to see seven (7) lots there, you're going to see the highlighted lot lines with their approximate distances. So, for example, one lot has seventy-feet (70'), one lot has seventy-five point nine-nine (75.99) and so on.

So, if you look at the lot here, by trying to develop by today's standards, this lot's ok which is good because that lot generates \$3,522.63 in taxes. The building permit fees for this to be built today; \$1,549.12.

This lot will not be created today. This lot will not be created, this lot stays, and this lot, this lot and this lot cannot be created. If you look at these numbers that is a substantial amount of tax revenue and building permit fees, not to mention jobs.

Which is what I'm going to ask Mrs. Vanderpool to jump in because that's her area of expertise.

Missy Vanderpool: I don't know about...

Chairman Dixon: Excuse me.

Missy Vanderpool: Go ahead.

Chairman Dixon: She's speaking as staff?

Brian Bishop: She is speaking as advisor of the Economic Development.

Chairman Dixon: I think I should swear her in for the record.

I need your name and address.

Missy Vanderpool: Missy Vanderpool, 8018 Martin and Martin Road, Henderson, Kentucky.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Missy Vanderpool: I do.

Chairman Dixon: Very good, please proceed. Sorry for the inconvenience.

Missy Vanderpool: No problem. Brian and I have had some discussions about this. I do work for Henderson Economic Development, I'm the Executive Director there. Previously I was the Executive Director for the Henderson Area Board of Realtors. So I have the real estate background that I'm kind of speaking on today.

But for every house that's built, a job is created.

So, the economic impact of a house being built in the State of Kentucky is about \$62,000 into our economy.

In existing house sales, for every two houses that sale, that's approximately one (1) job for every two (2) houses. And as I've

discussed with Brian, in a healthy market, for every four (4) houses that sell as an existing house, one (1) new home would be built.

For instance, last year in Henderson, city and county, there were three-hundred seventy-seven (377) houses sold in the Multi List of Henderson. So, that doesn't include our For Sale by Owners, I haven't captured those. But 377, you should generate seventy-five (75) new houses from 377 existing house sales.

We fared a lot lower than that, we had 32 develop. So, hopefully with some changes in some zoning there would be more development because again, every house that's built, two (2) jobs are created and it has an economic impact to our community of \$62,000.

Brian Bishop: Good? Ok.

To make sure everybody understands what you see on the map; this is the amount of tax generated, this is the size of the lot.

So, this lot .67, seventy feet (70') of road frontage. This lot .87, seventy-six feet (76') roughly of road frontage. So, that's where these numbers came from when we say could not be created. These lots do not meet today's standards but as Jennifer described earlier, they're nonconforming because they were legal when they were built and developed.

Chairman Dixon: Do they meet the proposed, amended standards?

Brian Bishop: Mostly, but not entirely. But the point is we are trying to get where we can have some flexibility.

So, for example I should have mentioned before when you count all the neighborhoods we mentioned, the average lot size in those neighborhoods are roughly .85. So, what we did was we took those number and then took out Holloway Hills because they were much

larger, and then the average lot size comes out to .78 which is right in line of what we have proposed.

So, that is where we came up with the number .75.

Chairman Dixon: Thank you.

Brian Bishop: So this is me kind of using GIS to kind of recreate this. This is not a survey, this is not a design this is just me using loose numbers that we have in GIS.

A lot of stuff goes into the development of neighborhoods. You're going to have things like water lines, the topo, and the land and how everything falls, drainage basins... so there is a lot going in. This is a very simplified version of this.

So, what I did was went in and used the exact same area that was being occupied by those previous lots and then try to recreate it by today's standards.

So, this lot stays, which is good because as before it's paying this much money in taxes and it generated this much in building permit fees. Again, this lot stays which is great for the community.

These two (2) lots, you have to make a choice here. So, to make this lot legal, these two (2) lots would have to be combined. In doing that, you make 1.56 acres and one-hundred forty five feet (145') of road frontage. Keep in mind, today's standard is one (1) acre and a hundred feet (100') of road frontage.

Those two (2) lots would generate that together, and then these are the building permit fees by today's rate. So, you're going to have to make a choice. You're going to have to lose something here by using today's standards.

Then if you go around the cul-de-sac a little more, the exact same situation with these two (2) lots. They do not meet the standards.

This one, it meets the requirements for the size but not the road frontage.

This one, not enough road frontage and not enough size.

The original lot lines are the green lines, and then the red lines are the proposed lines that I played with to get them where they would work.

