



**CITY OF FRANKFORT  
 PLANNING & BUILDING CODES  
 DEPARTMENT  
 P.O. Box 697  
 Frankfort, Kentucky 40602  
 Phone: (502) 352-2094 Fax: (502) 875-3579  
 www.frankfort-ky.gov**

OFFICE USE ONLY  
 Received: \_\_\_\_\\_\_\_\_\\_\_\_\_  
 Payment Amt: \$\_\_\_\_\_  
 MOD No:\_\_\_\_\_  
 Meeting:\_\_\_\_\_

**APPLICATION FOR WAIVER / MODIFICATION OF STANDARDS**

- A. APPLICANT:** \_\_\_\_\_ check if primary contact
1. Name: \_\_\_\_\_
  2. Company Name: \_\_\_\_\_
  3. Mailing address: \_\_\_\_\_
  4. Daytime Phone: \_\_\_\_\_ Fax : \_\_\_\_\_ Email: \_\_\_\_\_
- B. PLAN PREPARED BY:** \_\_\_\_\_ check if primary contact
1. Name of Surveyor or Engineer: \_\_\_\_\_
  2. Registration Number: \_\_\_\_\_
  3. Mailing Address: \_\_\_\_\_
  4. Daytime Phone: \_\_\_\_\_ Fax : \_\_\_\_\_ Email: \_\_\_\_\_
- C. SITE INFORMATION:**
- General Location: \_\_\_\_\_
  - Street Address: \_\_\_\_\_
  - Zoning District: \_\_\_\_\_
  - Proposed Use of the Property: \_\_\_\_\_
  - Total Acreage and/or Square Footage of the Property \_\_\_\_\_

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**1.09 PROVISION FOR WAIVERS AND MODIFICATIONS**

Within the general limitations of the Comprehensive Plan, the spirit and intent of the regulations and the public interest, safety and welfare, the Planning Commission may adjust or modify these regulations only when:

- A) The request for modifications has been reviewed by the Technical Review Team and their comments have been forwarded to the Planning Commission for review; and
- B) The waiver or modification is consistent with the stated purpose and intent of these regulations and with the adopted **COMPREHENSIVE PLAN**; and
- C) The modification would not have a significantly adverse impact on the public interest; and
- D) The modification would not overburden or otherwise adversely impact public facilities.

- E) The applicant has clearly showed the existence of **one or more** of the following circumstances:
- 1) Superior Alternatives - Where the proposed waiver/modification will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.
  - 2) Protection of Significant Features - Where the waiver/modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
  - 3) Deprivation of Reasonable Use - Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location; provided:
    - a) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
    - b) The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.
  - 4) Technical Impracticality - Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided:
    - a) The development will provide an alternative adequate design to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and
    - b) Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.
  - 5) No Relationship to the Development or its Impacts - Where all or any part of the requirement has no relationship to the needs of the development, or to the impact of the development on the public facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.

The Planning Commission may make reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver/modification of any requirements under this zoning ordinance. Furthermore, any adjustments can in no way be made to the basic zone district's permitted uses, bulk, density, and height requirements or to the maximum limits permitted in regard to square footage.

*(Amended 7-24-06 Ord. # 15-2006)*

**B. WAIVER REQUEST INFORMATION**

1. Description of Regulation(s) for which waiver is requested (Refer to Zoning Ordinance Section Number):

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2. A brief explanation of how the requested waiver meets the criteria of Section 1.09 – PROVISION FOR WAIVERS AND MODIFICATIONS (on previous page.)

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**C. SUPPLEMENTAL ITEMS**

The following items must be attached to the application as supporting information to this request:

1. Site plan of property, drawn to scale. If the waiver relates to signs within a Planned Unit Development, also provide drawings of proposed signs showing their dimensions, location and the dimensions of any building facades to which they will be attached.
2. A filing fee of \$300 is required. Checks should be made payable to the Frankfort/Franklin County Planning Commission.
3. Names and mailing addresses of adjacent property owners on an 8 ½ ” X 11” piece of paper as listed by the Franklin County Property Valuation Administrator’s office. (502) 875-8780.

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date:

