



**CITY OF SOUTHGATE
STATE OF KENTUCKY**



**CITY OF SOUTHGATE
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ARTICLE I

A ZONING ORDINANCE

SECTION 1.0 AN ORDINANCE DIVIDING THE CITY OF SOUTHGATE, COMMONWEALTH OF KENTUCKY, INTO ZONES. Zones of such shape and area as are deemed best suited to carry out these regulations: regulating the location, height, number of stories and size of buildings and other structures: regulating the size of yards and other open spaces and the density and distribution of population and the uses of buildings, structures and land for residential, commercial, industrial, and other purposes: prescribing penalties for the violations: providing for enforcement; a board of adjustment and repealing all regulations, resolutions, orders, ordinances and/or codes in conflict with this ordinance.

BE IT ORDAINED by the City of Southgate as follows:

ARTICLE II

AUTHORITY AND PURPOSE

SECTION 2.0 AUTHORITY: The City of Southgate is pursuant of the authority of Kentucky Revised Statutes (K.R.S. 100.111-100.991) hereby ordains and enacts into law the following Articles and Sections.

SECTION 2.1 PURPOSE: The zoning regulations and districts as herein set forth have been prepared in accordance with an adopted Comprehensive Plan for Campbell County to promote the public health, safety, morals and general welfare of the city, to facilitate orderly and harmonious development and the visual or historical character of the city, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this Ordinance has been prepared to provide for vehicle off-street parking and loading and/ or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health or property from fire, flood or other dangers. The zoning regulations and districts as herein set forth are also employed to protect highway, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas in the city which need special protection by the city.

ARTICLE III
SHORT TITLE

SECTION 3.0 SHORT TITLE: This ordinance shall be effective throughout the City of Southgate, Kentucky and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF SOUTHGATE, COMMONWEALTH OF KENTUCKY."

ARTICLE IV

INTERPRETATION

SECTION 4.0 GREATER RESTRICTION: The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare. Where this ordinance imposes a greater restriction upon the buildings, structures or premises, upon heights of buildings or structures or requires larger open spaces than are imposed or required by any other ordinances, rules, codes, permits or regulations, or by easements, covenants, deed restrictions or agreements, the provisions of this ordinance shall govern.

SECTION 4.1 PERMIT OR LICENSE IN VIOLATION: If any permit or license is issued in violation of any provision of this ordinance or purports to authorize the doing of any act not permitted by any provision of the Ordinance, said permit or license shall be void.

ARTICLE V

CONFLICT

SECTION 5.0 CONFLICT: All ordinances and parts of ordinances of the city in conflict herewith are hereby repealed; providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such ordinances and parts thereof hereby repealed prior to the effective date of this ordinance.

ARTICLE VI

SEVERABILITY CLAUSE

SECTION 6.0 SEVERABILITY CLAUSE: That should any Article, Section, sub-section, sentence, clause, or phrase of this ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of the City of Southgate to enact each section, and portion thereof, individually, and each such section shall stand alone if necessary, and be in force notwithstanding the invalidity of any other Section or provision.

ARTICLE VII

DEFINITIONS

SECTION 7.0 WORDS AND PHRASES: For the purpose of this ordinance, certain terms, phrases, words and their derivatives are herewith defined as follows:

Words used in the future tense include the present;
Words used in the present tense include the future;
Words used in the singular include the plural;
Words used in the plural include the singular;
Words used in the masculine include the feminine;
Words used in the feminine include the masculine;
The word "shall" is mandatory;
The word "may" shall be deemed as permissive.

ACCESSORY BUILDING OR USE, CUSTOMARY: A "customary accessory building or use" is one which:

- A. Is subordinate to and serves the principal building or principal use;
- B. Is subordinate in area, extent, and purpose, to the principal building or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

ACCESS POINT: An access point is:

- A. A driveway, a local street, or a collector street intersecting an arterial street;
- B. A driveway or a local street intersecting a collector street; or
- C. A driveway or a local street intersecting a local street.

AGRICULTURAL USE: The use of land for agricultural purposes, including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or sorting the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

AIR RIGHTS: The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) which is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: Public rights-of-way which normally affords a secondary means of access to abutting property.

APARTMENT: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTI-FAMILY.

AUTOMOBILE LAUNDRY: A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self service basis shall be constructed to be the same.

AUTOMOBILE AND TRAILER SALES AREAS: Any area used for the display, sale, or rental of new or used automobiles or trailers and where only minor incidental repair of such automobiles or trailers may take place.

BASEMENT: That portion of a building between floor and ceiling, which is so located that the vertical distance from the average level of the adjoining grade to the floor below is less than the vertical distance from the average level of the adjoining grade to the ceiling.

BOARD OF ADJUSTMENTS: Board of Adjustments of the legislative body.

BUFFER AREA: Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use, or operation.

BUILDING: A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

BUILDING, ALTERATION OF: Any. change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one location to another.

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED: A building surrounded by open space on the same lot or tract of land.

BUILDING, HEIGHT OF: The Vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The official or officials hired by the legislative body to administer and enforce the building codes.

BUILDING PERMIT: A permit issued by the legislative body's building inspector authorizing the construction or alteration of a specific building, structure, sign, or fence.

BUILDING, PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the county's ordinances, regulations, and codes for building on said site.

CAMPING/VACATION MOBILE UNIT: Any coach, camper trailer, tent, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.

CANOPY (MARQUEE): A roof-like structure open on three (3) sides serving the purpose of protecting pedestrians from rain, snow, sun or hail, which structure projects from a building.

CARPORT: See GARAGE, PRIVATE.

CC&MP&ZC: Campbell County & Municipal Planning & Zoning Commission.

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

CITIZEN MEMBER: Any member of the Planning and Zoning Commission or Board of Adjustments who is not an elected official or appointed official or employee of the legislative body.

CLINIC, ANIMAL: A building used by medical persons for the treatment of animals on an out-patient basis only, without animal runs.

CLINIC, HUMAN CARE: A building used by medical persons for the treatment of persons on an out-patient basis only.

CLUB: An association of persons for some common objective usually jointly supported and meeting periodically.

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Campbell County Planning and Zoning Commission, Campbell County, State of Kentucky.

COMPREHENSIVE (MASTER) PLAN: A guide for public and private actions and decisions to assure the development of public and private property in the, most appropriate relationships for future control and advisement. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

CONCEALED LIGHTING: An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

CONDITIONAL USE: A use which is essential to 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 on locations, size extend and character of performance are imposed in addition to those imposed within this ordinance.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the Zoning Administrator, pursuant to authorization by the Board of Adjustments, consisting of two parts:

- A. A statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit; and
- B. A statement of the specific conditions which must be met in order for the use to be permitted.

CONFORMING USE: Any lawful use of a building, structure, lot, sign or fence which complies with the provisions of this ordinance

CURB CUT: Any interruption, or break in the line of a street curb or road edging in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property. In the case of streets without curbs, Curb Cuts shall represent construction of access drives which intersect the street.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the County Engineer shall authorize and approve the establishment of such Curb Level or its equivalent for the purpose of this Ordinance.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "Decibels".

DISTRICT: For purposes of this ordinance, synonymous with "ZONE".

DORMITORY: A residence hall providing residences for individuals or groups.

DWELLING: Any building which is completely intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE-FAMILY: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other units.

DWELLING, DETACHED, SINGLE-FAMILY: A dwelling standing by itself and containing only one (1) dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

DWELLING, MULTI-FAMILY: A residential building having three (3) or more dwelling units, as separate housekeeping units.

DWELLING, TRAILER: See MOBILE HOME.

DWELLING, TWO-FAMILY: A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family.

EASEMENT: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

EATING ESTABLISHMENTS AND RESTAURANTS: A restaurant is an establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.

- A. Carry-out -- A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is discouraged.
- B. Drive in -- A restaurant where consumption of food on the premises is encouraged (in car), and where food is provided by "car-hop" or self-service.
- C. Sit-Down Restaurants -- Those restaurants which provide seating arrangements.
- D. Combination -- A restaurant which provides any combination of sit down, carry-out, and/or drive-in, services.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonable necessary for furnishing adequate service, for the public health, safety, or general welfare.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges.

FILLING STATION: See SERVICE STATION.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from : (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

FLOOD-100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years.

FLOOD PLAIN OR FLOOD PRONE AREA: Any normally dry land area that is susceptible to being inundated by water from any flooding source.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on the official zoning map.

FLOOR AREA, GROSS: The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.

For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

The gross floor area shall include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

FRATERNITY OR SORORITY: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited to students of said institution.

FRATERNITY/SORORITY HOUSE: A building used by a fraternity or sorority to provide living quarters for some or all members as well as to provide study, meeting, recreational and other facilities.

FRONTAGE: All the property abutting on one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be-considered as acceptable for frontage.

GARAGE, PRIVATE: An accessory building used primarily for the storage of vehicles and clearly accessory to the principal use permitted. The "private garage" shall be located on the same lot as the principal use or building.

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling, as permitted herein and further meeting all the requirements of this Ordinance.

HOSPITAL (Animal Care): A building used by medical persons for treatment of animals generally on an in-patient basis.

HOSPITAL (Human Care): A building used by medical persons for treatment of persons generally on an in-patient basis.

HOTEL-MOTEL: A building or buildings to be used for the temporary abiding place for travelers and transient guests.

HOUSE TRAILER: See MOBILE HOME

JUNK YARD: An open area where any waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles, inoperative motor vehicles, etc.

KENNEL: An area specifically used for the raising, boarding, or harboring of small domestic animals.

LABORATORY, MEDICAL OR DENTAL: A building or a portion of a building used for providing bacteriological, biological, medical, X-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

LAUNDROMAT: A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises.

LEASABLE AREA, GROSS: The total floor area designed for tenant occupancy and exclusive use, including basement, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

LOADING AND/OR UNLOADING SPACE: A space used for the temporary standing, loading and/or unloading of vehicles.

LOT: A parcel Of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

LOT AREA: The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or river, and shall be in one (1) zone only.

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection, or curved street does not exceed one hundred thirty-five (135) degrees.

LOT, DEPTH, OF: The distance measured in the main direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot that has frontage on more than one (1) street.

LOT, INTERIOR: A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right-of-way.

LOT LINE, FRONT: The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

LOT LINE, REAR: The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

LOT LINE, SIDE: Any boundary line of a lot, other than a front lot line or rear lot line.

LOT OF RECORD: A designated fractional part of subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the appropriate county clerk, State of Kentucky.

LOT WIDTH: The width of the lot as measured along the front setback line.

MINIMUM FRONT YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the street right-of-way line and the front lot line as defined herein.

MINIMUM REAR YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

MINIMUM SIDE YARD WIDTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

MOBILE HOME: Any coach, cabin, mobile home or other structure in a single unit which is intended, designed, and used for the fixed residence of a person, family, or a household, mounted on wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said mobile structure shall not change its classification. Double width mobile structures, which are fabricated on individual chassis with wheels and are designed to be joined, shall be considered a mobile home for purposes of this ordinance.

MOBILE HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, and/or used to accommodate ten (10) or more mobile homes, and meets the

requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

MODULAR HOUSING: Housing manufactured off-site , often mass-produced and designed so that sections are interchangeable. For purposes of this ordinance, this definition shall not include mobile homes.

NKAPC: Northern Kentucky Area Planning Commission.

NONCONFORMING LOT: A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

NONCONFORMING USE OR STRUCTURE: An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the regulations contained in this ordinance or amendments thereto which pertain to the zone in which it is located.

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

NURSERY: Any building or lot or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSERY SCHOOL: Any building used for the daytime care of education of preschool age children with or without compensation, and including all accessory buildings and play areas

NURSING HOME: A health establishment which provides nursing care under the direction of a Kentucky licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

OCTAVE BAND: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER: Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

PARKING AREA, OFF-STREET: An open, surfaced area other than the rights-of-way of a street, alley, or place, used for temporary parking of motor vehicles

PARKING BUILDING OR GARAGE: A building or portion thereof designed, intended, and used exclusively for the temporary parking of motor vehicles which may be publicly or privately owned and/or operated.

PARTICULATE MATTER: Any material, except uncombined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

PERFORMANCE STANDARDS: Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

PLANNED UNIT DEVELOPMENT (PUD): A large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces through flexible regulations which encourage creative design to preserve the natural features and foliage of the site.

RAILROAD RIGHTS-OF-WAY: A strip of land within which the railroad tracts and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RESIDENTIAL CLUSTER DEVELOPMENT (RCD): A large scale, unified land development which permits a clustering of attached and detached single-family residential dwellings, with common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features, foliage and other characteristics of the site.

REST HOME: Any building, institution, residence, or home used as a place of abode for the reception and care of three (3) or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

SCHOOLS, PAROCHIAL: An institution or a place for instruction or education belonging to and maintained by a religious organization.

SCHOOLS, PRIVATE: An institution or a place for instruction or education belonging to and maintained by a private organization.

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to and maintained under public authority and open to the public for their attendance.

SERVICE FACILITIES, PUBLIC UTILITIES: Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, or the Department of Motor Transportation, or Federal power commission, and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such space is incidental to a service facility.

SCREENING AREA: An area set aside to remain vacant of buildings and to be planted and landscaped to reduce the blighting effect of certain land uses on adjacent property.

SERVICE STATION: Any building, structure, or land used for the dispensing, sale or offering for sale at retail, any automobile fuels, oils, or accessories and in connection may include general automobile servicing other than body work.

SIGN: Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction.

SIGN, ADVERTISING: An Advertising Sign is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered:

- A. Only elsewhere than upon the premises where such sign is located or to which it is affixed; or
- B. As a minor and incidental activity upon the premises where the sign is located.

SIGN, ANIMATED: Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

SIGN, BUSINESS: A sign which directs attention to a business, profession, industry, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered upon said premises and located upon the premises where such a sign is displayed.

SIGN, FLAT: Any sign which is attached directly, in rigid manner and parallel to the building wall.

SIGN, FLASHING: Any sign having a conspicuous and intermittent variation in the illumination of the sign.

SIGN, GROSS AREA OF: The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN, GROUND: Any sign erected, constructed, or maintained directly upon the ground or upon uprights or braces placed in the ground, with a maximum permitted ground clearance of three (3) feet.

SIGN, IDENTIFICATION: A sign used to identify: the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

SIGN, INDIVIDUAL LETTER: Letters and/or numbers individually fashioned from metal, glass, plastic or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

SIGN, POLE: Any sign affixed to a freestanding supporting pole or poles, embedded in, and extending upward from the ground with a ground clearance exceeding three (3) feet.

SIGN, PROJECTING: Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or; to posts, poles, or angle irons attached directly to the building.

SIGN, WINDOW: Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of Article XIV, SIGN REGULATIONS, the word "window" shall be construed to mean any glass which comprises part of the surface of the wall regardless of its movability.

SOUND LEVEL METER: An instrument standardized by the American Standards, Association for measurement of intensity of sound.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next about it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall be counted as a story.

STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREET, PRIVATE: A paved private roadway which affords access to abutting property for private users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

STREET, PUBLIC: A public roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

STREET, ARTERIAL: Public thoroughfares which serve the major movements of traffic within and through the community as identified in the adopted comprehensive plan.

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute traffic primarily from local to arterial streets.

STREET, EXPRESSWAY: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

STREET, FREEWAY: A divided multi-line highway for through traffic with all crossroads separated in grades and with full control of access.

STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD): A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

STREET, LOCAL: Roadways which are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including such as: buildings, mobile homes, signs, fences, etc.

SUBDIVISION: The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

SWIMMING POOL, OUTDOOR: Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to cause, or would cause if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term structure as used in this ordinance.

Outdoor swimming pools shall be deemed to consist of the following classes: private, semi-public, public and commercial, as follows:

- A. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
- B. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- C. Public: a swimming pool operated by a unit of government for the general public, whether or not an admission fee is charged.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

TAVERN: Any establishment selling alcoholic or nonalcoholic beverages by the drink for consumption.

TRAILER: See CAMPING/VACATION MOBILE UNIT.

USE, PERMITTED: A use which may be lawfully established, if permitted, in particular zone provided it conforms with all requirements of such zone.

VARIANCE, DIMENSIONAL: A departure from the terms of this ordinance as approved by the board of adjustment, pertaining to height, or location of structures and size of yards and open spaces (but not population density) where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

YARD DEPTH, FRONT: An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.

YARD DEPTH, REAR: An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.

YARD WIDTH, SIDE: An area between any building and the side lot line, as defined herein, extending from the front to the rear yard or on through lots or building sites from one front lot line to the other front lot line.

ZONE: An established area within the legislative body for which the provisions of this ordinance are applicable. (Synonymous with the word "DISTRICT").

ZONING ADMINISTRATOR: The official or officials hired by the legislative body to administer and enforce the provisions of this ordinance.

ARTICLE VIII

ESTABLISHMENT OF ZONES

SECTION 8.0 ZONES: For the purpose and intent of this ordinance, the city may be divided into the following zones:

- CO CONSERVATION
- R-1E RESIDENTIAL ONE-E ZONE
- R-1F RESIDENTIAL ONE-F ZONE
- R-1G RESIDENTIAL ONE-G ZONE
- R-1Gh RESIDENTIAL ONE-Gh ZONE
- R-1H RESIDENTIAL ONE-H ZONE
- R-3 RESIDENTIAL THREE ZONE
- RCD RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE
- PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE
- GC GENERAL COMMERCIAL ZONE
- HC HIGHWAY COMMERCIAL ZONE
- PRCU PLANNED RESIDENTIAL/COMMERCIAL USE OVERLAY ZONE
- LIP-R LIGHT INDUSTRIAL PARK RESEARCH ZONE
- PO PROFESSIONAL OFFICE

SECTION 8.1 OFFICIAL ZONING MAP: The zones are bounded and defined as shown on the map entitled "OFFICIAL ZONING MAP OF THE CITY OF SOUTHGATE KENTUCKY" and shall so remain on file in the offices of the CAMPBELL COUNTY & MUNICIPAL PLANNING AND ZONING COMMISSION. A copy shall also be on file in the office as designated by the legislative body.

SECTION 8.2 CHANGES ON ZONING MAP Where changes are made in zone boundaries in accordance with the provisions of this Ordinance and Kentucky Revised Statutes, such changes shall be made on the Official Zoning Map promptly after the amendment to this Ordinance has been approved by the legislative body. The CCMPZC shall be provided a certified copy of the amendment to this ordinance in order that the Official Zoning Map may be changed.

No changes of any nature shall be made on the Official Zoning Map which are not in conformity with the procedures set forth in this ordinance.

SECTION 8.3 REPLACEMENT OF OFFICIAL ZONING MAP: In the event that the Official Zoning Map becomes damaged, destroyed, lost or is deemed necessary to be replaced due to the age of the map or major corrections in location of rights-of-way or subdivisions, the legislative body may cause to have prepared and adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereto.

SECTION 8.4 RULES FOR INTERPRETATION OF ZONE BOUNDARIES: Rules for interpretation of zone boundaries shown on the Official Zoning map are as follows:

- A. Boundaries indicated as approximately following the rights-of-way of a street, alley, or other public way shall be construed to follow such rights-of-way lines and when said rights-of-way are officially vacated, the zones bordering such rights-of-way shall be extended out to the centerline of said vacated rights-of-way.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.
- D. Boundaries indicated as approximately following the rights-of-ways of railroad lines shall be construed as following such lines.
- E. Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map shall be construed as following such ground elevation lines.
- G. Boundaries indicated as approximately parallel to features indicated in Rules A through F of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of such features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.

SECTION 8.5 AREAS NOT INCLUDED WITHIN ZONES: When an area becomes a part of the county's jurisdiction, or in any case where property within the county has not been included within a zone, either through error or omission such property shall be officially included in the CO Zone until otherwise classified.

Within sixty (60) calendar days after an annexed area officially becomes a part of the county's jurisdiction, or an error or omission is recognized, the county shall take action to initiate a zone change review of the area in question, as per Article XVII, to insure its appropriate zoning classification in conformity with the officially adopted comprehensive plan.

ARTICLE IX

GENERAL REGULATIONS

SECTION 9.0 PURPOSE: General regulations shall apply to all districts.

SECTION 9.1 REDUCTION IN BUILDING SITE AREA: Except as herein provided, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein for the zone within which said lot is located, except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street. If however, by some means (e.g., misinterpretation of law, erroneous lot descriptions etc.) the lot area is reduced below the minimum required area as specified herein for the zone, All of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner may seek relief from the Board of Adjustment as provided for in Section 18.5 of this ordinance.

SECTION 9.2 INTERFERENCE WITH TRAFFIC SIGNALS: No sign, structure, tree, planting, or vegetation or any portion thereof shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signals of any kind.

SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS: No type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS: On lots having frontage on more than one street, the minimum front yard depth shall be provided for at least one street frontage, with the other frontage having a minimum of one half of the required minimum front yard depth, except that when such lots abut an arterial street, as defined herein, the minimum front yard depth shall be provided for each street frontage.

SECTION 9.5 UTILITIES LOCATION: Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply and other similar utility uses may be located in any zone subject to the approval of the Planning and Zoning Commission. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.
- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.

- C. Such facilities shall be enclosed by a protective fence as regulated by Article XIII.
- D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area, according to Section 9.17 of this ordinance may be required in and along any yard.
- E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.
- F. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and conditions as the board of adjustment may specify.

SECTION 9.6 RAILROAD RIGHTS-OF-WAY LOCATION: Railroad rights-of-way, exclusive of such uses as marshaling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any zone of this ordinance providing said railroad rights-of-way meet the requirements of those sections of the Kentucky Revised Statutes and other pertinent state regulations.

SECTION 9.7 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL:

- A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements of this Ordinance and the Subdivision Regulations of the County have been fulfilled and then obtain a permit from the building inspector.
- B. The building inspector may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
- C. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and time exposed, shall be planned and applied according to the following:
 - 1. The smallest practical area of land shall be exposed at any one time during development.
 - 2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
5. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation shall be retained and protected.

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall not be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety, by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the Zoning Administrator. Salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by Article XIII of this ordinance and an approved permanent plating screen shall be required as regulated in Section 9.17 of this ordinance.

SECTION 9.9 JUNKYARD LOCATION: No person shall operate any junkyard which is situated closer than seventy five (75) feet from the centerline of any county, state, Federal, or limited access highway or turnpike, including bridges and bridge approaches. A permit for such operation shall have been obtained from the Kentucky Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 to 177.950.

SECTION 9.10 APPLICATION ON ZONING REGULATION

- A. Except as herein provided, no part of any yard, or open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure or use.
- B. Except as herein provided, every structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot, nor shall any building be erected on any lot which does not abut a public right-of-way

- C. Accessory structures and uses, with the exception of off-street parking, loading and/or unloading areas, fences and signs as regulated by this ordinance, shall not be permitted within any required minimum front yard of all zones or within the required minimum side or rear yards of the NCS, HC, and GC zones. In the CO, R-1E, R-1G, R-1Gh, and R-1H Zones, such accessory structures and uses are setback from the side or rear lot line a minimum of five (5) feet. All accessory structures and uses shall be located in accordance with the development plan in the RCD, PRCU and PUD Zones.
- D. Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:
1. In All Minimum Required Yards - Driveways- providing they are not closer than one (1) foot to the property line to which they run approximately parallel to; except that in the event that a common driveway will be used to serve two (2) or more lots, then driveways may be permitted to abut the property; steps four (4) feet or less above grade projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes and chimneys projecting not more than thirty (30) inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubbery's; ornaments utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in Article XIII of this ordinance.
 2. In Minimum Front Yard Depths - Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; air conditioning equipment ; and awnings and canopies extending not more six (6) feet into the minimum required front yard.
 3. In Minimum Rear Yard Depths - Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than six (6) feet into the minimum required rear yard; awning and canopies provided they not extend more than ten (10) feet into the minimum required rear yards.
 4. In Minimum Side Yard Width - Air conditioning equipment, excluding compressor for central air conditioning unit; overhanging eaves and gutters projecting not more than thirty (30) inches into the minimum required side yard, but never closer than three (3) feet from the side lot line.

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by Article XIV of this ordinance, shall be permitted.
- D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.
- E. There shall be no commodity sold upon the premises in connection with such home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- G. No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process, which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

SECTION 9.12 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE AND NONCONFORMING SIGNS:

- A. NONCONFORMING LOTS OF RECORD:
 - 1. Any lot of record, which does not meet the requirements of this ordinance, shall be considered a nonconforming lot of record.
 - 2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements

established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance. Except, however, where a subdivision (including preliminary and final plat) has been approved by the Planning and Zoning Commission under prior zoning regulations, and meets existing minimum lot area requirements, but not minimum lot width or other similar requirements, development is permitted on each individual lot as originally approved.

3. Where a single nonconforming lot of record exists having a lot area less than required by the particular zone wherein said lot is located, development may be permitted on the lot, provided the lot is located on an existing and improved public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street rights-of-way precluding acquisition of additional area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance. Where a dimensional variance from any minimum yard, setback, etc. is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the Board of Adjustments in accordance with Article XVIII of this ordinance.

B. NONCONFORMING USES:

1. **CONTINUANCE:** Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance -- it shall become a legal nonconforming use. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** As regulated by Article XVIII, Section 18.6, D, of this ordinance.
3. **TERMINATION:** In all cases, the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Changing to a conforming use.
 - b. Non-operative, non-used, or abandoned for a period of twelve (12) consecutive months providing that the Board of Adjustments may

allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners/ operators control.

- c. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustments that this structure should not be reconstructed.
 - d. Whenever said nonconforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.
4. ZONE CHANGE: The foregoing provisions shall apply to uses which become legally nonconforming due to zone changes which take place thereafter, or were found to be non-conforming thereafter.

C. NONCONFORMING STRUCTURES:

1. CONTINUANCE: Except as herein provided, any lawful nonconforming structure existing at the time of adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended.
2. TERMINATION: In all cases, the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming structure based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Whenever the nonconforming structure is damaged in any manner whatever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and a determination is made by the board of adjustments that this structure should not be reconstructed.
 - b. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such nonconforming structure in lawful compliance with the applicable ordinance exceeds fifth (50) percent of the market value of such nonconforming structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustment that the structure should not be reconstructed.

- c. Whenever said nonconforming structure is determined to be detrimental or injurious to the public health, safety, or general welfare.
 - 3. ZONE CHANGE: The foregoing provisions shall apply to structures which become legally nonconforming due to zone changes which take place thereafter.
- D. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement or nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in Section 9.12, B, 3, b, or 9.12, C, 2, b.

E. NONCONFORMING SIGNS:

- 1. CONTINUANCE: Except as herein provided, any lawful nonconforming sign existing at the time of adoption of this ordinance, may be continued provided however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
- 2. TERMINATION: In all cases the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming sign based on any of the following conditions and, if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Not meeting the requirements for sign regulations, as regulated in Article XIV of this ordinance;
 - b. Nonuse or abandonment of said nonconforming sign for a period of twelve (12) consecutive months.
- 3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become legally nonconforming due to zone changes which take place thereafter or were found to be nonconforming thereafter.

SECTION 9.13 EXCEPTIONS AND MODIFICATIONS:

A. EXCEPTIONS TO HEIGHT LIMITS:

1. The height limitations of this ordinance shall not apply to such things as: church spires, various types of towers, smoke stacks, other related structures and necessary mechanical appurtenances, etc.; provided their construction is in accordance with existing or hereafter adopted ordinances of the city and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.
- B. OTHER EXCEPTIONS: Service stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.
- C. FRONT YARD VARIANCE:
1. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.
 2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty-one percent (51%) or more of lots within that block are improved with residential buildings, provided that in no case shall a front yard depth be less than twelve (12) feet.
- D. Exception to area and yard regulations:
1. Where existing or proposed development within the multi-family (R-2 & R-3) and commercial (NC, PO, SC, and LHS) Zones is to be subdivided, the minimum area and yard requirements may be less than required by this ordinance provided that:
 - a. The maximum density of the zone is not exceeded and/or the minimum site for the total development must not be less than that required by the respective zone;
 - b. A community association or other responsible entity is established prior to the approval by the planning commission of any subdivision of land. The "association" shall be obligated and empowered to own, operate and maintain all common areas (as specifically identified on the submitted site plan required by Item c of this section) including such items as open space, recreational facilities, access drives, parking areas, pedestrian walkways, etc. and all facilities constructed thereon.
 - c. A site plan as regulated by the applicable requirements of Section 9.19 of this ordinance, including the proposed area and yard

requirements for the development, is submitted for review and approval by the planning commission.

2. In addition, the planning commission may waive the requirements that all lots abut a minimum frontage along a dedicated right-of-way provided that those lots that do not abut a dedicated right-of-way are assured an unencumbered and maintained access way by the association to a dedicated right-of-way in accordance with Sub Section 9.13, D, paragraph 1,b,above of this ordinance.

SECTION 9.14 CONDITIONAL USES:

- A. **DETERMINATION:** Subject to the requirements of Section 18.7, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:
 1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
 2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- B. **CONDITIONAL USE PERMITS:** In accordance with KRS. 100.237, 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 herein which may be suitable only in specific locations in the zone only if certain conditions are met:
 1. The Board of Adjustments 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 in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the County clerk and one copy of said permit attached to the deed for the property for which it is issued. The Board shall have power to revoke conditional use permits, or variance for noncompliance 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 persona for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, 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 binding contracts for the construction of the main building or other improvement has 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 shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator shall review all conditional use 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 permits.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator 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 it is furnished to the chairman of the Board of Adjustments.

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 Zoning Administrator are true and that the landowner has taken no steps to comply within the time between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Zoning 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 authorizes.

5. 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 Zoning 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 the copy of the conditional use permit which is on file with the County clerk, as required in KRS 100.329. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use .

SECTION 9.15 BUILDING REGULATIONS AND WATER AND SANITARY SEWER AND UTILITY SERVICES:

- A. BUILDING REGULATIONS: All structures shall be designed, erected, or altered in accordance with the legislative body's housing and building codes.
- B. WATER AND SANITARY SEWER SERVICE: No building may be constructed in any zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by proper authorities.

Where existing buildings are presently not served by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line as determine by the legislative body and/or the Northern Kentucky District Board of Health, such building shall be required to connect with the public sanitary sewer system and the private sewage disposal system shall be prohibited.

SECTION 9.16 MOVE AND SET:

- A. REQUIREMENTS: No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the city, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.
- B. COMPLIANCE; All buildings, structures, and improvements shall comply with the city's housing and building code, and all other applicable codes and regulations.
- C. PROCEDURE-PERMITS: The applicant shall submit to the building inspector, the following:
 - 1. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
 - 2. A plot plan, footing and foundation plan, and construction plans for any new construction;
 - 3. A statement from the applicable legislative body(s) insuring that all past and current taxes have been paid.

4. Upon receipt of the foregoing items, the building inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the city and determine if the proposed development will comply with all applicable codes, regulations, and zoning ordinances.
5. The move and set shall be referred to the zoning office for approval or denial of compliance with this ordinance.
6. Upon approval by the zoning office and building inspector, a building permit to move and set shall be issued. The City Engineer shall then be notified of same and shall issue a transport permit. The City Engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permits. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the building inspector. The transport permit provided for in this section shall not be in lieu of any other permits, which may be required by the County.
7. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the Kentucky Department of Transportation, and the County road supervisor, whichever are applicable.

D. FEES

1. There will be a building investigation fee as established by the legislative body to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with all applicable codes and regulations should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be in compliance with the legislative body's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.
2. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the city until and unless such person, corporation, or company shall post with the building inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the County. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

SECTION 9.17 SCREENING AREA: Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the Zoning Administrator (or Planning and Zoning Commission, where required by this ordinance) according to a submitted site plan as regulated by the applicable requirements of Section 9.19 of this ordinance. Screening areas shall be designed, provided, and maintained according to the following:
1. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases additional screening may not be required, provided that provision is made for maintenance of such areas.
 2. Wherever screening is required in this ordinance, it shall be provided as follows:
 - a. All screening shall be provided by the construction of a Class 1 or Class 5 fence, as requested by Article XIII of this ordinance and or evergreen trees.
 - b. All trees shall be a minimum of ten (10) feet in height when planted, however, smaller trees (a minimum of five (5) feet in height) may be utilized in combination with berms (e.g., earthen mounds) to provide the minimum 10-foot height requirement; berms must be covered with suitable vegetation, such as grass, ivy, and shrubs, to preclude erosion of the berm;
 - c. Trees which are intended to provide screening to separate multi-family development from single-family development, shall not be planted further than 15 feet apart; parking facilities which are located adjacent to the single-family areas shall be additionally screened to a minimum height of three (3) feet (via an earth berm, depressed parking, solid fence, etc.) to reduce automobile glare onto adjacent property;
 - d. Trees which are intended to separate commercial and industrial development from residential development (single-family and multi-family) shall not be planted further than ten feet apart; parking facilities which are located adjacent to residential areas shall be additionally screened to a minimum height of three (3) feet (via an earth berm, depressed parking, solid fence, etc.) to reduce automobile headlight glare onto adjacent property.
 3. All trees, shrubs, and, other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky Area and the

specific conditions of the site in question, such as but not limited to soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed.

4. Screening areas are to be provided in such a manner as to obscure the view into the development from adjacent properties. In those cases where property is adjacent to property within another governmental jurisdiction, screening shall be provided in the same manner as would be required if the adjacent area was within the jurisdiction of this legislative body.
 5. In the case where a zoning map change occurs resulting in adjacency to a different zoning district that was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change occurred.
- B. **PROVISION AND MAINTENANCE:** Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.
- C. **INCLUSION OF SITE PLAN AND/OR SUBDIVISION IMPROVEMENT DRAWINGS:** Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in Section 9.19, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the legislative body may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

SECTION 9.18 OUTDOOR SWIMMING POOLS

- A. **PRIVATE SWIMMING POOLS:** All private swimming pools shall be regulated according to the following requirements:
1. Except as herein provided, no swimming pool or associated equipment shall be permitted within any required yards, nor within public utility right-of-way easement, nor within five (5) feet of the side or rear lot lines.
 2. Swimming pools, which are constructed in-ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in Article XIII of this ordinance); such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or

any adjacent property without climbing the fence or wall or opening the gate or door.

3. Swimming pools, which are located above ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article XIII of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level.

Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.

4. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
 5. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.
 6. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within (60) days after its adoption.
- B. PUBLIC, SEMI-PUBLIC AND COMMERCIAL SWIMMING POOLS: All public, semipublic, and commercial swimming pools shall be regulated according to the following requirements:
1. Except as herein provided, no swimming pool and associated equipment shall be permitted within the limits of any public utility right-of-way easement.
 2. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1,3,4, and 5 fences are permitted, as regulated by Article XIII of this ordinance). Such fence or wall shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street

or from adjacent property without climbing the wall or fence or opening a door or gate.

3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the legislative body. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved of by the Northern Kentucky District Health Department.
5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties.

SECTION 9.19 SITE PLAN REQUIREMENTS: No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction, one copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the CAMPBELL COUNTY & MUNICIPAL PLANNING AND ZONING COMMISSION and one (1) copy with the building inspector and the Zoning Administrator. The site plan shall identify and locate, where applicable, the information as listed in Section 9.20, B -- Stage II plan requirements.

All such site plans shall be reviewed by the Planning Commission or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable section of this ordinance, and the comprehensive plan of the city. However, no action of approving or rejecting any site plan shall be taken unless and until a review of the proposal has been made by the CAMPBELL COUNTY & MUNICIPAL PLANNING AND ZONING COMMISSION STAFF.

All site plans approved shall be binding upon the applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.

Amendments to plans may be made in accordance with the procedure required by this ordinance subject to the same limitations and requirements as those under which such plans were originally approved.

After final approval, the subject area may be developed in phases, provided all of the procedures required by the planning commission, or its duly authorized representative have been complied within.

SECTION 9.20 PLAN REQUIREMENTS – STAGE I, II AND RECORD PLATS:

- A. Stage I –Plan Requirements: The Stage I Plan shall identify and provide the following information:
1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in a project;
 - b. The present zoning of the subject property and all adjacent properties;
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
 - d. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5)feet;
 - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
 - (1) Detached housing – location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings.
 - (2) Attached housing – location and description of the various housing types (i.e., townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type.
 - f. Delineation of all existing and proposed nonresidential uses in the project:
 - (1) Commercial uses – location and type of all uses including approximate number of acres, gross floor area and heights of buildings.
 - (2) Open Space-Recreation – The approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained.
 - (3) Other public and semi-public uses – location and type of all other uses, including approximate number of acreage, and height of buildings.
 - g. Location of proposed pedestrian walkways, identifying approximate dimensions;
 - h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
 - i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication

- should also be given regarding the provision of electric and telephone service.
- j. Certification from appropriate water and sewer agencies that services will be available.
 - k. Identification of the soil types and geologic formation on the subject property, indicating anticipated problems and proposed methods of handling said problems.
 - l. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.
 - m. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership; and
 - (4) Nonresidential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

B. STAGE II -- PLAN REQUIREMENTS: The Stage II Plan shall conform to the following requirements:

- 1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
 - a. The existing and proposed topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission;
 - b. All housing units on the subject property:
 - (1) Detached housing – Location, arrangement, and number of all lots, including lot dimensions, and setback and maximum height of buildings.
 - (2) Attached housing – Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location, arrangement and dimensions of all lots.

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- c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of allots with lot dimensions.
 - d. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Method of ownership and operation and maintenance of such lands shall be identified.
 - e. Landscaping features, including identification of planting areas and location, type and height of walls and fences.
 - f. Location of signs indicating their orientation an size and height.
 - g. All utility lines and easements:
 - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances:
 - (3) Storm water and natural drainage system, including pipe and culvert sizes, gradients, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
 - h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangements of off-street parking, and loading and/or unloading spaces.
 - i. Circulation System:
 - (1) Pedestrian walkways, including alignment, grades, type of surface and width;
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.

- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction;
- k. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership; and
 - (4) Non residential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- C. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the Stage II approved plans. If the Record Plat is submitted in section, an index shall be developed showing the entire plan area. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission.

SECTION 9.21 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights, as defined herein, shall be in the form of a site plans (as regulated in Section 9.19 of this Ordinance) submitted to the Planning Commission, or its duly authorized representative, for its review.

SECTION 9.22 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived..

SECTION 9.23 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPER, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT

- A. No motor vehicle, which is abandoned, nonfunctional, in a state of disrepair, or lacking a valid license, shall be stored in excess of seventy-two (72) hours in any residential zone, unless it is in a completely enclosed building.
- B. It shall be unlawful for any person or persons to live in any automobile, camper, bus, boat, or truck, within the limits of the legislative body, except houseboats along the Licking and Ohio Rivers.

- C. The outside storage of any trailer, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard of all lots within the jurisdiction of the legislative body, except as herein provided and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the Board of Adjustment may permit such storage to be located in the side yard of the lot following review and approval by said board. The board of adjustment may impose certain requirements (such as provided in Section 9.17 of this ordinance) to insure that said vehicle and related equipment is properly screened from view of adjacent property. In no case shall more than one of the aforementioned vehicles or similar type equipment be permitted outside of an enclosed building on any lot or parcel of land.
- D. It shall be unlawful to park or to keep any truck of in excess of 6,000 pounds gross vehicle weight, at any place on property located in a residential district zone, except in a completely enclosed garage.
- E. Any property which does not comply with the provisions of Section 9.23, A, at the time of adoption of this ordinance, shall be given a period of sixty (60) days from the date of adoption of this ordinance to comply with the provisions of Section 9.23, C, and 9.23, D, of this ordinance at the time of its adoption shall be given a period of six (6) months from the date of adoption of this ordinance to comply with all of the provisions of these sections.

SECTION 9.24 HILLSIDE DEVELOPMENT CONTROLS

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater) that said development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements
 1. Development proposed on land areas identified on the Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas, which have slopes of 20 percent, or greater shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as "Physically Restrictive Development Areas" and containing slopes less than 20 percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the Engineer it is determined that said development will not result in hillside slippage or soil erosion.
 2. No excavation, removal or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified as "Physically Restrictive Development Areas" in (1) above, may

occur until plan specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this Ordinance. In addition to site plan requirements, the following shall also be submitted.

- a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigations shall be made by a qualified, registered Civil Engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and/or soil erosion.
3. The site plan and other information required in this Section shall be reviewed by the Engineer and the Campbell County & Municipal Planning and Zoning staff, who will recommend to the Planning Commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and soil erosion.

After consideration of the recommendation, the Planning and Zoning Commission may authorize use of the site in accordance with the submitted plans.

4. If, after review of the plans required by this section of the ordinance, the Planning Commission, or its duly authorized representative determines that said proposed plans will not minimize hillside slippage, the Planning and Zoning Commission shall deny a permit for the development of said land.

SECTION 9.25 FLOOD PROTECTION DEVELOPMENT CONTROLS:

A. **PURPOSE:** The purpose of the flood protection development controls is:

1. To permit only that development of flood prone areas which (a) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (b) is an acceptable social and economic use of the land in relation to the hazards involved, and (c) does not increase the damage to human life; and
2. To discourage all other development in flood prone areas not identified in Subsection A, 1, above, including nonessential or improper installation of public utilities and public facilities.

B. Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of this ordinance or any other ordinance adopted by the city.

1. Areas determined as susceptible to flooding during the occurrence of a 100 year flood (floodway and floodplain) shall be controlled by both the zoning district in which the area is located and the requirements of this section of the ordinance.
2. The limits of the floodplain along the Three mile Creek (Moock Road Branch) to the extent backwater flooding from the Licking River, are shown on the Official Zoning Map as "Flood Protection Control Area".

The elevation of backwater flooding (100 year flood) of the Licking River is 501MSL (Mean Sea level). In the case of other areas located along Three Mile Creek, the determination of susceptibility to flooding shall be according to the report prepared by the U.S. Department of Agriculture, Soil Conservation service "Soils Survey of Boone, Campbell and Kenton Counties, Kentucky, August, 1973. A survey shall be made by a qualified registered civil engineer establishing the elevation of the 100-year floodway and the existing elevations of the proposed development site.

3. No person, city, county or other political subdivision of the state shall commence filling of any area with earth, debris, or any other material or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area located within the floodway which would result in any increase in flood heights during the recurrence of a 100-year flood discharge. In those cases where a watercourse is to be altered or relocated, the flood carrying capacity of said portion of the waterway affected must be maintained. Plans and specifications for such work shall be submitted to the city engineer and the Northern Kentucky Area Planning Commission for review to determine if said encroachment will meet the requirements of this Ordinance. Said plans shall also be submitted to the Kentucky Department for Natural Resources & Environmental Protection, Division of Water Resources, and other applicable agencies, for their review and approval. Mobile homes shall be prohibited from being placed within the floodway.
4. All land outside the floodway of the bodies of water identified in Paragraph 2, but located within the floodplain may be used for any purpose for which it is zoned; provided that any new residential construction including any expansion or substantial improvements of existing residential structures as herein defined within said floodplain shall have the lowest floor which is used for living quarters elevated to or above the level of the 100-year Flood; and any new nonresidential structures including any expansion or substantial improvements of nonresidential structures within the floodplain area shall have the lowest floor elevated to or above the level of the 100-

year flood or together with attendant utility and sanitary facilities shall be designed and flood proofed so that below the 100-year flood level the structure is water tight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of frequency certified by a professional engineer or architect.

5. For purposes of this section of the Ordinance "Substantial Improvement" means any repair, reconstruction, or improvement as a result of damage to the structure, the cost of which equals or exceeds 50 percent of the actual market value of the structure before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
6. All utilities constructed to serve structures which are to be located within the flood-plain shall be flood protected at a minimum to the elevation of the 100-year flood level.
7. All construction or modification of Buildings and Structures including flood proofing measures and techniques in the floodplain area shall be in accordance with the applicable design standards of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations", June, 1972 GPO 19730-505-026 Edition, or as amended.
 - a. All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.
 - b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems discharges from the systems into flood waters.
 - f. On-site waste disposal systems, where permitted, shall be located to avoid impairment to them or contamination from them during flooding.

In addition to the above requirements, mobile homes shall meet the following standards:

- a. No mobile home shall be placed in a floodway or Coastal High Hazard Area, except in an existing mobile home park or existing mobile home subdivision.

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- b. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
- (1) Over-the-top ties be provided at each end of the mobile home, with one additional tie per side at an intermediate location on mobile homes of less than fifty (50) feet and one additional toe per side for mobile homes of fifty (50) or more;
 - (2) Frame ties be provided at each corner of the home with four (4) additional ties per side at the intermediate points for mobile home less than fifty (50) feet long and one additional tie for mobile homes of fifty (50) feet or longer;
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds;
 - (4) Any additions to the mobile be similarly anchored.
- c. For new mobile home parks and subdivision; for expansions to existing mobile home parks and subdivision; for existing existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and, for mobile homes not placed in a mobile home park or subdivision require:
- (1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - (2) Adequate surface drainage and access for a hauler are provided;
 - (3) In the instance of elevation on pilings: (1) lots are large enough to permit steps; (2) piling foundations are placed in stable soil no more than ten (10) feet apart; and (3) reinforcement is provided for pilings more than six (6) feet above the ground level.
8. Any existing structure or use which is located within the floodplain and which does not conform to the requirements herein shall be nonconforming by reason of noncompliance and subject to the requirements of Section 9.12 of this Ordinance, providing however, any existing permitted use and structure may be modified, altered, or repaired to incorporate flood proofing measures, where such measures do not raise the level of the 100-year flood.
9. All land designated "Flood Protection Control Area" on the Official Zoning Map, but determined to be above the elevation of the 100-year flood level may be used for any purpose for which it is zoned without further flood protection controls.

10. A survey of the site in question will be required prior to the issuance of any zoning and/or building permit or construction activity that would alter the site in any manner, to establish the existing elevation of the land.
11. After completion of the 1st floor elevation, as provided in Sub-Section (4) of this section, a certified copy of said lowest elevation shall be provided to and maintained in the offices of the Zoning Administrator – Building Official.
12. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any land below the elevation of the 100-year flood level.

SECTION 9.26 PHASED ZONING REGULATIONS:

- A. Phased zoning is an overlay type regulation to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted comprehensive plan. The intent of the phased zoning regulations is to encourage development or redevelopment of a specified area for the use and/or density designated on the comprehensive plan when the necessary conditions for such development are realized (e.g., demolition of existing deteriorated areas; provision of urban services, such as public water and centralized sanitary sewer systems). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development identified by the comprehensive plan is premature; such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future re-zoning, which would be in compliance with the adopted comprehensive plan.
- B. The phased zoning regulations may be overlaid over any zoning classification by means of a conventional zone change process. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based upon the general existing land use, but on attainment of all the requirements of the zone which corresponds to the adopted comprehensive plan for type of use and/or density and other requirements of this ordinance, the area could be rezoned in direct compliance with the plan.
- C. Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter "P" as a suffix enclosed in parentheses. For example, in order to properly phase its change to an urban development, an area zoned "R-1C which is identified for future use the adopted comprehensive plan for "industrial" could be temporarily zoned "R-1C (P), indicating the present development on the site would be in conformance with the regulations of the overlaid R-1C Zone, but that, upon the attainment of certain conditions (e.g., provision of adequate access road. Demolition of existing building)as indicated on the comprehensive plan, the area could be rezoned through a conventional zone change procedure. At the time of the zone change, the temporary R-1C (P) Zone is removed and the

area is developed according to the regulations of the new zone, which is in conformance with the adopted comprehensive plan.

SECTION 9.27 LAND USED SOLELY FOR AGRICULTURAL PURPOSES: Pursuant to KRS 100, any land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes (exclusive of land and building used for residences, except as herein provided) shall have no regulation imposed as to building permits, certificates of occupancy, height, yard location, or courts' requirements for agricultural buildings, including and limited to one mobile home used as a dwelling unit except that:

- A. Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located.
- B. That all buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance.

ARTICLE X
ZONE REGULATIONS

SECTION 10.0 CONSERVATION (CO) ZONE:

A. PERMITTED USES:

1. Agricultural uses.
2. Publicly owned and/or operated parks and/or recreation areas.
3. Private recreational uses other than those publicly owned and/or operated such as golf courses, country clubs, and camping areas.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII ;
3. Signs as regulated in Article XIV .

C. CONDITIONAL USES: The following uses and their customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Section 9.14 and 18.7 of this ordinance:

1. Riding academies and stables;
2. Golf driving ranges.

D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

- a. Minimum lot area - One (1) acre
- b. Minimum lot width - One hundred fifty (150) feet
- c. Minimum front yard depth - Fifty (50) feet
- d. Minimum side yard width - Twenty five (25) feet
- e. Minimum rear yard depth - Fifty (50) feet
- f. Maximum building height - Twenty five (25) feet

E. OTHER DEVELOPMENT CONTROLS:

1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any "permitted use" or "conditional use" in this zone.
2. Any activity that may be located in the floodplain of any water course shall be in accordance with the requirements of Section 9.25.
3. Dwellings, including cabins, rooming houses, and mobile homes are not permitted in this zone.
4. Temporary camping units, tents, and recreational vehicles, as defined in KRS 219.320 (8) shall be permitted; however, no such units shall be used for year-round habitation.

5. Off-street parking shall be provided for any use within this zone, in according to the provisions of Article XI .
6. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.
7. No motor vehicle which is inoperable, or mobile home or trailer shall be stored or used for storage in this zone
8. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

SECTION 10.1 R-1E RESIDENTIAL ONE-E ZONE:

A. USES PERMITTED:

1. Single family dwellings (detached)

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Articles XIII.
3. Signs as regulated by Article XIV.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries.
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Fire and police stations, providing they are located adjacent to an arterial street.
4. Governmental offices.
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
7. Nursery schools.
8. Public and parochial schools.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - Ninety (90) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet

5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

SECTION 10.2 R-1F RESIDENTIAL ONE-F ZONE:

A. USES PERMITTED:

1. Single family dwellings (detached)

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Articles XIII.
3. Signs as regulated by Article XIV.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries.
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Fire and police stations, providing they are located adjacent to an arterial street.
4. Governmental offices.
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
7. Nursery schools.
8. Public and parochial schools.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet

5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

SECTION 10.3 R-1G RESIDENTIAL ONE-G ZONE:

A. USES PERMITTED:

1. Single family dwellings (detached)

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Articles XIII.
3. Signs as regulated by Article XIV.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries.
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Fire and police stations, providing they are located adjacent to an arterial street.
4. Governmental offices.
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
7. Nursery schools.
8. Public and parochial schools.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth – Twenty-five (25) feet

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4. Minimum side yard width on each side of lot – Five (5) feet
 5. Minimum rear yard depth - Twenty-five (25) feet
 6. Maximum building height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:
1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
 2. Minimum lot width - One hundred fifty (150) feet
 3. Minimum front yard depth - Fifty (50) feet
 4. Minimum side yard width - Fifty (50) feet
 5. Minimum rear yard depth - Fifty (50) feet
 6. Maximum building height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
 4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

SECTION 10.4 R-1Gh RESIDENTIAL ONE-Gh ZONE:

A. USES PERMITTED:

1. Single family dwellings (detached)

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Articles XIII.
3. Signs as regulated by Article XIV.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries.
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Fire and police stations, providing they are located adjacent to an arterial street.
4. Governmental offices.
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
7. Nursery schools.
8. Public and parochial schools.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Forty (40) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet

5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

SECTION 10-5 R-1H RESIDENTIAL ONE-H ZONE

A. USES PERMITTED:

1. Single family dwellings (detached)

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Articles XIII.
3. Signs as regulated by Article XIV.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries.
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Fire and police stations, providing they are located adjacent to an arterial street.
4. Governmental offices.
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
7. Nursery schools.
8. Public and parochial schools.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Four thousand (4,000) square feet
2. Minimum lot width at building setback line - Forty (40) feet
3. Minimum front yard depth – Twenty-five (25) feet

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4. Minimum side yard width on each side of lot – Five (5) feet
 5. Minimum rear yard depth - Twenty-five (25) feet
 6. Maximum building height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:
1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
 2. Minimum lot width - One hundred fifty (150) feet
 3. Minimum front yard depth - Fifty (50) feet
 4. Minimum side yard width - Fifty (50) feet
 5. Minimum rear yard depth - Fifty (50) feet
 6. Maximum building height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
 4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

SECTION 10-6 R-3 RESIDENTIAL THREE ZONE

A. USES PERMITTED:

1. Two-family residential dwellings
2. Multi-family residential dwellings

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Articles XIII.
3. Signs as regulated by Article XIV.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

1. Cemeteries.
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Fire and police stations, providing they are located adjacent to an arterial street.
4. Governmental offices.
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
7. Nursery schools.
8. Public and parochial schools.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Forty thousand (4,000) square feet. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot
2. Maximum density – Ten (10) dwelling units per acre

2. Minimum lot width at building setback line – One hundred (100) feet
3. Minimum front yard depth – Forty (40) feet
4. Minimum side yard width on each side of lot – Fifteen (15) feet
5. Minimum rear yard depth - Thirty (30) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Forty thousand (40,000) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Forty (40) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone, except, when development is proposed under the Planned Unit Development regulations, regulated by section 10.8 of this ordinance.

SECTION 10.7 RCD RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE:

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby cluster of attached and detached single-family residential units may be constructed in the R-1 Residential Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of buildings, in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features, and to provide for more useable and suitable located recreation facilities and open space than would otherwise be provided under conventional R-1 Residential land development procedures.
- B. **GENERAL:** A residential Cluster Development Overlay Zone may be permitted only to be superimposed over any of the R-1 Residential Zones provided that all conditions or provisions of this section of the ordinance the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the RCD Zone and its proper integration with the surrounding development are met; and a public hearing is held on the RCD Application..
- C. **APPLICATION AND PROCESSING:** Application for Residential Cluster Development Overlay Zone shall be processed in two stages:
1. **STAGE I DEVELOPMENT PLAN AND ZONING MAP AMENDMENT:** Applications for amendment to RCD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A, Stage I Plan Requirements.
 - a. The Planning Commission shall hold a public hearing on the proposed application, duly noticed, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the RCD Overlay Zone, the required elements of the Stage I Development Plan and other applicable requirements of this section. Upon holding such hearing, the Planning commission shall make one of the following recommendations to the legislation body: approval, approval with conditions or disapproval. The planning commission shall submit along with their recommendations a copy of the Stage I Development Plan and the bases for their recommendation.
 - b. The legislative body shall, within ninety (90) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve, or disapprove said RCD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission then said conditions shall be resubmitted to the Planning Commission, for further review

and recommendation in accordance with subsection C, 1, a, above. Approval of the RCD Overlay Zone shall require that development be in conformance with the Stage I approval plan.

The legislative body shall forward a copy of the approved Development Plan, certified as such by said body, to the Planning Commission for further processing in accordance with the requirements for Stage II Plan and Record Plat.

Zoning Map Amendment - Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the existing residential (R) Zone (e.g., RCD R-1B, RCD-R-1C, etc.) for the area as shown on the Stage I approved plan.

2. STAGE II DEVELOPMENT PLAN AND RECORD PLAT: A Stage II Plan and Record Plat shall be developed in conformity with the Stage I approved plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B and C shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform with the subdivision regulations.
 - a. The Planning Commission shall review the submitted Stage II development plan with regard to its compliance with the required elements of Section 9.20, B for Stage II development plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The Planning Commission, in approving the Stage II plan, may authorize minor adjustments from the Stage I approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas of affect other applicable requirements of this ordinance.

Upon Planning Commission approval of the Stage II development plan, a copy of said plan, shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the Stage II approved development-plan and other plans as may be required by this ordinance.
 - b. Upon approval of the Stage II development plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20, C,, for Record Plats, the applicable requirements of the Subdivision

Regulations, and its conformity with the Stage II approved development plan.

Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** Attached and detached single-family dwellings may be permitted within a RCD Overlay zone, including single-family, two-family, and multi-family units. The density of dwelling units in a RCD, shall be determined by the density (dwelling units per acre) as calculated from the existing residential (R) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).
- E. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD. these uses shall be delineated on the Stage I development plan and shall be limited to one or more of the following uses;
1. Schools (nursery, elementary and secondary)
 2. Churches
 3. Community centers, including day care facilities
 4. Country Clubs
 5. Libraries.
 6. Fire and Police stations
 7. Open space-recreation areas
- F. **AREA REQUIREMENTS:** No RCD Overlay Zone shall be permitted on less than four (4) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone, may be permitted, if the proposed development conforms to and extends the original development as if the new area had been part of the original development.
- G. **HEIGHT, YARD AND SETBACK REGULATIONS:** Requirements shall be as approved in the Stage I Development Plan.
- H. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
- I. **FENCES, WALLS, AND SIGNS:** The location, height and type of all fences, walls, and signs shall be as approved in the Stage I Development Plan.
- J. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sediment controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.

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- K. COMMON OPEN SPACE - RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed RCD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the RCD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- L. AMENDMENTS: Any amendments to plans, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- M. EXPIRATION: Any amendment to RCD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. A Stage II Development Plan has not been approved by the Planning Commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved Plan and Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciable to render the Stage I approved Development Plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved Development Plan.

SECTION 10.8 PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE:

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land facilitating a more economic arrangement of building , circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Planned Unit Development overlay Zone may be permitted only to be superimposed over any of the Residential (R) zones, provided that all conditions or provisions of this section of the Ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding developments are met; and a public hearing is held on the PUD Application
- C. **APPLICATION AND PROCESSING:** Application for Planned Unit Development Overlay Zone shall be processed as follows in two stages:
1. **STAGE I DEVELOPMENT PLAN AND ZONING MAP AMENDMENT:** Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20,A, Stage I plan requirements.
 - a. The Planning Commission shall hold a public hearing on the proposed application, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Development Plan and other applicable requirements of this Section. Upon holding such hearing the Planning Commission shall make one of the following recommendations to the legislation body: approval, approval with conditions or disapproval. The Planning Commission shall submit along with their recommendations a copy of the Stage I Plan and the bases for their recommendation.
 - b. The legislative body shall, within ninety (90) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve, or disapprove said PUD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed

and considered by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission, for further review and recommendation in accordance with subsection C, 1, a. Approval of the PUD Overlay Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved Development Plan, certified as such by said body, to the Planning Commission for further processing in accordance with the requirements for Stage II Plan and Record Plat.

Zoning Map Amendment - Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential (R-1) Zone (e.g., PUD R-1B" PUD-R-1C, etc.) for the area as shown on the Stage I approved plan.

2. STAGE II DEVELOPMENT PLAN AND RECORD PLAT: A Stage II development plan and Record Plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing the subdivision regulations may be waived, where applicable, and the requirements of Section B and C shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform with the subdivision regulations.

- a. The Planning Commission shall review the submitted Stage II development plan with regard to its compliance with the required elements of Section 9.20.B, for Stage II plans, other applicable elements of this ordinance, other applicable regulations, and its conformity with the Stage I approved plan. The Planning Commission, in approving the Stage II development plan, may authorize minor adjustments from the Stage I approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas of affect other applicable requirements of this ordinance.

Upon Planning Commission approval of the Stage II development plan, a copy of said plan, shall be forwarded to the local zoning administrator, who shall grant permits only in accordance with the Stage II approved development-plan and other plans as may be required by this ordinance.

- b. Upon approval of the Stage II plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with

the required elements of section 9.2, c, for Record Plats, the applicable requirements of the Subdivision Regulations, and its conformity with the Stage II approved development plan.

Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units (attached or detached) may be permitted within a PUD Overlay zone, including single-family, two-family, and multi-family units. The density of dwelling units in a PUD, shall be determined by the density (dwelling units per acre) as calculated from the existing residential (R) zone superimposed by the PUD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).
- E. **COMMERCIAL USES:** Commercial uses intended primarily for the service and convenience of residents of the PUD may be permitted within the project area provided a market analysis is made justifying the need for said uses.

These commercial uses shall be grouped in complexes clearly delineated on the Stage I Plan, and may include one or more of the following uses;

1. Delicatessen, grocery, meat, fruit, or vegetable market
2. Drug Store
3. Bakery Shop
4. Laundry/Dry Cleaning, pick-up stations, or self-service facility
5. Beauty or Barber Shop
6. Shoe repair shop
7. Hardware Store
8. Business or professional office
9. Clothing store
10. Restaurant
11. Bank

Another use may be substituted on the Stage I approved Development Plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond that approved in the plan and further providing that said use is approved by the Zoning Administrator.

- F. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses;
1. Schools (nursery, elementary and secondary)
 2. Churches (parish houses included)
 3. Community Centers, including day care facilities

4. Country Clubs
 5. Libraries
 6. Fire or Police Stations
 7. Open Space, Recreation Areas
- G. AREA REQUIREMENTS: No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone, may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
- J. FENCES, WALLS, AND SIGNS: The location, height,, and type of all fences, walls, and signs shall be as approved in the plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.
- L. COMMON OPEN SPACE - RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and nonrecreationally oriented facilities.
- M. AMENDMENTS: Any amendments to plans, shall be made in accordance with the procedure required by this Ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- N. EXPIRATION: Any amendment to PUD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

1. Stage II Development Plan has not been approved by the Planning Commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved Plan on Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) months from the date of approval of the Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved plan.
- O. CONTINUANCE UNDER PRIOR ORDINANCE: Any PUD which was approved under a prior zoning ordinance shall continue in effect as if it were approved under the provisions of this section, and shall be subject to the provisions of this section pertaining to amendments and expiration.

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SECTION 10.9 GC GENERAL COMMERCIAL ZONE:

A. USES PERMITTED: The following retail sales and services businesses:

1. Advertising agency
2. Antique shop
3. Apparel shop
4. Art Supplies
5. Automobile, motorcycle, and truck sales, new or used.
6. Automobile and truck rentals
7. Automobile parts and accessories store, new.
8. Automotive service and repair (providing that all business activities are conducted within a completely enclosed building).
9. Bakery and bakery goods store provided the products are sold exclusively on the premises.
10. Banks and other financial institutions including savings, loan and finance complies, with drive-in windows.
11. Barber Shops
12. Beauty Shops
13. Billiard or pool hall
14. Boat and marine sales and service, new and used
15. Book, stationary or gift shop
16. Bowling Alley
17. Business and professional colleges
18. Bus terminal
19. Camera and photographic supplies
20. Candy store, soda fountain, ice cream store, except drive-ins.
21. Carpet and rug store
22. Clinics – medical and dental
23. Clubs (including businessman’s YMCA-YWCA)
24. Delicatessen
25. Department store
26. Drug Store
27. Dry cleaning and laundry pick-up station
28. Dry cleaning establishments
29. Eating and drinking places, including drive-ins
30. Employment agencies
31. Florist Shop
32. Food services and supermarkets
33. Funeral homes
34. Furniture store, including upholstery
35. Garden supplies
36. Glass, china or pottery store
37. Haberdashery
38. Hardware Store
39. Health Spas
40. Hobby shop
41. Household and electrical appliance store including incidental repair

42. Interior decorating studio
43. Jewelry store, including repair
44. Laboratories – medical and dental
45. Laundromats and self service washing and drying
46. Laundry (all types)
47. Leather goods and luggage store
48. Library
49. Locksmith shop
50. Mobile home and trailer sales, rental and service
51. Music, musical instruments and records including incidental repair
52. Newspaper offices, including printing
53. Office appliances and supply
54. Offices
55. Off-street parking lots and garages
56. Opticians and optical goods
57. Package liquor and wine store
58. Paint and wallpaper store
59. Pawn shop
60. Pet shop, excluding boarding and outside runs
61. Plumbing sales and repair
62. Police and fire stations
63. Post office
64. Radio and television store (including repair)
65. Self-service (providing that all repair work except that of a minor nature is conducted within a completely enclosed building.
66. Shoe store and shoe repair
67. Sporting goods
68. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
69. Tailor shop
70. Taxi terminal
71. Theater { excluding drive-in)
72. Toy store
73. Travel Bureau
74. Variety store, including notions and "Five and Ten" stores

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Signs as regulated by Article XIV of this ordinance.

C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations.

1. Minimum lot area – Ten thousand (10,000) square feet. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

2. Minimum lot width at building setback line – Seventy (70) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width – No restrictions, except when adjacent to a street, road, highway or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the city's building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height – Thirty-five (35) feet

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where land in this zone is abutting a residential zone, a minimum yard requirement of thirty-five (35) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, and the sale of gasoline.

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SECTION 10.10 HC HIGHWAY COMMERCIAL ZONE:

A. PERMITTED USES:

1. Banks and other financial institutions including savings, loan and finance companies with drive-in windows
2. Bowling alley.
3. Eating and drinking places, including drive-ins.
4. Golf driving ranges, miniature and par-3 golf courses.
5. Hotels and motels.
6. Off-street parking lots and garages.
7. Police and fire stations.
8. Racquetball, tennis, and health club facilities
9. Service stations (providing all repair work except that of a minor nature is conducted within a completely enclosed building).
10. Skating rinks.
11. Swimming pools, public and private.
12. Theaters, excluding drive-ins.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Uses as listed below, included within and entered from within, any motel or hotel building, as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible outside the building:
 - a. Barber shops
 - b. Beauty shops
 - c. News and Confectionery stands

C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum lot area – Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width – No restrictions, except when adjacent to a dedicated street, road, highway or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the city's building code, shall be required. In the event a side yard is provided, it shall never to be less than fifteen (15) feet.
5. Minimum rear yard depth – Twenty-five (25) feet

6. Maximum building height - Forty (40) feet
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of thirty-five (35) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
5. A site plan as regulated by Section 9.19 of this Ordinance, shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.

SECTION 10.11 PRCU (PLANNED RESIDENTIAL/COMMERCIAL USE) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Planned Residential / Commercial Use (PRCU) Overlay Zone is to provide for the combination of offices, residential uses, retail and service uses, recreational facilities, or public and semi-public facilities within a planned development. Such development is intended to be designed to provide for a group of activities which are functionally integrated relative to land uses, vehicular and pedestrian circulation and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more useable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures; but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A PRCU Overlay Zone may be permitted provided such development is in agreement with city's adopted comprehensive plan and that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PRCU overlay Zone and its proper integration with the surrounding development, are met.
- C. **APPLICATION AND PROCESSING:** Application for PRCU Overlay Zone shall be processed as follows in two stages:
1. Stage I - Applications for a map amendment to zone an area PRCU shall be accompanied by a Development Plan, in accordance with the stage I Plan requirements, provided for within paragraph (G), Development Plan Requirements, of this section.
 - a. The planning commission shall hold a public hearing on the proposed application (Stage I development plan), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PRCU Overlay Zone, the criteria for evaluation of a PRCU Overlay Zone as set forth in Subsection F, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislation body: approval, approval with conditions or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.

- b. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, approve with conditions, or disapprove said PRCU application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission further review and recommendation, in accordance with Subsection C, 1, b, above. Approval of the PRCU Overlay Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the planning commission for further processing, in accordance with the requirements for Stage II plan and record plat.

Zoning Map Amendment - Upon approval of the PRCU Overlay Zone, the official zoning map shall be amended by adding the prefix "PRCU" to the existing zone, for the area identified in the Stage I approved plan.

2. Stage II – Plan & record Plat – A Stage II plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of paragraph G, 2. Of this section, and submitted to the planning commission and the legislative body for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of paragraph G, 2, of this section, shall be substituted therefore. Those requirements not specifically waived by the planning commission, shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II plan with regard to its compliance with the required elements of paragraph G, 2, of this section, for Stage II plans. Other applicable elements of this ordinance and applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be recommended, provided that the adjustments do not change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and / or usability of open space or recreation areas, conflict with their applicable requirements of this ordinance (e.g., parking requirements), affect any conditions placed upon the Stage I Plan by the legislative body, or conflict with the overall conceptual design of the development as included in the approved stage I Plan. The planning commission, upon completion of its review of proposed Stage II Plan, shall make one of the following

recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit along with their recommendations, a copy of the Stage II Plan and bases for their recommendations.

1. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, approve with conditions or disapprove the Stage II Plan. The legislative body shall also take action to approve or disapprove any minor adjustments proposed to the approved Stage I Plan. Such actions may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C,2,a, above.

Upon approval of the Stage II plan by the legislative body, a copy of said plan shall be forwarded to the (1) zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance; and (2) the planning commission.

2. Upon approval of the Stage II Plan, the planning commission shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 10.8 E, 2, for record plats, the applicable requirements of the subdivision regulations, and its conformance with the stage II approved plan. Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded to the office of the county clerk to be recorded.

D. PERMITTED USES: The following five (5) uses, in addition to those permitted in the zone being overlaid, are permitted in the PRCU Overlay Zone. Since The PRCU Overlay Zone is intended to promote the combination of several different land uses with a planned development, at least two of the following five uses shall be present in the Stage I Plan. Said uses shall be clearly delineated on the Stage I and Stage II Plans:

1. Office Facilities.
2. Residential – including single-family, attached and detached; two-family; and multi-family.
3. Retail and Service facilities, defined as those permitted uses in Section 10.9 of this Ordinance and any other uses permitted in the identifying zone.

4. Recreational Facilities – including golf courses, country clubs, community centers, ballfields, playgrounds, racquet ball/tennis clubs, and other similar recreational uses.
 5. Public and Semi-Public Facilities – including schools, churches, libraries, and fire or police stations.
- E. No Planned Residential/Commercial Use Overlay Zone shall be permitted on less than five (5) acres of land.
- F. CRITERIA FOR EVALUATION OF A PRCU OVERLAY ZONE AND STAGE I PLAN: The criteria established in this section are to be used as a basis in reviewing any application for amendment to a PRCU Overlay Zone. The criteria are as follows:
1. A positive finding shall be made in regard to the following factors:
 - a. The proposed application is in agreement with the planning unit's Comprehensive Plan.
 - b. The proposed development abuts an arterial street.
 - c. A minimum of twenty (20) percent of the total site is maintained as open space. Open space shall not include space occupied by parking areas, streets, buildings, or commercial recreational facilities. Such open space is to be well-designed and located to meet the needs of the proposed development, considering such factors as size, shape, location, and topography of the space.
 - d. The proposed development provides for a mixture of different land use types that comprise a unified development concept. Residential uses may comprise up to seventy-five (75) percent of either the total land area of the site or gross floor space proposed for all uses. (For purposes of this section, each of the permitted uses as designated in the PRCU Overlay Zone, is considered a different land use type.)
 - e. The Stage I Plan includes all applicable requirements of Section 10.11.G.
 2. Evaluation of the proposed development plan shall be based upon the following factors:
 - a. The adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).
 - b. The nature and extent of the proposed mix of land use types, considering the types of uses proposed in relation to the unique characteristics of the site, and the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.

- c. The extent to which the proposed design, as indicated in the Stage I Plan, is compatible with development contiguous to the site, Compatibility shall be reviewed in terms of intensity of use in relation to the general character of the surrounding areas; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provision of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
- d. The amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic, Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- e. The extent to which the design of the internal street system provides for the efficient and safe movement of traffic within the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.
- f. The extent to which all necessary public utilities and facilities are available to service the development including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.
- g. The relationship of proposed development to the overall development goals of the city.

G. DEVELOPMENT PLAN REQUIREMENTS:

- 1. Stage I – Plan Requirements: The Stage I Plan shall identify and provide the following information, drawn to a scale not smaller than (1) inch equals one hundred (100) feet:
 - a. The total area in the project;
 - b. The present zoning of the subject property and all adjacent properties;
 - c. All public and private rights-of-way and easement lines located on the subject property;
 - d. Existing topography, shown by contour with intervals not to exceed five (5) feet;
 - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
 - (1) Detached housing – general location and approximate number of lots, including a typical section (s) identifying approximate lot sizes and dimensions, and heights of buildings.

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- (2) Attached housing – general location and description of the various housing types (i.e. townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type.
- f. Delineation of all existing and proposed nonresidential uses in the project:
 - (1) Office, Retail and Service Facilities – general location and types of uses including approximate number of acres, gross floor area and heights of buildings.
 - (2) Open Space-Recreational Facilities – the approximate of area proposed for open space, including the location of recreational facilities, and identification of unique natural features to be retained.
 - (3) Public and semi-public uses – location and type of uses, including approximate acreage, and heights of buildings.
 - g. General locations of proposed pedestrian walkways, identifying approximate dimensions.
 - h. General location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
 - i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.
 - j. Landscaping features to be utilized screening development from adjacent areas.
 - k. A schedule of development, for the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements in order of priority;
 - (3) Dedication of land use to public use or set aside for common ownership; and
 - (4) Non residential buildings and uses, in order of priority.
 - l. A location map showing uses and ownership of abutting lands.
 - m. A description of how the applicant's particular mix of land uses meets existing and future community demands.
 - n. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

2. Stage II – The Stage II Plan shall be prepared in accordance with the requirements of Section 10.8, E. of this ordinance.
- H. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
- J. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as approved in the Stage II Plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied.
- L. SCREENING: Screening shall be provided in accordance with Section 9.17 of this ordinance and the approved Stage I Plan.
- M. AMENDMENTS: Minor adjustments to the plans shall be made in accordance with the provisions of paragraph C.2. of this Section. No major adjustments shall be permitted to the Stage I Plan except as follows:
1. Any amendments to the plans, except for minor changes which may be permitted by the legislative body, shall require public hearings by the planning commission and review by the legislative body as set out in paragraph C.1 and 2, of this ordinance. Any dispute as to whether an amendment is a minor or a major adjustment or modification to the plans shall be resolved by the legislative body.
 2. Any proposed adjustment or modification to the Stage I Plan which changes land uses, increases density of uses, significantly alters circulation patterns (vehicular or pedestrian), decreases the amount and/or usability of open space or recreation areas, or otherwise conflicts with any applicable section of this ordinance or with the approved Stage I Plan, shall be approved or approved with condition only if the following factors are established to the satisfaction of the legislative body:
 - a. That the proposed adjustment promotes the purpose of the PRCU Overlay Zone and satisfies the applicable criteria of the paragraph F of this section.

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- b. That the approval of the proposed adjustment will not confer upon the applicant any privilege that is not conferred by this Section to other parcels in other PRCU Overlay Zones.
 - 3. The approval of the stage I Plan by the legislative body recognizes the aesthetic, efficient, economic and compatible elements of a unified development plan which encompasses several integrated land uses Accordingly, only in the most extraordinary instances will an adjustment be permitted to the Stage I Plan which alters the type of land use embodied in the original Stage I Plan.
- N. EXPIRATION: Development plans within the PRCU Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions apply:
- 1. A Stage II Plan has not been approved by the planning commission and the legislative body within a period of 24 consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development by the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciable to render the Stage I approved plan obsolete.
 - 2. Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage II plan by the planning commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

SECTION 10.12 LIGHT INDUSTRIAL PARK - RESEARCH ZONE:

- A. **USES PERMITTED:** The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article Xi of this ordinance.
1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:
 - a. Cosmetics, pharmaceuticals and toiletries
 - b. Electric appliances, television sets, phonographs, household appliances.
 - c. Electrical machinery, equipment and supplies
 - d. Fountain and beverage dispensing equipment
 - e. Furniture
 - f. Instruments for professional, scientific, photographic and optical use.
 - g. Metal products and metal finishing, excluding the use of blast furnaces or drop forges
 - h. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - i. Office equipment
 - j. Pottery and figurines, using only previously pulverized materials in kilns fired only was gas or electricity
 - k. Products from the previously prepared materials: Paper, glass, cellophane, leather, feathers, fur, precious or semi- precious metals, hair, horn, shell, tin steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco, and cleaning compounds.
 2. Crating services
 3. Industrial engineering consultant offices.
 4. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for and industrial organization or concern, whether public or private.
 5. Machine shops.
 6. Printing, engraving, and related reproduction processes.
 7. Publishing and distribution of books, newspapers, and other printed materials.
 8. Schools for industrial or business training.
- B. **ACCESSORY USES:** The following accessory uses shall be permitted:
1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot-as the permitted use, such as maintenance shops, power plants, and machine shops.
 2. Fences and walls as regulated by Article XIII of this ordinance.
 3. Signs as regulated by Article XIV of this ordinance.

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4. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.
 - a. Cafeterias
 - b. Coffee shops or refreshment stands
 - c. Soda or dairy bars
- C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum site for an industrial park zone - Twelve (12) acres
 2. Minimum lot area – Twenty one thousand seven hundred eighty (21,780) square feet
 2. Minimum lot width at building setback line - One hundred (100) feet
 3. Minimum front yard depth - Seventy-five (75) feet
 4. Minimum side yard width - Twenty-five (25) feet
 5. Minimum rear yard depth - Fifty (50) feet
 6. Maximum building height - Forty (40) feet or three(3) stories
- D. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XIII and XIV of this ordinance.
 2. No outdoor storage of any material, except waste, shall be permitted in this zone and then only within enclosed metal containers or approved equal.
 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential property.
 4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each rear yard which abuts said zone shall be provided, a screening area as regulated by Section 9.17 of this ordinance.
 5. A site plan as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.

SECTION 10.13 PO PROFESSIONAL OFFICE BUILDING ZONE:

A. USES PERMITTED:

1. Banks and other financial institution including loan, savings and finance companies with drive-in windows
2. Clinics - medical or dental
3. Offices
4. Business Schools and colleges
5. Racquetball, tennis, and health club facilities

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Uses as listed below included within and entered from within any office building as a convenience to the occupants thereof, their patients, clients or customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
 - a. Prescription pharmacy
 - b. Barber shop
 - c. Beauty shop
 - d. Coffee shop or refreshment stand
 - e. Medical or dental laboratories
 - f. News and Confectionery. Stands

C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum lot area – Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height – Six (6) stories (the planning commission shall have the right to waive the maximum number of stories regulation)

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this Ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A development plan, as required by Section 9.20 of this ordinance, shall be required for any use permitted in this zone.

ARTICLE XI

OFF-STREET PARKING REGULATIONS

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered or extended, and all uses of the land after the effective date of this Ordinance, shall be provided and maintained as herein prescribed. However, where a building permit has been issued prior to the date of adoption of this ordinance and provided that construction has not begun within ninety (90) consecutive calendar days of such effective date, off-street parking facilities in the amounts required by this ordinance shall prevail.

SECTION 11.0 GENERAL REQUIREMENTS:

- A. COMPUTATION OF PARKING SPACES: In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- B. ADDITION TO BUILDINGS: Whenever the intensity of use of any building, structure, or premises shall be increase through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein - additional parking spaces shall be provided in the amounts hereafter specified for that use.
- C. LOCATION OF OFF-STREET PARKING FACILITIES:
 - 1. Off-street parking facilities shall be located as follows:
 - a. Single-Family Residential Zones (R-1E, R-1F, R-1G, R-1Gh, R-1H): Off-street parking may be permitted in driveways in the front, side, and rear yards, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of 10 feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed 400 square feet (two parking spaces) except, however, the zoning administrator may allow additional off-street parking spaces to be located thereon provided that: (1) the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1 met.
 - b. Multi-Family Zones (R-2, R-3): Off-street parking shall be permitted only in side or rear yards, provided that off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards, if approved according to the approved development plan.

- c. Special Development Zones (RCD, PUD, PRCU): Off-street parking shall be located as designated on the approved plan.
 - d. Commercial and Industrial Zones – Except as herein provided, off-street parking may be permitted in minimum required front, side and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines.
2. All off-street parking facilities shall be located on the same lot or zoning lot as the building served, except for the following:
- a. Permitted uses locating within multi-family and industrial zones may supply off-street parking within three hundred (300) feet from such lot or zoning lot served, upon approval of the zoning administrator, providing that such off-street parking facilities are unable to be provided on the same lot or contiguous to the same lot as the building being served. In addition, said off-street parking shall be located in the same zone as the use being served.
 - b. Existing single, two, or multi-family dwellings, which are permitted uses herein and , occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served.
 - c. Off-street parking, as required for "conditional uses" may be permitted locate on the lot, the building or use being served is located, when approved by the Board of Adjustment, provided that said parking-is located within reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.
- D. COLLECTIVE PARKING PROVISION: Collective off-street parking facilities may be provided; however, such facilities shall not be less than the sum of such facilities as would otherwise be individually required.
- E. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED PARKING AREA:- Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family residential zones, where access driveways may be used for parking.

- F. **OFF-STREET PARKING SPACE TO BE USED FOR PARKING SPACE ONLY:** Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.

- G. **NO BUILDING SHALL BE ERECTED IN OFF-STREET PARKING SPACE:** No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.

- H. **PARKING PLAN APPROVAL REQUIRED:** Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross-sections of pavement, including base and subbase, lighting facilities and such other information or plans as the circumstances may warrant. Where such parking plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.2.

SECTION 11.1 DESIGN AND LAYOUT OF OFF-STREET PARKING AREAS:

- A. **SIZE OF OFF-STREET PARKING SPACES:** For the purposes of this Ordinance, one (1) parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives or aisles. Such parking space shall have a vertical clearance of at least seven (7) feet.

- B. **WIDTH OF ACCESS DRIVES:** All OFF-STREET parking lots shall be laid out with the following minimum aisle or access drive widths:
 - 1. Ninety (90) degree (perpendicular) parking – Twenty-two (22) feet (either one or two way circulation).
 - 2. Sixty (60) degree (angle) parking – Fifteen (15) feet (one way circulation only).
 - 3. Forty-five (45) degree (angle) parking – Twelve (12) feet (one way circulation only).
 - 4. Thirty (30) degree (angle) parking – Eleven (11) feet (one way circulation only).
 - 5. Zero (0) degree (parallel) parking – Twelve (12) feet (one way circulation).

When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail. In addition, a two foot overhang may be permitted on the external sides of a parking area.

If the width of the parking space is increased (over 9 feet) the drive aisle width can be decreased proportionately (2 foot width in drive aisle per 1 foot increase in space width) except that a drive aisle for a 2-way traffic may not be decreased below 20 feet in width and a drive aisle for 1-way traffic may not be decreased below 11 feet in width.