So here you could steal some road frontage and try to create another lot. But when you do, you lose this lot which is paying this much money in tax revenue and building permits. I know I'm throwing a lot at you guys as far as numbers, are there any questions about how I came to that conclusion.

Ok, we'll move along.

This is Spring Meadow, this is the same scenario. This is a cul-de-sac with existing lots. You'll see in the bright green this is the size of the lot, this is the amount of tax revenue they generate on an annual basis. These are the approximate numbers of the lines themselves.

So, again, this lot is big enough, not enough road frontage.

This lot; not big enough, not enough road frontage.

Not big enough, not enough road frontage... so on and so on.

So then you'll notice these are all the fees they generate from permit fees and tax revenues which is a benefit to the county in addition to the jobs that they help create.

So this is what this would look like by the map that I was able to come up with. These two (2) lots become one (1). So, you're going to lose

some tax revenue here, you've got to pick one (1). Either this house or this house, and that's what they generate.

Again, here you're going to have to pick because you're not going to make it work with 1.19 acres and one hundred-fifteen feet (115') of road frontage; it's just not going to work in the physical world that we live.

This one, big enough. So what you could do is come over and steal some road frontage from this lot, but when you do you have to be careful that you don't lose this 143'; so this could actually work depending on the exact accuracy of the road frontage. Keep in mind, these are ballpark numbers, this is not survey grade.

I just wanted to give you guys an idea of what we're dealing with when we talk about developing subdivisions.

That's a lot to throw at you guys, are there any questions about that?

Not hearing anything, we're going to move on. If you guys think of any questions, please feel free to give them to us at the end.

The next big ticket item as I like to call it, is the standard for manufactured housing. Previously, Henderson had not ever had a standard. We would always depend on the Board of Zoning Adjustment and the testimony given at a Conditional Use hearing. The reason why we're doing this is because KRS 100.348 gives the counties and the cities the authority to govern manufactured homes because of the impact they have on property values, and the neighbors near these manufactured homes.

So, what we did is create a Class System of manufactured homes. Class A, B, C and D. Class A and B manufactured homes are a conditional uses in the Ag zone, the proposed Rural Residential zone, and the R-2 and R-3 zones. Class C and D homes would not be allowed because they would not meet human habitation requirements.

So, a Class A manufactured home is a manufactured homes that is 10 years or less at the date of the Conditional Use permit.

For example, when the person makes the application to the Codes Department, that manufactured home has to newer than that date.

All wheel, trailer tongue and hitch assemblies shall be removed up installation.

All lot requirements shall be met. Meaning lot size, yard, building setbacks all must be met in which the zone in which they are going to be placed.

The manufactured home should be oriented. That its long axis is parallel with the street; unless allowed by the Board of Zoning Adjustment.

So, think of it this way, if the road is at a ninety degree angle, the manufactured home must be parallel to that, it cannot be perpendicular to it unless the Board of Zoning Adjustment allows it.

That gives flexibility to people that position homes that they can on oddly shaped lots.

The Conditional Use permit shall provide information on compatibility with architectural appearance of properties located in the immediate, adjacent vicinity of the manufactured home.

For example, if someone wants to place a manufactured home in an area that has traditional stick, built homes the applicant must prove that the manufactured home is going to fit that neighborhood.

Class B manufactured homes are largely the same. The big difference there is that they are 10 and older and they go to 1976 in age which is the year HUD passed the code establishing the standards on manufactured homes.

Class C and D manufactured homes pick up here. Anything after 1976 or does not have a seal showing that it is able to provide human habitation are not allowed. 1976 is the number that we chose because that's the year that HUD passed that standard; that's a concrete number for us to stand on.

Again, the same installation standards apply. The orientation standards still apply, and the Conditional Use permit still applies here.

Is everybody good there?

Looks like we have a question online.

No, Mr. Hodge, a shipping container is not considered a manufactured home. Those are clearly defined in the zoning ordinance which we would not allow that at all. A storage unit is still a storage unit.

The suggestions that came up at the work session, Ms. Bobbie Jarrett may be able to answer that a little better if you guys have any questions.

Homes must pass a housing quality standard inspection; a HUD minimum standard to assure safe and sanitary housing. This would most likely be done by the Codes department so we want to make sure that these manufactured homes meet a bare standard for human habitation.

Ms. Jarrett, is there anything you would like to add there? You're probably way more suited and better to answer that.

Bobbie Jarrett: No, I'm fine.

