403   CONDITIONAL USE PERMITS

403.1   The Board of Adjustment shall have 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 Land Use Management Regulations which may be suitable only in specific locations in the district only if certain conditions are met (KRS 100.237), or which the Board determines by specific findings of fact are compatible with the character of the district. In applying for a conditional use permit, the applicant shall submit an application to the Codes Administrator and shall follow all procedures set forth in this chapter. The Codes Administrator shall then refer the application to the Board of Adjustment. The Board shall charge a fee (Appendix K) for reviewing all conditional use permit applications, and shall notify all adjacent property owners by certified mail of the time and place of the meeting at which the review will occur. The applicant shall pay costs of notification upon receipt of a statement from the appropriate City official.

403.2   The board may approve, modify, or deny any application for a conditional use permit, as provided for in Section 406.52 of this ordinance. 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 in the regulations listing the conditional use under consideration. The board shall have the 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 offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

403.3   Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

403.4 In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. "Exercised", as set forth in this section, shall mean that there are binding contracts for the construction of the main building or the improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not part of the use, "exercised" shall mean that the use in operation is in compliance with the conditions as set forth in the permit.

403.5   The Codes Administrator shall review all conditional permits except those for which all conditions have been permanently satisfied, at least once annually and shall have 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 the conditions on the conditional use permit, the Codes 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 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 Adjustments finds that the facts alleged in the report of the Codes 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 Administrative Official 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 authorizes.

403.6   Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type which can be satisfied completely and permanently, the Codes 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 indicate that the conditions have been satisfied and the conclusion in the margin of conditional use permit which is on file.

403.7   When an application is made for a conditional use permit for land located in or abutting any residential district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Codes Administrator, and owner of every parcel of property adjoining the property (and directly across the street) to which the application applies and such other persons as the regulations shall direct.

Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

403.8   All conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the county clerk.