- C. **ACCESS TO OFF-STREET PARKING SPACES:** Each required parking space shall be connected with a deeded public right-of-way by means of aisles or access drives as required by Section 11.1.B. the parking area shall be so designed to ensure that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas.
- D. **OFF-STREET PARKING AREAS IN MULTI-FAMILY, COMMERCIAL, OR INDUSTRIAL ZONES:** All such parking areas shall have a protective wall and/or bumper blocks around the perimeter of said parking area and shall be so designated that all vehicles leaving the facility will be traveling forward to approaching traffic. All parking shall be effectively screened on each side adjoining or fronting an any property situated in a zone permitting single-family residential development, by a solid wall, fence, or densely planted compact hedge as regulated by Section 9.17 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrance and exits.
- E. **LIGHTING:** Any lighting used to illuminate off-street parking areas shall not glare upon any right-of-way or adjacent property.
- F. **PAVING OF NEW OFF-STREET PARKING AREA:** All new off-street parking areas shall be paved with asphalt concrete or Portland cement concrete and shall be designed and constructed in accordance with Appendix A.

SECTION 11.2 SPECIFIC OFF-STREET PARKING REQUIREMENTS: The amount of off-street parking space required for uses, building, or additions and changes in intensity of uses thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off-street parking requirements of this section of the Ordinance.

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
A. Airport, railroad passenger stations and bus terminals	One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space per each two (2) employees on shift of largest employment.
B. Automobile laundries	One (1) parking space for each employee, plus one (1) space per owner or manager and reservoir space equal to five (5) items the capacity of laundry.
C. Automobile service stations	One (1) space for each gas pump island, plus two (2) spaces for each working bay, plus one (1) parking space for each employee at largest shift.
D. Beauty parlors and barer shops	Two (2) parking spaces per barber and/or beauty shop operator.
E. Bowling establishments	Five (5) parking spaces for each lane; plus one (1) space for each two (2) employees on shift of largest employment.
F. City and/or county government offices	One (1) parking space for each two hundred (200) square feet of gross floor area.
G. Commercial or trade schools	One (1) parking space for each two (2) students based on design capacity of school plus one (1) parking space for each employee.
H. Convalescent homes, nursing homes, rest homes, homes for the aged, and orphanages	One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) space per doctor.
I. Dance halls, pool and billiard halls and exhibition halls without fixed seats	One (1) parking space for each one hundred (100) square feet of floor area used for dancing or assembly, or one (1) space for each four (4) persons based on design capacity, whichever is greater, plus one(1) space for each two (2) employees on shift of largest employment.

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
J. Dormitories, Fraternities, Sorority Houses and Other Group Housing	One (1) parking space per each two residents plus one (1) parking space per owner or operator; plus one (1) parking space per employee; or one (1) parking space for each two seats for membership meetings, whichever is greater based on design capacity.
K. Dwellings: One-family Two-family	Two (2) parking spaces. Four (4) parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted on the access drive.
L. Dwellings: Multi-family	One and one-half (1-1/2) parking spaces for every one (1) bedroom dwelling unit and two (2) parking spaces for every dwelling unit with two (2) or more bedrooms.
Multi-family designed for occupancy by elderly persons only	One (1) parking space for every (2) dwelling units.
M. Establishments for sale and consumption on the premises of alcoholic beverages, food, and refreshments, or for take home food services	One (1) parking space per each: A. 30 square feet of gross floor area in a drive-in restaurant; B. 140 square feet of gross floor in a carry-out restaurant; C. 40 square feet of gross floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; D. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space for each two (2) employees on shift of largest employment in any type restaurant.
N. Fire Stations	One (1) parking space per each person on duty on largest shift.

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
O. Hospitals	One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees, or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.
P. Laundromats	One (1) parking space for each two (2) washing machines.
Q. Libraries, museums, and art galleries	One (1) parking space per each four (4) seats in rooms for public assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment.
R. Medical offices an/or clinics	Five (5) parking spaces for each practitioner, plus one (1) parking space per each two (2) employees or one (1) parking space per each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.
S. Mortuaries or funeral homes	One (1) parking space for each four (4) seats in the main chapel or public assembly area based on maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, one (1) parking space for each fifty (50) square feet of floor area in parlors or service rooms, or one (1) parking space for each four (4) persons based on designed capacity of building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee.
T. Offices for professional business and financial real estate and business purposes other than medical offices and/or clinics	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
U. Post offices	One (1) parking space for each four hundred (400) square feet of gross floor area; plus one (1) parking space for each two (2) employees on the shift of largest employment.
V. Private clubs, boarding houses, and lodge halls	One (1) parking space for each guest sleeping room, or one (1) parking space per each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.
W. Retail and personal service stores	5.5 spaces per 1000 square feet of gross leasable area.
X. Schools-Elementary, junior high and equivalent private or parochial schools	One (1) parking space per teacher and administrator or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater.
Y. Schools-Senior high, trade, and vocational, college and universities, and equivalent private or parochial schools	Six (6) spaces per each room to be used for class instruction or administrative offices or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater
Z. Shopping centers	5.5 Parking spaces per 1000 feet of gross leasable area.
AA. Stadium and sports arenas	One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) space for each two (2) employees on shift of largest employment.
BB. Theaters, auditoriums, churches, and places of assembly with fixed seats	One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) additional space for each two (2) employees on shift of largest employment.

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
CC. Theaters, auditoriums, churches, and places of assembly without fixed seats	One (1) parking space for each four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
DD. Tourist homes, cabins, motels, or hotels, excluding areas used for meeting rooms and places of assembly	One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.
EE. Industrial establishments, including manufacturing, research and testing laboratories	Two (2) parking spaces for each three (3) employees-the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.
FF. Wholesale establishments, warehouses, and storage buildings	One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.
GG. All other uses not listed herein	Based on study to be prepared by owner or operator; number of spaces to be required determined according to : (a) type of use and estimated number of total trips generated during peak conditions (inbound and outbound); (b) estimated parking duration per vehicle trip (turn over rates); (c) based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; (d) estimated number of employees – (one (1) space to be provided for each two (2) employees based on shift of maximum employment).

SECTION 11.3 ACCESS CONTROL REGULATIONS: In order to promote greater safety of passage between highway and land; improve the convenience and ease of movement of travelers on the highway; permit reasonable speeds and economy of travel; and increase and protect the capacity of the highway, the location and design of access points shall be in accordance with the following access control requirements. These requirements shall apply to all arterial and collector type streets, as identified in the adopted comprehensive plan:

- A. PROVISION OF RESERVED TURNING LANES – At those access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, reserved turn lanes shall be constructed by the developer.
- B. PROVISION OF FRONTAGE ROAD – Where possible, provision for the construction of a frontage road shall be made. However, access to the arterial or collector streets via an intersecting street or a common driveway shall be investigated if such a design is not reasonable.
- C. COORDINATION OF ACCESS POINTS - Major access points on opposite sides of the arterial and collector street shall be located opposite sides of the arterial and collector street shall be located opposite each other, otherwise turning movement restriction may be imposed by the planning commission or zoning administrator may be imposed by the planning commission or zoning administrator, whichever is applicable. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar uses. As a condition of approval for construction, use or reuse of access road, the zoning administrator may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.
- D. SPACING RESTRICTIONS FOR SIGNALIZED ACCESS POINTS – Access points which will warrant signalization shall be spaced a minimum distance of one quarter mile apart. The exact location of the signal light shall be determined by a traffic engineering study which shall at least account for the following variables:
 - 1. Speed;
 - 2. Traffic signal phasing;
 - 3. Traffic signal cycle length;
 - 4. Roadway geometrics; and
 - 5. Accident experience.

Provisions for all turning movements to maintain the design capacity of the roadway shall be required.

E. SIGHT DISTANCE – The location of access points shall comply with safe sight distance requirements as provided in Table 1. The centerline of all access points shall intersect as nearly at a ninety (90) degree angle as possible, but in no case shall angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees, unless approved by the planning commission or zoning administrator, whichever is applicable, due to certain exceptional conditions.

F. LOCATION OF UNSIGNALIZED ACCESS POINT

1. ARTERIAL STREETS

- a. Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart. Turning restrictions and/or reserved turn lanes may be required
- b. One access point per existing tract will be permitted; however, if the spacing requirements for a direct access point onto an arterial street (as provided in F,!,a, above) cannot be met, then an access point may be located on a frontage road or on a an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersection local street or frontage road to function properly, access onto them should be controlled as follows:
 - (1) Access points onto local streets intersecting an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street.
 - (2) In areas zoned to permit commercial, industrial, or multi-family residential use, access points from the adjacent properties onto frontage roads, shall be no less than one hundred (100) feet measured from point of curb return to point of curb return from intersections of the frontage road with local or collector streets.
- c. Where the frontage of a tract is greater than five hundred (500) feet an additional access point may be permitted; however, the type of access will depend on the spacing requirements in F, !, a.
 - (1) If the frontage of the tract is large enough, then at least one of the access points may have direct access onto the arterial street, provided the spacing between the adjacent access points meet the requirements of section F,1,a, and all other requirements of this section of the ordinance. In the case where the frontage allows only one point of direct access

due to spacing restriction as provided herein, the second access point will be via a frontage road or an intersecting local street, or share a common driveway that meets the spacing restrictions as provided along the arterial street.

- d. If a tract of has no means of access that would met the requirements of this section of the ordinance, one access point shall be provided. However, all such access points shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements or caused to be relocated by the zoning administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road or an intersecting local street or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points are classified as “temporary”, such designation shall be duly noted on the plot plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

2. COLLECTOR STREETS

- a. On two lane roadways, one access point per existing tract will be allowed; however, if the frontage is greater than five hundred (500) feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be one hundred (100) feet, measured from point of curb return to point of curb return, except in the case where the street intersects another collector street or arterial street, then said access points shall be spaced a minimum of three hundred (300) feet. from the intersection
- b. On multi-lane roadways the spacing is dependent on whether or not a barrier median exists, access points may be spaced as close as three hundred (300) feet; however, certain turning movements will be prohibited. If a barrier median does not exist, then the minimum spacing of access points shall be six hundred (600) feet. In addition, some turning movements may be prohibited.
- c. One access point per existing tract will be allowed; however, if the spacing requirements for a direct access point, as provided in F,2,a, cannot be met, then an access point may be located on a frontage road or on an intersecting street or share a common driveway that meets the spacing requirements.

- d. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one access point shall be provided. However, all such access points shall be considered a temporary right-of-way- and may be terminated, reduced, limited to certain turning movements or caused to be relocated by the zoning administrator at such times as the particular use served by the access point changes and/or the property is otherwise provided alternate means of access via a frontage road or an intersecting local street or share a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points are classified as “temporary”, such designation shall be duly noted on the plot plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

G. WIDTH OF ACCESS POINTS

1. In single-family residential zones, no access point width shall be less than nine (9) feet, nor more than twenty (20) feet. In all other zones, access points shall not be less than twelve (12) feet, nor more than forty-eight (48) feet in width. The width shall be as measured from the point of curb return to point of curb return (or edge of pavement if no curb exists) excluding the curb radius.
2. The zoning administrator may modify (enlarge or reduce) the width to provide for a more efficient and channelization and/or flow of traffic.

H. EXCEPTIONS TO ACCESS POINTS REQUIRMENTS – Where situations develop that may require special treatment, the requirements as provided in Section 11.21,A-G, may be varied provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment will have no adverse effects on the roadway safety and capacity.

I. ACCESS POINT PROBLEM AREAS – If after special study, it is determined that the type of use or activity proposed would have an adverse effect on the safety and capacity of the adjacent roadway, the access point spacing requirements as contained in this section, may have to be increased in order to adequately solve the traffic movement.

J. APPROVAL OF ACCESS POINTS REQUIRED – Plans for all access points and modifications thereto, (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway) shall be submitted to the zoning administrator and the Campbell County & Municipal Planning and Zoning staff. Such plans shall show the location of all access points, and access points within 600 feet in either direction. The proposed

access point shall include typical cross sections of pavement, the base and sub-base, proposed grade and storm drainage and such other information or plan as the circumstances may warrant. If such access points are being located in conjunction with off-street parking and/or loading and unloading facilities, then said plans shall also include parking and off-street loading and/or unloading plans, in accordance with Section 11.0 and 12.0 of this ordinance.

- K. APPROVAL OF ACCESS POINTS ALONG STATE MAINTAINED ROUTES BY KENTUCKY DEPARTMENT OF TRANSPORTATION - A copy of the plans for all access points to be constructed along a state-maintained route shall also be submitted to the Kentucky Department of Transportation for review and approval during the same time as plans are submitted to the zoning administrator, as provided for in Section 11.2. No access point plans shall be approved or permits issued for construction by the zoning administrator, until said access point plans have been approved by the Kentucky Department of Transportation.

Table 1A
Sight Distance For Vehicles Exiting
From Access Points Onto Adjacent Roads
(see Figure 1A)

	20 MPH				30 MPH				40 MPH			
	2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane	
Vehicle Type	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR	DL	DR
Passenger Car	150	130	130	130	360	260	220	260	530	440	380	440
Truck	300	200	200	200	500	400	400	400	850	850	850	850

	50 MPH				60 MPH			
	2 lane		4 or 6 lane		2 lane		4 or 6 lane	
Vehicle Type	DL	DR	DL	DR	DL	DR	DL	DR
Passenger Car	740	700	620	700	950	1050	950	1050
Truck	1600	1600	1600	1600	2500	2500	2500	2500

Notes for Table 1A

D=Distance along major road from access point to allow vehicle to enter safely.

Figures given are measured from a vehicle ten (10) feet back of the pavement edge.

Figures given are in feet.

Values are for urban conditions. On rural streets, distances are to be increased by ten (10) percent to allow for greater reaction time.

The site distances apply when street grades are zero (0) percent to three (3) percent, either up or down. When an upgrade is steeper than three (3) percent, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors apply to grades only in the portion of the road between the access points and the downstream point at which a vehicle emerging from the access points has been able to accelerate to within ten (10) miles per hour of the route speed.

When the street, in the section to be used for acceleration after leaving the access point, ascends at three (3) percent to four (4) percent, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at five (5) percent to six (6) percent, sight distances should be increased by a factor of 1.7.

When the street, in the section to be used for acceleration after leaving the access point, descends at three (3) percent to four (4) percent, then sight distances in the direction of approaching descending traffic are to be reduced by a factor of 0.6. If the road descends at five (5) percent to six (6) percent, sight distances should be reduced by a factor of 0.5.

When the criteria for sign distances to the right cannot be met, the need can be eliminated by prohibiting left turns by exiting vehicles.

Table 1B
Left Turn Sight Distance For Vehicles Entering Access Points
(see Figure 1B)

	20 MPH			30 MPH			40 MPH		
Vehicle Type	2 lane	4 lane	6 lane	2 lane	4 lane	6 lane	2 lane	4 lane	6 lane
Passenger Car	150	160	170	230	250	270	370	390	420
Truck	260	260	300	400	400	480	570	620	670

	50 MPH			60 MPH		
Vehicle Type	2 lane	4 lane	6 lane	2 lane	4 lane	6 lane
Passenger Car	520	550	580	700	740	780
Truck	810	880	950	1000	1100	1200

Notes on Table 1B

S=Sight distance along major route to safely turn left into access point.

Figures given are measured from a vehicle ten (10) feet back of the pavement edge.

Figures given are in feet.

Values are for urban conditions. On rural streets, distances are to be increased by ten (10) percent to allow for greater reaction time.

The site distances apply when street grades are zero (0) percent to three (3) percent, either up or down. When an upgrade is steeper than three (3) percent, adjustments are to be made to compensate for the longer time required to reach the speed of highway traffic. The time is less than shown when the highway is descending. Adjustment factors apply to grades only in the portion of the road between the access points and the downstream point at which a vehicle emerging from the access points has been able to accelerate to within ten (10) miles per hour of the route speed.

When the street, in the section to be used for acceleration after leaving the access point, ascends at three (3) percent to four (4) percent, then sight distances in the direction of approaching ascending traffic are to be increased by a factor of 1.4. When the access point ascends at five (5) percent to six (6) percent, sight distances should be increased by a factor of 1.7.

When the street, in the section to be used for acceleration after leaving the access point, descends at three (3) percent to four (4) percent, then sight distances in the direction of approaching descending traffic are to be reduced by a factor of 0.6. If the road descends at five (5) percent to six (6) percent, sight distances should be reduced by a factor of 0.5.

When the criteria for sign distances to the right cannot be met, the need can be eliminated by prohibiting left turns by exiting vehicles.

FIGURE 1A

SIGHT DISTANCE FOR VEHICLES EXITING FROM ACCESS POINTS
refer to Table 1A

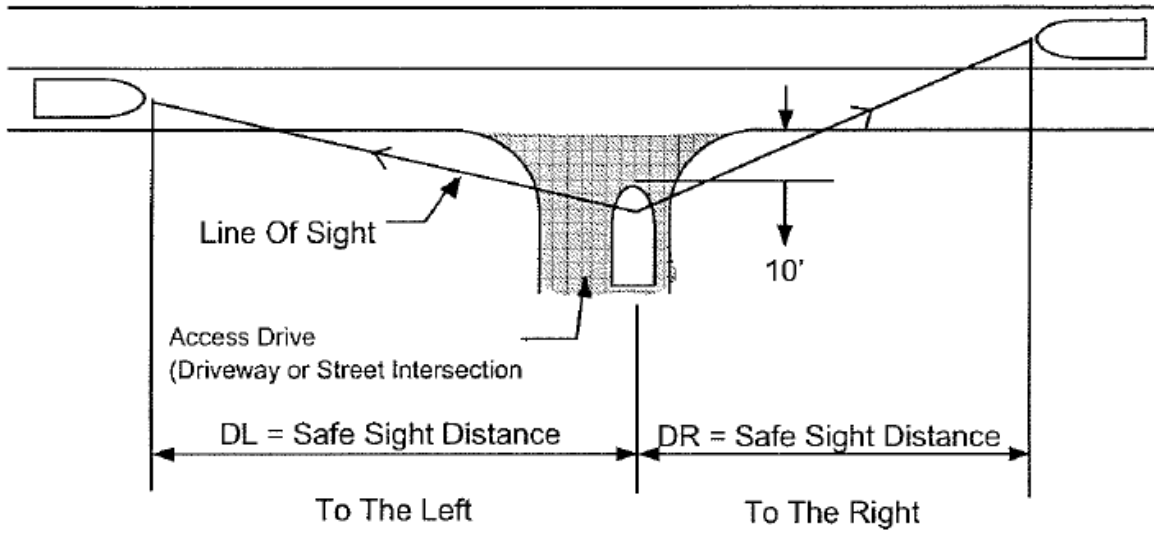
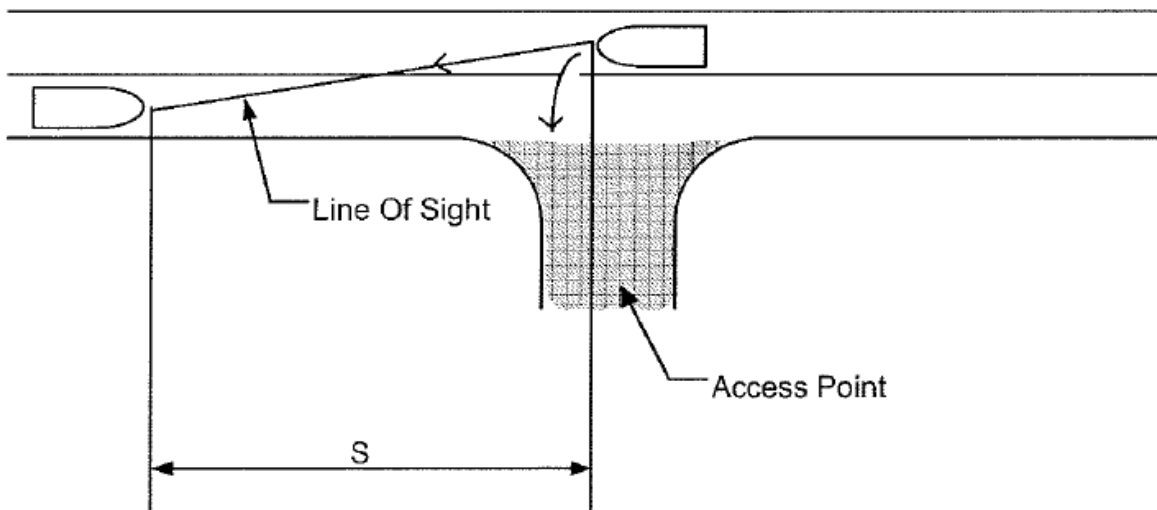


FIGURE 1B

LEFT TURN SIGHT DISTANCE FOR VEHICLES ENTERING ACCESS POINTS
refer to Table 1B



ARTICLE XII

OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

For all buildings and structures erected, altered or extended, and all uses of land established as specified therein, after the effective date of this Ordinance, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this Ordinance, and provided that construction has not begun within ninety (90) days of such effective date, off-street loading and/or unloading facilities in the amounts required by this Ordinance shall prevail.