Brian Bishop: Mr. Hodge has a follow up question. A shipping container that has been converted to a residential structure would not be allowed by our current definition because we are going to hang our hat on the HUD code there.

If someone wanted to do that, I suppose the option is still available but it would be probably permitted as a one family residence. It would most likely require a professional design... someone in the professional design world to certify that. So, for example if someone wanted to convert a shipping container to a residence, it's possible to be done but not as a manufactured home. A design professional would have to stamp that structure to prove that it can support human habitation.

Do-able but not this route, if that makes sense.

In checking Facebook, we still do not have any comments so we'll kind of progress.

Are there any questions about the manufactured home standards? We'll give Facebook one second because we have a slight delay.

Ok, we're not seeing anything. That is the end of our presentation. We covered a lot of ground in a quick amount of time. It's easier for the Planning Commission members to hear that because its probably the second time they've heard it if not the third time for some of them.

So, is there anyone on Facebook, looks like we have 9 people watching? Is there anyone that would like to provide comments or questions?

Chairman Dixon: Do we have anybody on our ZOOM meeting, outside of the commission or within the commission that has questions about anything discussed or any other portion of these amendments?

Brad Schneider: Hey everybody, it's County Judge executive Brad Schneider and I know we saw this presentation at a recent Fiscal Court meeting, and I want to reiterate in front of the commission the committee that served and any members of the public who are watching that I really appreciate the efforts of this sub-committee as well as the commission to tackle this challenge to update these ordinances. It's something that's been needed for quite some time and up until now it's

been kind of punted down the road and I appreciate the work of everybody involved to do this. I think it's a benefit to the county, it's citizens, developers, and everybody who likes to enjoy the fact that we have zoning regulations in the county to protect neighbors and landowners.

So, I want to compliment everybody, thank you for your hard work, and I'll get off.

Chairman Dixon: Thank you, Judge.

Anyone else from any platform? ZOOM, Facebook, smoke signals...? Would anyone else like to pose a question or offer a comment?

Brian Bishop: Mr. Chairman, can I add something there?

So, the Planning Commission fully understands this is probably going to come back to us within the next several months to be tweaked even more because Jennifer and I's next project is we're going to work with the technical advisors to update the Subdivision Regulations. So, there is going to be small amounts of conflict between those two (2) documents because this one has been recently updated and Subdivision Regulations are not very old but there are still some tweaks to be made there. So, we may bring this back with some tweaking here or there so if you see that, that's the reason behind that. We're going to make sure those two (2) documents coincide and run parallel to each other.

Chairman Dixon: Thank you.

We have fulfilled one of our responsibilities tonight; the conducting of the public hearing. The other task is to recommend back to Fiscal Court how they should proceed on these amendments.

I will entertain a motion. Should we recommend changes to Fiscal Court, should we not, should we amend them and send back changes to Fiscal Court? I think those are our options.

Brian Bishop: Mr. Fridy, are we covering our bases there?

Tommy Joe Fridy: Yes, those are the three (3) options. You can recommend changes, you can recommend approval, or you can recommend disapproval.

Chairman Dixon: Very good, thank you. I will entertain a motion in this regard, what is the pleasure of the commission?

***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY MAC ARNOLD FOR THE PLANNING COMMISSION TO RECOMMEND THE ADOPTION OF THESE NEW COUNTY ZONING ORDINANCES FOR THEIR CONSIDERATION AND APPROVAL.***

Chairman Dixon: We have a motion and a second. Any discussion, any further discussion?

Madame Secretary, please call the roll.

***AYE: ALL***

Chairman Dixon: The motion passes, thank you very much. I think we need a motion now to leave public hearing.

***MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY MAC ARNOLD TO GO OUT OF PUBLIC HEARING.***

Chairman Dixon: Any discussion?

All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

The public hearing has concluded. Do we have other business, Mr. Bishop?

Brian Bishop: No sir. The next meeting is November 4, and I expect us to have a full docket that day so we're going to make sure we get our money's worth out of you guys in November.

Chairman Dixon: That's going to be on a Wednesday folks due to the Tuesday festivities preceding.

Very good, I think that concludes our business for this evening unless someone else... actually this is all the business we can take care of at a special called meeting.

So I need a motion to adjourn.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO ADJOURN.***

Chairman Dixon:

Chairman Dixon: All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

Very good, we stand adjourned. Thank you all for your patience and attention, we appreciate it.

We stand adjourned.

***MEETING ADJOURNED AT 6:50 PM***

**I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County**

**Planning Commission Special Called Meeting of, October 13, 2020  
to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

X

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