SECTION 12.0 GENERAL REQUIREMENTS:

A. SPACES REQUIRED:

1. Every building, structure, or part thereof, erected and occupied for uses permitted in commercial and industrial zones, including “conditional uses” permitted in residential zones, involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one loading and/or unloading space. A study shall be prepared by the company or operator to determine the additional loading and/or unloading space needs over and above the first space required for the specific use proposed. In determining the number of spaces needed, the study shall take into consideration the following:
 - a. estimated and projected arrival and departure rates for scheduled and unscheduled (random) trucks;
 - b. estimated and projected length of truck stop duration for loading and/or unloading of each truck;
 - c. estimated number of trips by vehicle type (i.e., two axle vehicles, semi-tractor trailers, etc.) and size
2. If it is determined by the zoning administrator, based on existing conditions of the proposed site, the design of the building, and the completed needs study, that additional loading and/or unloading spaces are needed to accommodate the facilities than could be reasonably provided, the zoning administrator shall require that additional parking areas, properly designed, to handle the parking of necessary trucks including the maneuvering of the trucks to and from the space, be provided for the storage of trucks waiting to be loaded an/or unloaded.

3. If, after approval by the zoning administrator of the number of spaces and any storage of truck parking needed to accommodate the loading and/or unloading of trucks for a specific use, a need exists, based on operation of the specific use, to provide additional off-street loading and/or unloading space or storage of trucks than was previously determined, the zoning administrator may require that corrective action be taken to eliminate any deficiencies as follows:
 - a. limit the time and interval of arrival and departure of trucks, commensurate with the need; or
 - b. require necessary additional loading and/or unloading spaces, or require that adequate parking areas be provided for the storage of trucks waiting to be loaded and/or unloaded.

- B. **ADDITIONAL LOADING AND/OR UNLOADING SPACES TO BE PROVIDED:** Whenever the intensity of any use of a building or premises is increased through addition of gross floor area, change of use or increased activity, additional loading and/or unloading spaces shall be provided in accordance with the requirements of Section 12.0, A, above, if it is determined by the zoning administrator that the existing spaces are not adequate to serve such increase in intensity.

- C. **LOCATION OF OFF-STREET AND/OR UNLOADING AREA:** All loading and/or unloading spaces shall be located on the same lot as the use served. However, permitted uses located in industrial zones may provide parking areas for the storage of trucks waiting to be loaded and/or unloaded within three hundred (300) feet from each lot served, upon the approval of the zoning administrator providing that said off-street storage of trucks are unable to be provided on the same lot or contiguous to the same lot as the use being served and further provided that said storage of trucks are located in the same zone as the use being served. Loading and/or unloading areas may be located in the side and minimum required rear yards, provided that all loading and/or unloading facilities shall be set back a minimum of ten (10) feet from the rear lot line and minimum side yard clearances are maintained.

- D. **DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED LOADING AND/OR UNLOADING AREA:** Entrances, exits, or driveways shall not be computed as any part of a required loading and/or unloading space.

- E. **OFF-STREET LOADING AND/OR UNLOADING SPACE TO BE USED FOR LOADING AND/OR UNLOADING ONLY:** Any loading and/or unloading space shall be used for loading and/or unloading only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be in violation of the provisions of this ordinance.

- F. NO BUILDING TO BE ERECTED IN OFF-STREET LOADING AND/OR UNLOADING SPACE: No building of any kind shall be erected in any off-street loading and/or unloading space.
- G. OFF-STREET LOADING AND/OR UNLOADING SPACE SHALL NOT BE REDUCED: The required parking spaces as forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.
- H. LOADING AND/OR UNLOADING PLAN APPROVAL REQUIRED: Plans for the loading and/or unloading facilities shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the legislative body. Such plans shall show the number and location of loading and/or unloading spaces, including necessary maneuvering of trucks and dock and apron approach, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross-sections of pavement, including base and sub-base, proposed grade of lot, storm drainage facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant. Where such loading and/or unloading plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.3.

SECTION 12.1 DESIGN AND LAYOUT OF OFF-STREET LOADING AND/OR UNLOADING AREAS

- A. SIZE OF OFF-STREET LOADING AND/OR UNLOADING SPACE: Each off-street loading and/or unloading space shall be at least twelve (14) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (15) feet; provided however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, as provided in Section 12.0, A, the zoning administrator may reduce the minimum length to no less than thirty-five (35) feet.
- B. ACCESS: Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers efficient ingress and egress and safety for trucks. Access drives or aisles shall be laid out with a width of at least twelve (12) feet for one-way circulation and at least twenty-four (24) feet for two-way circulation with intersection radii not to be less than fifty (50) feet.

Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk or street.

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- C. OTHER DESIGN FEATURES: Docks are to be designed to facilitate efficient loading and/or unloading. Platform heights should be 44 inches for light pickup and delivery trucks and 48-52 inches for heavy trucks and trailers. The dock area should be at least twice the total body floor area of the largest number of trucks that can be docked at one time. Minimum dock overhead clearance (including pipes, lights, etc.) should be twelve (12) feet.
 - D. PAVING OF OFF-STREET LOADING AND/OR UNLOADING AREAS: All off-street loading and/or unloading areas, including spaces, maneuvering, and storage areas for truck parking shall be paved with asphalt concrete or Portland cement concrete and shall be designed and constructed in accordance with Appendix "A".
 - E. LIGHTING: Any lighting used to illuminate off-street loading and/or unloading areas shall not glare on any right-of-way or adjacent property.
 - F. SCREENING AND LANDSCAPING All loading and/or unloading areas including storage of parked trucks, shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone as regulated by Section 9.17 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

ARTICLE XIII

FENCES, WALLS AND OBSTRUCTION TO VIEW REGULATIONS

SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:

Except as herein provided, no fence, wall, hedge, or other obstruction above a height of thirty-six (36) inches as measured above the curb level shall be erected, placed, maintained or continued in any zone within that triangular portion of a corner lot formed by measuring fifty (50) feet from the intersection of the rights-of-way line of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree or planting or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS:

A. The following shall be the classification of fences and walls for this Ordinance.

1. Class 1 - Masonry walls
2. Class 2 - Ornamental iron (eighty percent (80%) open)
3. Class 3 - Woven wire (eighty percent (80%) open); and chain link
4. Class 4 - Wood or other materials (more than fifty percent (50%) open)
5. Class 5 - Solid fences, wood, or other materials (less than fifty percent (50%) open)
6. Class 6 - Hedges
7. Class 7 - Barbed wire or sharp pointed fences
8. Class 8 - Earthen or concrete walls intended to contain or redirect flooding waters

SECTION 13.2 CONSERVATION AND AGRICULTURE ZONES

A. Fences and/or walls within the conservation zone shall conform to the following requirements:

1. Except as provided in Section 13.0, class 2 or 3 fences may be erected , in front yards up to maximum height of ninety-six (96) inches.
2. Side and rear yard, class 1,2,3,4,5,6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or County Engineer, whichever is applicable.

SECTION 13.3 RESIDENTIAL ZONES:

A. Fences and/or walls within all Residential (R) Zones including their applicable Overlay Zone shall conform to the following requirements:

1. The requirements for the Residential (R) Zones for residential uses only, are as set forth and depicted on Figure 1 of this Ordinance.
2. The location, height, and type of all fences and/or walls within any area zoned with a PUD, RCD, or PRCU Overlay shall be as approved by the Planning Commission.
3. For all nonresidential uses conditionally permitted in any residential zone herein, the requirements are as follows:
 - a. Fences of class 2 or 3 only shall be permitted in front yards including the front yard of corner lots as governed by Section 13. Said fences may be erected up to a maximum height of seventy-two (72) inches.
 - b. Classes 1,2,3,4,5,6, Fences and/or Walls may be erected in side or rear yards up to a maximum height of seventy-two (72) inches; provided, however, for the following exceptions:
 - (1) General purpose recreational areas may be enclosed with fences or walls of class 1,2,3,4,5,6,7 up to a maximum height of ninety-six (96) inches.
 - (2) Class 3 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and or softball fields up to a maximum height of one hundred and forty-four (144) inches; and
 - (3) In the case of corner lots, as governed by Section 13.0 fences of class 2 or 3 only may be erected, as regulated by the applicable provisions of the Section.

SECTION 13.4 COMMERCIAL AND INDUSTRIAL ZONES: Fences and/or walls within all commercial & industrial zones including those permitted with all conditionally permitted uses in this zone shall conform to the following requirements:

- A. Except as provided for in Section 13.0, fences of classes 1,2,3,4,5, or 6 may be erected in front, side and rear yards of commercial zones up to a maximum height of seventy-two (72) inches. (In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of seventy-two (72) inches. In a minimum front yards, fences of classes 1,2,3,4,5, or 6 maybe erected up to a maximum height of 48 inches (except as noted in Section 13.0).
- B. Except as noted in Section 13.0, fences of classes 1,2,3,4,5 or 6 may be erected up to a maximum height of 84 inches in all industrial zones in side and rear yards and not more than 48 inches in height in the minimum front yard depth. Except

for the I-P Zone, classes 2 or 3 fences may be erected up to a maximum height of 72 inches in a minimum front yard dept in all industrial zones.

SECTION 13.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:

- A. All fences and/or walls heights shall be measured along the fence or wall locations.
- B. All locations for distance measurements shall be measured from lot lines.

SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES: In all zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level, except that said fences may be located in areas used for agricultural purposes without any restrictions to height.

SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS: A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this Ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.

SECTION 13.8 ELECTRICIFIED FENCES: No fence carrying an electrical charge shall be permitted in any zone except when such fence issued in conjunction with an agricultural use and provided the fence is not located along the perimeter with adjacent property.

SECTION 13.9 PERMIT REQUIRED FOR ERECTION OF FENCES: No fence shall be erected, except as exempted or specified within this Ordinance, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued for such by the zoning administrator and the building inspector, in accordance with Section 16.1 and 16.2 of this Ordinance.

SECTION 13.10 STRUCTURAL ELEMENTS OF FENCES: Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side which faces the property owned by the person building the fence.

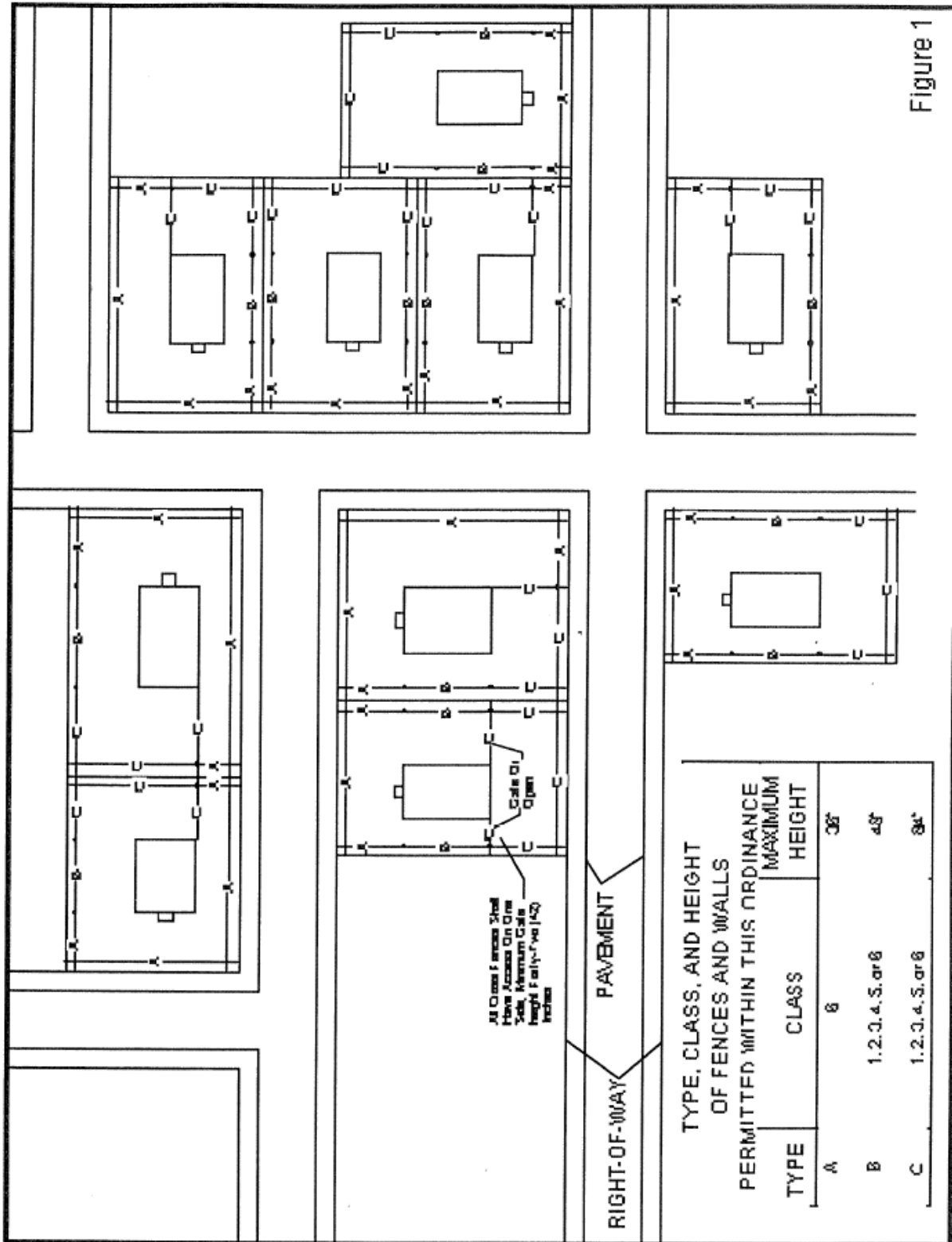


Figure 1

ARTICLE XIV

SIGN REGULATIONS

SECTION 14.0 SCOPE OF REGULATIONS: The regulations set forth herein shall apply and govern signs in all zones except as otherwise specifically provided within this ordinance.

SECTION 14.1 GENERAL RULES, REGULATIONS AND LIMITATIONS:

- A. All business and identification signs shall be deemed accessory uses and all advertising signs shall be deemed non-accessory uses.
- B. No sign shall be erected, maintained or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes or ordinances of the legislative body. The zoning administrator shall have the duty and authority to remove or cause to have removed any sign not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the legislative body when the owner or agent has failed to comply within the time specified by the zoning administrator to make said sign comply. Said owner or agent shall bear full costs of such removal and shall be billed accordingly.
- C. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830-177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.
- D. **TIME SCHEDULE FOR COMPLIANCE OF SIGN REGULATIONS:** Notwithstanding any part of this ordinance, compliance with the provisions of this Article of the ordinance shall be according to the following time schedule:
 - 1. All new signs shall comply with erected.
 - 2. Advertising signs, as defined herein, which become nonconforming after the effective date of this ordinance, and located in' any residential zone, shall be required to conform to the ordinance within twelve (12) consecutive calendar months after the effective date of this ordinance.
 - 3. Advertising signs, as defined here in, which become nonconforming after the effective date of this ordinance are located in any zone other than a residential zone, shall be required to conform to the ordinance within thirty-six (36) consecutive months after the effective date of this ordinance.

4. Business and identification signs, as defined herein, which become nonconforming after the effective date of this ordinance, shall be required to conform within sixty (60) consecutive calendar months after the effective date of this ordinance.

All signs becoming nonconforming due to this ordinance shall be registered by owner or agent with the Zoning Administrator within six (6) consecutive calendar months of the effective date of this ordinance.

- E. No sign constituting a nuisance, because of light, glare, focus, noise, animation, flashing, intensity of illumination as to unduly disturb the use of surrounding properties, as determined by the zoning administrator, by causing a traffic hazard, shall be erected, maintained, or continued in any zone.
- F. No radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise-making or transmitting device or instrument shall be allowed, permitted, or continued in connection with any sign or may it be used separately for advertising purposes in any zone.
- G. No sign shall be erected, maintained, or continued which constricts the flow of air through any window or door.
- H. No sign shall be erected, maintained, or continued which is misleading, fraudulent, obscene, immoral, indecent, or unsightly in character as determined by the zoning administrator.
- I. No advertising sign, except those of a governmental entity, shall be erected, maintained, or continued unless the following provision is complied with; and said provisions shall go into effect ninety (90) consecutive calendar days after the effective date of this ordinance.
 1. The name of the company or person owning, maintaining, or erecting said sign is plainly displayed thereon.
- J. No sign shall be erected, maintained, or continued over or into any street, public way or alley right-of-way, unless specifically provided for within this ordinance.
- K. It shall be unlawful and violation of this Ordinance for any person to fasten, place, paint or attach in any: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted within this ordinance.
- L. No sign shall be erected, maintained or continued upon the inside of a curve of a street which causes any interference to sight distance in the opinion of the zoning administrator.

- M. No sign shall be erected, maintained or continued displaying flashing or intermittent lights, or lights, or lights of changing degrees or intensity, with changes alternating on not less than a five second cycle
- N. No sign shall be erected, maintained or continued in any zone which does not comply fully with Section 14.0 of this Ordinance except as specifically permitted within this Ordinance.
- O. Signs shall be permanently attached to the ground or on the building, which the sign is to serve. Signs located on portable type vehicles shall not be permitted, or continued in any zone.
- P. No sign shall be erected, maintained or continued in zones except as provided for in Section 14.1, D, unless the sign complies with all of the following regulations:
 - 1. Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located, or for a nonconforming use subject to the limitations contained in Section 9.12, E, of this Ordinance regarding nonconforming uses;
 - 2. Is clearly incidental, customary to and commonly associated with the operation of the use being advertised;
 - 3. Is established and controlled under and by the same ownership as the use being advertised;
 - 4. Is limited in location to the premises on which the use being advertised is located;
 - 5. Is limited in subject matter to the name, design, picture or phone number and address of owner, operator, builder, sales agent, managing agent, lessor, lessee, of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degrees beyond the specifically permitted subject; and
 - 6. Compliance with the exemptions listed in Section 14.2 if this Article of the ordinance.
- Q. When any sign becomes defective or dangerous as determined by the building inspector, the zoning administrator shall have the power and the authority to remove or cause to have removed such sign when the owner or agent has failed to comply within the time specified by the zoning administrator to repair or make said sign safe or has failed to satisfy the building department that the sign is not defective or dangerous. The owner or agent of said sign shall bear the full costs of such removal and shall be billed accordingly. If the building department

determines that said sign is of possible immediate danger to persons or vehicles, which may be passing nearby, the zoning administrator shall place or cause to have place, signs or barriers indicating such danger.

- R. Whenever any sign which does not comply with the provisions and regulations of this Ordinance, collapses, burns, or if said sign is removed from its location, except for normal maintenance, said sign shall not be replaced or reconstructed, except in full compliance with all of the p revisions and regulations of this ordinance.
- S. The zoning administrator shall have the power and authority to remove or cause to have removed any and all signs which have been determined to be a traffic hazard, when the owner or agent responsible for the maintenance of said sign has failed to eliminate such traffic hazards within two (2) weeks from the date that the written notice is mailed by the zoning administrator. Said owner or agent shall bear the full costs of such removal and shall be billed accordingly.
- T. Except as otherwise specified in this Ordinance, signs shall be in conformance with the Building Code where applicable and shall be subject to the inspection and approval by the Building Inspector.

SECTION 14.2 SPECIAL SIGNS: The following signs shall be permitted in any zone without a fee, but will require an application for a sign permit, as provided in Section 14.4.

- A. One (1) real estate sign per acre not exceeding twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 P.M. Such signs shall be removed by owners or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.
- B. Professional name plates not exceeding one (1) square foot in outside area; single or double faced. Shall not be animated or illuminated.
- C. Bulletin board not over twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, for public, charitable or religious institutions when the same is located on the premises of said institution. Said sign shall not be animated; may be illuminated, but only by concealed lighting, and only until 10:00 P.M.
- D. Signs not over twenty (20) square feet in outside area; single or double faced; maximum height of eight (8) feet, denoting the person/firm, architect, engineer, or contractor, when placed upon the premises where construction work is being performed. Said sign shall be removed by owner or agent within ten (10) consecutive calendar days after completion of project or that person/firm's part of the project.

- E. Memorial signs or tablets, containing the name of the building and the date of erection when built into the walls of the building and constructed of bronze, brass, marble, stone or other incombustible materials.
- F. Traffic signs, provided that said signs are designed in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
- G. Temporary signs, where permitted or required by the zoning administrator, to fulfill requirements of this Ordinance or other resolutions or regulations imposed by a governmental entity.
- H. Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.
- I. Signs inside a building, but shall not include signs within open malls or open courts.
- J. Signs advertising any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive or event, provided such signs shall not be displayed more than 60 days before such campaign, drive, or event, and shall be removed within 7 days after the conclusion of such.

SECTION 14.3 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS: No sign shall be erected, except as exempted or specified within this Ordinance, until all required fees have been paid to the proper authorities or their agents and a permit has been issued for such by the building department.

- A. If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location subject to all requirements enumerated herein.
- B. If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.
- C. If any sign is removed from one location and erected at a new location, a new permit shall be obtained.
- D. Alternation or enlargement of any sign shall require a permit the same as for a new sign.
- E. No permit shall be granted until after an application has been filed with the Building Inspector showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure nor until all provisions herein have been met.

SECTION 14.4 APPLICATION FOR A SIGN PERMIT:

- A. Application for a sign permit shall be made and submitted at the office of the zoning administrator on the appropriate forms furnished by said administrator.
- B. If any required information is left off of the application or if any of the submitted information is misrepresented on the application, the permit shall be denied or shall become null and void if already issued, regardless of actual construction being started or completed.
- C. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Ordinance and the owner or agent shall be given a two (2) week notice to remove said sign or correct the error.

SECTION 14.5 SIGN PERMIT FEES: The fee for a sign permit shall be as provided for in the Building Code or otherwise established by the legislative body.

SECTION 14.6 CLASSIFICATION OF SIGNS: The following classification of signs shall be deemed to include all signs permitted in any zone unless other signs are specifically listed and provided for. The classification of all signs shall be determined by the zoning administrator. (Permitted use and location of signs - see Section 14.7.)

- A. Class 1: The following signs meeting the following specifications shall constitute Class 1 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE - Flat or window sign; single faced only
 - 2. MAXIMUM SIZE OF SIGN - One (1) square foot.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Attached directly to building parallel to wall face.
 - 4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each separate use that is a permitted use.
- B. Class 2: The following signs meeting the following specifications shall constitute Class 2 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE - Only one of the following type signs are permitted in Class 2 per each individual use: Flat, window, or projecting sing; single or double faced
 - 2. MAXIMUM SIZE OF SIGN - Two (2) square feet.

3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Attached to building and projecting no more than eighteen (18) inches from the wall face of the building as defined in Section 7.0.
 4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each separate use that is a permitted use
 5. OTHER LIMITATIONS - Shall be neither animated nor illuminated
- C. Class 3: The following signs meeting the following specifications shall constitute Class 3 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE - Flat, ground or pole sign; single or double faced
 2. MAXIMUM SIZE OF SIGN - Six (6) square feet in outside area
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Twelve (12) feet
 4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each curb cut plus any number within the off-street parking areas
 5. OTHER LIMITATIONS -
 - a. May be illuminated but only from a concealed light source and shall not be flashing, glaring nor animated.
 - b. Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing or service advertising other than that specified in Section 14.1 of this Ordinance.
 - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
- D. Class 4: The following signs meeting the following specifications shall constitute Class 4 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE - Only one (1) of the following signs are permitted in this class per each individual use: Flat, window or ground sign, single or double faced.
 2. MAXIMUM SIZE OF SIGN - Twelve (12) square feet in outside area, except as specified in Subsection D (4) of this section
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Twenty (20) feet
 4. LIMITATIONS ON NUMBER OF TOTAL AREA OF SIGNS - The total outside area of all signs in a single designated land area shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by twenty-five (25), provided however,

that the aggregated area of any such sign or signs shall have an outside area of at least six (6) square feet, and provided further, that no single sign shall have an outside area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed

5. OTHER LIMITATIONS

- a. Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 P.M.
- b. Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling and rebuilding of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two (182) consecutive calendar days, but are renewable one (1) time only for an additional one hundred eighty-two (182) consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
- c. Shall be located only on the premises of the property being referred to.
- d. No part of any ground sign shall be closer than five (5) feet from any property line.

E. Class 5: The following signs meeting the following specifications shall constitute Class 5 and shall be only business or identification signs, as defined herein.

1. STRUCTURAL TYPE - Individual letters only; single faced only
2. MAXIMUM SIZE OF INDIVIDUAL SIGN -
 - a. One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
 - b. Maximum size of letters shall be thirty-six (36) inches in height.
 - c. The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign.
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Attached flat to building, but shall not extend above the top or ends of the wall surface on which the sign is to be placed.
4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one firm,

company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign regardless of how many firms, companies, or incorporation's having separate ownership, rental, or lease within said office building

5. OTHER LIMITATIONS -

- a. Shall be neither flashing nor animated.
- b. May be illuminated, but only from a concealed light source.
- c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.

F. Class 6: The following signs meeting the following specifications shall constitute Class 6 and shall be only business or identification signs, as defined herein:

1. STRUCTURAL TYPE - Flat sign, single faced only.
2. MAXIMUM HEIGHT OF SINGLE SIGN - Only (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGNS - Attached to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each street frontage of the lot on which the primary permitted use is located except that where a complex of buildings are so constructed and maintained that said complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the-zone under consideration, shall not be considered as containing separate business for this purpose, but shall have only one (1) such sign regardless of how many firms, companies or incorporation's having separate ownership, rental, or lease within said office building.
5. OTHER LIMITATIONS
 - a. Shall be neither flashing nor animated.
 - b. May be illuminated, but only from a concealed light source.

- c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.

- G. Class 7: The following signs meeting the following specifications shall constitute Class 7 and shall be only business and identification signs, as defined herein.
 - 1. STRUCTURAL TYPE - Pole sign or ground sign, single or double faced.
 - 2. MAXIMUM SIZE OF SINGLE SIGN - Sixty (60) square feet
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Pole: Twenty (20) feet; Ground: Ten (10) feet.
 - 4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located
 - 5. OTHER LIMITATIONS
 - a. Shall be neither flashing nor animated.
 - b. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line.
 - c. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of 250 feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs as viewed from the centerline of the abutting street from a minimum distance of 250 feet.

- H. Class 8: The following signs meeting the following specifications shall constitute Class 8 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE - Ground sign; single or double faced.
 - 2. MAXIMUM SIZE OF SINGLE SIGN - Twenty-five (25) square feet.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Ten (10) feet.
 - 4. LIMITATIONS
 - a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
 - b. One (1) sign may be erected for identification purposes of a residential subdivision.

5. OTHER LIMITATIONS

- a. Shall be neither flashing nor animated.
- b. May only be illuminated from a concealed light source.
- c. No part of any ground sign shall be closer than five (5) feet from any property line.

I. Class 9: The following signs meeting the following specifications shall constitute Class 9 and shall be only business or identification signs, as defined herein:

- 1. STRUCTURAL TYPE - Pole or ground signs; single or double faced.
- 2. MAXIMUM SIZE OF SINGLE SIGN – One hundred fifty (150) square feet.
- 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Pole Sign: Thirty (30) feet; Ground: Ten (10) feet.
- 4. LIMITATIONS
 - a. One (1) sign may be erected on each abutting major street identifying a shopping complex of three (3) or more businesses located in a unified building or an attached group of buildings.
 - b. One (1) sign may be erected along each abutting arterial street entrance into an Industrial Zone for the purposes of identifying an industrial development.

5. OTHER LIMITATIONS

- a. Shall be neither flashing nor animated.
- b. May only be illuminated from a concealed light source.
- c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.

J. Class 10: The following signs meeting the following specifications shall constitute Class 10 and shall be only advertising signs, as defined herein:

- 1. STRUCTURAL TYPE - Ground sign; single or double faced.
- 2. MAXIMUM SIZE OF SINGLE SIGN - Three hundred (300) square feet.
- 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Thirty (30) feet.
- 4. LIMITATIONS ON NUMBER OF SIGNS - No sign shall be located closer than two hundred (200) feet from any residential zone as measured along both sides of the street on which the sign abuts.

Only one (1) sign may be erected on any lot, providing that such sign shall meet the minimum requirements of lot area, lot width, front, side, and rear

setbacks in the particular zone where such signs are permitted. In addition, advertising signs shall be so located that the entire sign display area is visible at a minimum viewing distance of two hundred fifty (250) feet, as measured along the centerline of the street on which said sign is facing.

5. OTHER LIMITATIONS - No ground sign shall exceed thirty (30) feet in length, except when adjoining such other ground sign at an acute angle.

SECTION 14.7 PERMITTED USE AND LOCATION OF SIGNS: The following classes of signs may be erected and maintained in the following zones.

<u>Zones</u>	<u>Uses</u>	<u>Permitted Sign Classes</u>
CO	(1) Any use permitted in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) All the uses permitted or conditionally permitted in this zone	5 and 8 or 6 and 8*
R-1E, R-1F, R-G, R-1Gh, R-1H	(1) Any use permitted in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Conditional uses permitted in these zones	5 and 8 or 6 and 8*
	(b) Off-street parking areas for conditionally permitted uses	3
	(c) Signs for identification of a residential subdivision	8
R-3	(1) Any use permitted in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) Conditional uses permitted in this zone	5 and 8 or 6 and 8*
	(c) Signs for identification of a multi-family residential subdivision	8

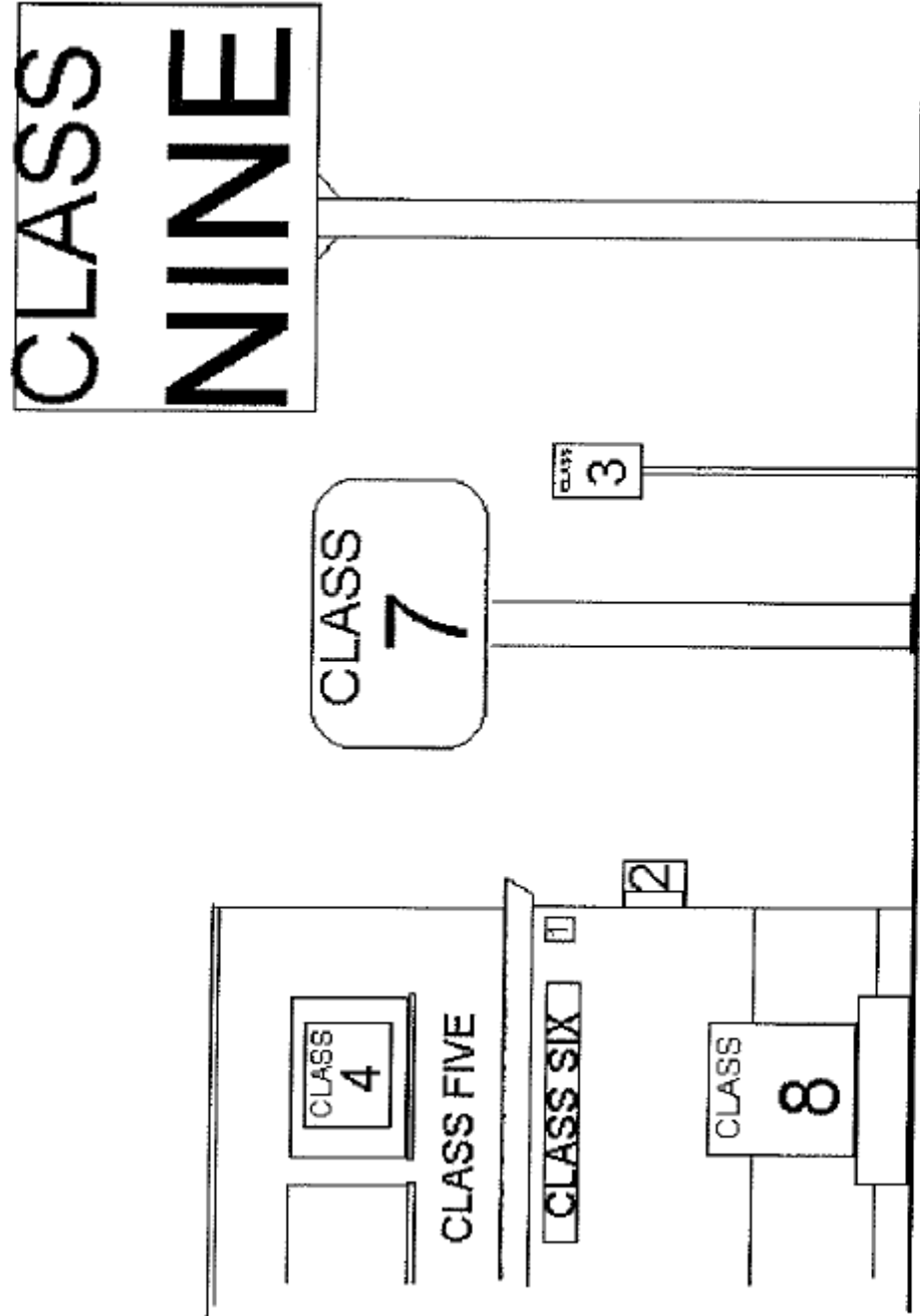
PUD, RCD,
AND PRCU

As approved according to the approved Development Plan.

* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign of signs are to be located

<u>Zones</u>	<u>Uses</u>	<u>Permitted Sign Classes</u>
GC and SFC	(1) Any use permitted or conditionally permitted in this zone	1, 2, 3, 4, 5 and 8 or 6 and 8*
	(2) Any permitted or conditionally permitted use in these zones not in a shopping complex (3 or more businesses located in a unified building or attached group of buildings) and provided a class 8 sign is not used	7
	(3) For identification of a shopping complex and provided that class 8 sign is not used	9

* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign of signs are to be located



ARTICLE XV

PERFORMANCE STANDARDS FOR ALL ZONES

SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS: After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principal or accessory use in all the zones shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

- A. **SUBMISSION OF PLAN OF OPERATION:** The applicant shall submit in duplicate a plan of the proposed construction, development or addition including a description of the proposed machinery, processes and products and specifications. Techniques to be used in restricting the emission of dangerous and objectionable or nuisance type elements as well as complying with all other performance standards contained herein shall be submitted to the Planning Commission.
- B. **REPORT BY EXPERT CONSULTANTS:** If, in the opinion of the Planning Commission, additional information is needed to evaluate the compliance with performance standards, a detailed qualified consultant's report may be required. The applicant shall deposit by the city the required costs for the consultant's report as part of the application fee. The commission shall retain the consultant to make the required investigation and report. Such consultant shall be furnished to the applicant.
- C. **REVIEW BY PLANNING COMMISSION:** After the Planning commission has received the aforementioned application, process description and consultant's report, if required, the commission shall decide whether the proposed use will conform to the applicable performance standards. On such basis, the commission shall authorize or refuse to authorize issuance of the desired permit or require modifications of proposed equipment or operation.
- D. **ISSUANCE OF PERMIT:** Any permit so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings, installations, and process conforming to the applicable performance standards.
- E. **CONTINUED ENFORCEMENT:** The zoning administrator shall periodically investigate compliance to performance standards. If there are reasonable grounds to believe a violation exists, he shall notify the Planning Commission.

SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS: Except as otherwise specified herein, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

- A. All new installations shall comply as of going into operation.
- B. All existing installations not in compliance as of the effective date of the ordinance shall be in compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the installation shall have submitted to the planning commission, a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained and such other information as the planning commission may require. If approved by the zoning administrator, such date will be the date on which the person shall comply.

The zoning administrator may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

SECTION 15.2 EFFECTS OF CONCURRENT OPERATIONS

The sum total of the effects of concurrent operations on two or more lots should not be greater or more offensive to the sense than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

- A. **BUILDING ENCLOSURES:** Every use permitted in all zones shall be operated in its entirety within a completely-enclosed building.
- B. **LANDSCAPING:** All required yards shall be landscaped, all other required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be properly maintained in a well kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well kept condition.

- C. **NOISE:** For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer shall be employed that conforms to specifications published by the American National Standards Institute (specifications for American Standard Sound Level Meter for Measurement of Noise and Other Sounds S1.4 - 1983, and American National Standard Specification for Octave-Band and Fractional-Octave-Band Analog and Digital

Filters, ANSI S1.11-2004 or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 1 and 2 of this section, in any octave band frequency at any point on or beyond any lot line. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.

TABLE 1

**MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL AT SPECIFIED POINT
OF MEASUREMENT FOR NOISE RADIATED CONTINUOUSLY FROM A
FACILITY**

OCTAVE BAND (CYCLES PER SECOND)	SOUND PRESSURE LEVEL (DECIBELS*)
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1200	37
1200 - 2400	34
2400 - 4800	31
4,800 - 10,000	28
10,000 - 20,000	26**
20,000 - 30,000	25**
30,000 - 40,000	24**
40,000 - 50,000	23**

* According to the following formula SOUND PRESSURE LEVEL (IN DECIBELS) = 10 log P-1/P-2 Where P-2 = 0.0002 dynes/ cm squared

**To avoid possible interference with animal experiments.

**TABLE 2
CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN
DECIBELS TO BE APPLIED TO TABLE 1**

Noise source operates less than 20% Of any one hour period	Plus 5*
Noise source operates less than 5% Of any one hour period	Plus 10 *
Noise source operates less than 1% Of any one hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

- Apply one of these corrections only.

If the district adjoins a residential district, the maximum sound pressure level at any point of the district boundary shall be reduced by six (6) decibels from the maximum listed in Table 3.

Noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

- D. **ODOROUS MATTER:** No emission of odorous matter shall be permitted in such quantities so as to be readily detectable or to produce a public nuisance or hazard at any point as measured along the lot lines in the IP district when diluted in a ration of one (1) volume of odorous air to four (4) volumes of clean air for not more than fifteen (15) minutes in any one (1) hour period. Detailed plans for the elimination of odorous matter may be required before the issuance of a building permit.

- E. **HUMIDITY, HEAT OR GLARE:** Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.

TABLE 3
MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL
LEVEL IN DECIBELS

OCTAVE BAND (CYCLES PER SECOND)	SOUND PRESSURE LEVEL (DECIBELS*)
0 - 74	79
75 - 149	74
150 – 299	66
300 – 599	59
600 – 1,199	53
1,200 – 2,399	47
2,400 – 4,799	41
4,800 – AND OVER	39

* ACCORDING TO THE FOLLOWING FORMULA:
SOUND PRESSURE LEVEL (IN DECIBELS) = $10 \log (p-1/p-2)$
Where $p-2 = 0.0002$ dynes/ cm squared

- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones adjoining the IP district.
- G. VIBRATION: Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.
- H. SMOKE: It shall be unlawful for any person, firm, corporation or entity to permit the emission of any smoke from any source whatsoever to a density greater than that density permitted by the U.S. Environmental Protection Agency (EPA). Method of measurement: for the purpose of grading the density of smoke, U.S. EPA Method 9, or any subsequent revision or amendment thereto, shall be the standard method of measurement. Detailed plans for the elimination of smoke may be required before the issuance of any building permit.

I. PARTICULATE MATTER:

1. Particulate matter from incineration of refuse: Particulate matter emitted shall not exceed 0.40 lbs. per 1,000lbs. of gases based upon total products of combustion and adjusted to fifty percent (50%) excess air.
2. Particulate matter from industrial processes:
 - a. General provisions:

- (1) This regulation applies to any operation, process, or activity except the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials and except the burning of refuse and except the processing of salvageable material by burning.
- (2) Process weight means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion.

Process weight rate means a rate established as follows:

- (a) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.
- (b) For cyclical or batch source operations, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

When the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this section, that the interpretation which results in the minimum value for allowable emission shall apply.

- (3) Emission tests relating to this regulation shall be made following the standard in the American Society of Mechanical Engineers Power Test Codes – TRC – 27 dated 1957 and entitled “Determining Dust Concentrations in a Gas Stream” or the latest edition of such standards, shall be used.

b. Emission Limitations:

- (1) Except as provided for in subsection I, 2, b, (2), which follows, no person shall cause, suffer, allow, or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 4 of this ordinance for the process weight allocated to such a source.
- (2) The limitations established by Subsection I, 2, b, (1) shall not require the reduction of particulate matter concentration, based on the source gas volume, below the concentration specified in Table 5 for such volume; provided that, for the purpose of this section, the person responsible for the emission may elect to substitute a volume determined according to the provisions of Subsection I, 2, b, (3) and provided further that the burden of showing the source gas volume or other volume substituted therefore, including all the factors which determine such volume and the methods of determining and computing such volume, shall be on the person seeking to come within the provisions of this subsection.

TABLE 4
MAXIMUM RATE OF PARTICULATE MATTER EMISSION
BY PROCESS WEIGHT

PROCESS WEIGHT RATE		RATE OF EMISSIONS	PROCESS WEIGHT RATE		RATE OF EMISSIONS
Lb/Hr	Tons/Hr.	Lb./Hr.	Lb. Hr.	Tons/Hr.	Lb./Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.40	1,000,000	500.00	69.0
9,000	4.50	11.20	2,000,000	1,000.00	77.6
10,000	5.00	12.00	6,000,000	3,000.00	92.7
12,000	6.00	13.60			

- (a) Interpolation of the data in this table for process weight rates up to 60,000 lb. / hr. shall be accomplished by use of the equation E-4.10 Po67, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb. /hr. shall be accomplished by use of the equation: E-55.Opo11 – 40, where E = rate of emission in lb. hr. and P – process weight rate in tons/hr.

TABLE 5

**MAXIMUM REDUCTION OF PARTICULATE MATTER
CONCENTRATION BASED ON THE SOURCE GAS VOLUME**

Source Gas Volume, SCF/M (a)	Concentration GR/ SCF (b)	Source gas Volume, SCF/M (a)	Concentration GR/SCF (b)
7,000 or less	0.100	140,000	0.038
8,000	0.096	160,000	0.036
9,000	0.092	180,000	0.035
10,000	0.089	200,000	0.034
20,000	0.071	300,000	0.030
30,000	0.062	400,000	0.027
40,000	0.057	500,000	0.025
50,000	0.053	600,000	0.024
60,000	0.050	800,000	0.021
80,000	0.045	1,000,000 or more	0.020
100,000	0.042		
120,000	0.040		

- (a) Standard cubic foot per minute
 (b) Grain per standard cubic foot
 (c) Interpolation of the data in this table shall be based on liner interpolation between adjacent values

- (3) Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the source operation served by such air pollution abatement operation for the purposes of Subsection I, 2, b, (2), provided such air pollution abatement operation emits no more than 40 percent of the weight of particulate mater entering thereto; and provided further that such substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering such pollution abatement operation.
 - (4) No person shall cause, suffer, allow, or permit the emission of particulate matter from any source in a concentration in excess of 0.30 grain per standard cubic foot of exhaust gases. If provisions of this subsection would permit a greater emission of particulate matter per hour than allowed by subsection 2, b, (1), the provisions of this subsection I, 2, b, (4), shall not apply except that the following regulation shall apply to existing grey iron jobbing cupolas. For purposes of this regulation, a jobbing cupola is defined as cupola which has a single melting cycle no more than 10 hours in any consecutive 24 hours and no more than 50 hours in any consecutive 7 days.
 - (a) All existing grey iron cupolas shall be equipped with gas cleaning devices and so operated as to remove 85 percent by weight of all the particulate matter per standard cubic foot of discharge gas, whichever is more stringent.
 - (b) All gases. Vapors, and gas entrained effluents from such cupolas shall be incinerated at a temperature not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds.
 - (c) The following exceptions to the provisions of subsection I, (2) of this subsection shall be permitted: (1) when building a new fire; and (2) during the startup, an operational breakdown, or while cleaning air pollution control equipment for any process.
3. Particulate matter from fuel-burning sources:
 - a. This regulation applies to installations in which fuel is burned for the primary purpose of producing steam, hot water or hot air or other indirect heating of liquids, gases, or solids and , in the course of doing so, the products of combustion do not come into direct contact with process materials. Fuels include those such as coal, coke,

Lignite, code breeze, fuel oil, and wood, but don not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same purpose or in conjunction with any fuel, the maximum emission limitations shall apply.

- b. The heat content of coal shall be determined according to ASTM method D-271-64 Laboratory Sampling and Analysis Coal and Coke or ASTM method D-2015-62T Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, or the latest edition of such standards, which publications are made apart of this ordinance by reference.
- c. For purposes of this ordinance, the heat input shall be the aggregate heat content of all fuels whose products or combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units at a plant or on a premise shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- d. The amount of particulate matter emitted shall be measured according to the American Society of Mechanical Engineers Power Test codes = PTC -27, dated 1957 and entitled "Determining Dust Concentration in a Gas Stream", or the latest edition of such standards, shall be used which publication is made a part of this ordinance by reference.
- e. No person shall cause or permit the emission of particulate matter as measured in the flue which exceeds the following weights, as observable from figure 1:
 - (1) 0.60 pounds for each million B.T.U., per hour input if the equipment has a capacity rating of 10 million, or less. If the capacity rating of the fuel burning equipment is more than 10 million, the amount of particulate matter may be emitted for each million B.T.U. input shall decrease as the capacity rating of the fuel burning equipment increases as follows:
 - (a) No more than 0.46 pounds for each million B.T.U. input from equipment have a capacity rating of 50 million.
 - (b) No more than 0.40 pounds for each million B.T.U. input from equipment have a capacity rating of 100. Million.
 - (c) No more than 0.30 pounds for each million B.T.U. input from equipment have a capacity rating of 500. Million.

- (d) No more than 0.26 pounds for each million B.T.U. input from equipment have a capacity rating of 1,000. Million.
- (e) No more than 0.23 pounds for each million B.T.U. input from equipment have a capacity rating of 2,500. Million.
- (f) No more than 0.20 pounds for each million B.T.U. input from equipment have a capacity rating of 5,000. Million.
- (g) No more than 0.19 pounds for each million B.T.U. input from equipment have a capacity rating of 7,500. Million.
- (h) No more than 0.18 pounds for each million B.T.U. input from equipment have a capacity rating of 10,000. Million.

The amount of particulate matter which may be emitted from burning equipment having an intermediate capacity rating shall be determined by linear interpolation. If two or more fuel burning units are connected to a single flue, the total capacity rating of all fuel burning units connected to the flue shall be the capacity rating for the purpose of computing the amount of particulate matter which may be emitted, If a single fuel burning unit is manifolded to two or more flues, the capacity rating of the single fuel burning unit shall be the capacity rating for the purpose of computing the amount of particulate matter which may be emitted.

J. Gases: Sulfur Dioxide

1. No person shall cause or permit the emission into the atmosphere from any existing source, gases containing more than 2,000 parts per million by volume of sulfur dioxide from any source, except those in which both: (a) fuel is burned primarily to produce heat, and (b) the sulfur compound emission is due primarily to the sulfur in the fuel burned.
2. No person shall cause or permit the emission of sulfur dioxide from any point as measured along the lot lines in the IP Zone in such manner and amounts that the concentration and frequencies attributed to such emission exceed the following:
 - (a) 0.40 parts per million on a one (1) hour basis;
 - (b) 0.18 parts per million on a twenty-four (24) hour basis; and
 - (c) 0.05 parts per million for ninety (90) percent of all measurements taken over a calendar year period.
3. The method of measuring sulfur dioxide in the ambient atmosphere shall be:
 - (a) Gaseous (502) colorimetric Reference: Selected methods for the Measurement of Air Pollutants, Public Health Service Publication No. 99-AP-11 (May, 1965), Determination of Sulfur Dioxide: West-Goeke Method, Page A1-5, or the latest edition of such standards.

- (b) Gaseous (502) conductometric ASTM Standards on Methods of Atmospheric Sampling and Analysis, and Edition, Method D 1355-60, Method A, Page 11, or the latest edition of such standards.
- 4. Emission of other gases, not specified herein, shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive in the IP Zone.
- K. RADIATION: All sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- L. ELECTRICAL RADIATION: Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate mutual scheduling of operations is permitted.
- M. STORAGE: No material, products or supplies shall be permitted to remain on any part of the property outside the constructed thereon
- N. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization, or manufacture of solid materials or products including free burning and intense burning shall not be permitted in any zone, nor shall the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases be permitted in any zone.
- O. WASTE: No waste material or refuse shall be dumped upon or permitted to remain upon any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.

ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A Zoning Administrator (official or officials appointed by the Mayor with the approval of the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this Ordinance. He may be provided with assistance of such other persons as the legislative body directs.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall take such action as is permitted by law.

In addition to the foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto; discontinuance of any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustment shall be to the courts as provided by the Kentucky Revised Statutes.

It shall be illegal for any person or entity to interfere with the zoning administrator's performance of his duties as defined herein.

SECTION 16.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No public or private building or other structure shall be erected, moved, added to, structurally altered or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Zoning Administrator's office. No zoning permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
 - 1. A completed application form provided by the Zoning Administrator. The required fee for a zoning permit as provided for in Section 19.0 of this Ordinance.
 - 2. The required fee for a zoning permit as provided for in Section 19.0 of this ordinance.

3. An approved development plan or site plan, if required by this Ordinance;
or
 4. A plot plan in triplicate drawing at a scale of not less than one (1) inch to fifty (50) feet showing the following information as required by this Ordinance.
 - a. The location of every existing and proposed building, including dimensions and height, and the number, size and type of dwelling units.
 - b. All property lines, shape and dimensions of the lot to be built upon.
 - c. Lot width at building setback line.
 - d. Minimum front and rear yard depths and side yard widths.
 - e. Existing topography with a maximum of five foot contour intervals.
 - f. Total lot area in square feet.
 - g. Location and dimensions of all access points, driveways, off-street parking spaces.
 - h. A drainage plan of the of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
 - i. All Sidewalks, walkways and open spaces.
 - j. Location, type and height of all walls, fences and screen plantings.
 - k. Location of all existing and proposed street, including rights-of-way and pavement widths.
 - l. All existing and proposed water and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.
- C. ISSUANCE OF ZONING PERMIT: The Zoning Administrator shall either approve or disapprove the application (when required by this Ordinance (e.g., Development Plan submitted required -- the planning commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved: and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the zoning administrator's signature. The other copy. similarly marked, shall be retained by the Zoning Administrator.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the zoning administrator's signature. The other copy similarly marked, shall be retained by the zoning administrator. The zoning administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 16.9 of this Ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

SECTION 16.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
 - 1. A completed application form provided by the building inspector;
 - 2. An approved zoning permit;
 - 3. The required fee for a building permit as provided for in Section 19 of this Ordinance,
 - 4. An approved development plan or site plan, if required by this Ordinance; or
 - 5. Plans in duplicate approved by the zoning administrator and including any additional information required by the Building Code and/or the building inspector as may be necessary to determine conformance with and provide for the enforcement of the Building Code and the Kentucky Revised Statutes.
- C. **ISSUANCE OF BUILDING PERMIT:** The building inspector shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the building inspectors signature. The second copy similarly marked, shall be retained by the building inspector.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "approved". Such approval shall be attested by the building inspectors signature. The second copy, similarly marked, shall be retained by the building

inspector. The building inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate for his records.

- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this Ordinance.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the Building Code of the legislative body prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of 180 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 180 consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this Ordinance and the Building Code shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.
- F. **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within ninety (90) consecutive days from the date of issuance thereof, said permit shall expire and be cancelled by the building inspector and no construction shall be permitted until a new building permit has been obtained, except, an extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not begun.

For purposes of this section construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of 18 months, providing that an extension may be permitted if sufficient proof can be demonstrated why the work described in the building permit was not completed as herein specified.

- G. **CONSTRUCTION AND USE:** To be as provided in application, plans, permits, zoning permits and building permits issued on the basis of plans and application approved by the zoning administrator and/or building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use arrangement or construction at variance with that authorized shall be deemed in violation of this Ordinance and punishable as provided by Section 16.9 of this Ordinance.

SECTION 16.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy provided that he

has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this Ordinance and the Building Code. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications and intended use conform to the provisions of this Ordinance.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the fee owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this Ordinance.

SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee as provided for in Section 19.0 of this Ordinance shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the Zoning Administrator by the owner or lessee of the land or building occupied by such nonconforming uses within six (6) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this Ordinance.

It shall be the duty of the Zoning Administrator to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

SECTION 16.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision of this Ordinance and to the plans for which the building permit was issued.

SECTION 16.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the office of the building inspector and copies shall be furnished, on request to any person having a proprietary building affected by such certificate of occupancy.

SECTION 16.8 COMPLAINTS REGARDING VIOLATIONS: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning administrator. The zoning administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance and the Kentucky Revised Statutes.

SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of this ordinance shall upon conviction be fined not less than ten (10) but no more than five

hundred (500) dollars for each conviction. Each day of this violation shall constitute a separate offense.

SECTION 16.10 INTENT CONCERNING DETERMINATION INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS: It is the intent of this Ordinance that:

- A. Where investigation can be made by the zoning administrator or other designated employee, using equipment normally available to the legislative body, such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, non-availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the zoning administrator for the legislative body to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
 - 1. Causing corrections in apparent violations of performance standards;
 - 2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and
 - 3. For protecting the general public from unnecessary costs for administration and enforcement.
- C. If the Zoning Commission finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take or cause to be taken lawful action to cause correction to within limits set by such performance standards.

SECTION 16.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS: If, in the judgment of the Zoning Administrator, there is probable violation of the performance standards as set forth, the following procedures shall be followed:

- A. The zoning administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the zoning administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the zoning administrator within thirty (30) consecutive calendar days of receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the zoning administrator within thirty (30) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this ordinance.
- B. The notice shall further state that upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that if violations as alleged are found, costs of such investigations shall be

charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the legislative body.

- C. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the zoning administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- D. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the zoning administrator with the established time limited, he shall proceed to take or cause to be taken, such action as is warranted by continuation of a violation after notice to cease.
- E. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the zoning administrator, but. requesting additional time, the zoning administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in their opinion, cause imminent peril to life, health or property.
- F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this ordinance, and if the alleged violations continue, the zoning administrator shall call in properly qualified experts to investigate and determine whether violations exist.

If expert findings indicate violations of the performance standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of Section 16.9 of this ordinance.

If no violation is found, the costs of the investigations shall be paid by the legislative body without assessment against the properties of persons involved.

ARTICLE XVII

AMENDMENT PROCEDURE

SECTION 17.0 AMENDMENT OF MAPS AND ZONES PROCEDURE:

- A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed with the Campbell County & Municipal Planning and Zoning Commission. The Planning and Zoning Commission staff shall immediately notify the city, promptly forwarding a copy of the application to the appropriate local agency and authorities. A public hearing shall be scheduled to be held within forty-five (45) days of the date of receipt of the application by the Planning & Zoning Commission. The fee required for applying for such amendment shall be as provided for by the Planning Commission and/or the legislative body.
- B. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal for an amendment to this ordinance may originate with the Planning Commission, or the legislative body. Regardless of the origin of the proposed amendment, it shall be referred to the Planning and Zoning Commission for its action before adoption.
- C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN:** The Planning Commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times in a newspaper of general circulation in the County provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
- D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 17.0, C, above, the following notices shall also be given when a proposal is submitted to amend the official zoning map;
 - 1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); date, place and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained; and

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property.

It shall be the duty of the person or persons proposing the amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner.

- E. **FINDINGS NECESSARY FOR MAP AMENDMENT:** Before any map amendment is granted, the Planning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan, or in the absence of such finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning Commission or legislative body.
 1. That the original zoning classification given to the property was inappropriate or improper; and
 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.
- F. **MINIMUM SIZE OF NEW ZONES:** No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the planning commission. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed: (2) one-half the area of public rights-of-way abutting the area being changed: (3) the area of any land which is contiguous to the area being changed (including land located outside a city but contiguous to the County corporation line) and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line.
- G. **PLANNING AND ZONING COMMISSION ACTION:** Following the public hearing held by the Planning Commission on the proposed amendment, the Commission

shall, within ninety (90) calendar days from the date of its receipt, advise the legislative body whether it approved or disapproved of the amendment to the zoning regulation, including a statement setting forth explicitly the reasons and substantiation for such action and, in the case of a map amendment, the submission of a written report as required in Section 17.0,E.

- H. LEGISLATIVE, BODY DISPOSITION: Within ninety (90) days after receipt of the Planning Commission's recommendations and findings concerning the application, the legislative body shall act on such application. A majority of the entire legislative body shall be required to override the recommendation of the Planning Commission.
- I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO COMMERCIAL, MULTI-FAMILY RESIDENTIAL, OR INDUSTRIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment, excluding those made by the legislative body (other than for a zone change for land under city ownership that the city or intends to develop) and the Planning Commission, to any commercial (i.e., NC,SC,HC,ETC.) , multi-family residential zone (i.e., R-2, R-3, etc.) or industrial zones (i.e., IP, I-1.I-2, etc.) shall be made in accordance with all applicable requirements of this ordinance, including the following:
1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be processed in two stages:
 - a. Application for a zoning amendment shall be filed as required by Section 17.0, A., and shall include a Development plan in accordance with the applicable requirements of Section 9.20, B, of this ordinance. The zoning administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.
 - b. The planning commission shall hold a public hearing on the proposed application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development plan and the bases for their recommendation.
 - c. The legislative body shall, within ninety (90) consecutive days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve or disapprove the proposed development plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning commission, then

said conditions shall be resubmitted to the Planning Commission for further review and recommendations in accordance with the process required for the initial review. Approval of the zoning map amendment shall require that development be in accordance with the approved development plan. Additionally, upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved development plan.

- d. The legislative body shall forward a copy of the approved development plan to the Zoning Administrator or the city's duly authorized representative, for further processing in accordance with the applicable requirements of this ordinance.
- e. If the detailed engineering data required under 9.20, B, had been waived by the zoning administrator in the initial submission of the Development Plan, then such data shall be submitted for review in accordance with the Site Plan requirement of Section 9.19 before a permit may be issued for construction.

The zoning administrator, in reviewing the Site Plan, may authorize minor adjustments from the approved development plan, provided that the adjustments do not: affect the special relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

2. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the zoning administrator as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
3. **EXPIRATION:** The zoning map amendment shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Development Plan by the legislative body, provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved development plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the approved development plan.

SECTION 17.1 CAMPBELL COUNTY & MUNICIPAL PLANNING AND ZONING COMMISSION STAFF REVIEW AND RECOMMENDATION REQUIRED PRIOR TO AT PUBLIC HEARING: The Campbell County & Municipal Planning and Zoning Commission Staff, pursuant to KRS 147.673, shall review and make recommendations upon all applications to the planning commission and the applicant, along with supporting information and comprehensive plan documentation, prior to or at the scheduled public hearing.

SECTION 17.2 ACTIONS OF LOCAL GOVERNMENTAL UNITS TO BE FURNISHED TO THE CAMPBELL COUNTY & MUNICIPAL PLANNING AND ZONING COMMISSION: Pursuant to KRS 147.705, the legislative body shall, after final adoption of any zoning ordinance or resolution, including amendments thereto, furnish, or cause to be furnished, within sixty (60) days after adoption, a copy of same to the Campbell County & Municipal Planning and Zoning Commission.

ARTICLE XVIII

BOARD OF ADJUSTMENT

SECTION 18.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS.

- A. Board of Adjustment is hereby established
- B. The Board of Adjustment shall consist of three (3), five (5), or Seven (7) members, all of whom must be citizen members and not more than one (1) of who may be citizen members of the Planning Commission.
- C. The mayor shall be the appointing authority of the Board of Adjustment subject to the approval of the Legislative Body.
- D. The term of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively.
- E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- F. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace within the district or county in which they reside.
- G. Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustment.
- H. Any member of the Board of Adjustment may be removed by the mayor, subject to the approval by the Legislative Body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the Board of Adjustment shall submit a written statement to the Planning Commission setting forth the reasons and the statement shall be read at the next meeting of the Board of Adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.

- I. The Board of Adjustment shall elect annually a chairman and-vice chairman and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of this term.

SECTION 18.1 MEETINGS OF BOARD; QUORUM; MINUTES; BYLAWS; SUBPOENA POWERS; ADMINISTRATION OF OATHS.

- A. The Board of Adjustment shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, and the subject or subjects which will be discussed.
- B. A simple majority of the total membership of the Board of Adjustment as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
- C. The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board of Adjustment. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- D. The Board of Adjustment shall have the right to receive, hold, and spend funds, which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government.
- E. The Board of Adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
- F. The chairman of 'the Board of Adjustment shall have the power to administer an oath to witness prior to their testifying before the board on any issue.

SECTION 18.2 PROCEDURE FOR ALL APPEALS TO BOARD: Appeals 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 Zoning Administrator. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action to be appealed from, by filing with said Zoning Administrator and with the Board, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by Section 19.0 of this ordinance shall also be given to the Zoning Administrator at this time. Said Zoning Administrator shall forthwith transmit to the Board all papers constituting the record

upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board an interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

The Board of Adjustment shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixth (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

SECTION 18.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENT:

- A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission or board of adjustment may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) days after the final action of the planning commission or board of adjustment. Final action shall not include the planning commission's recommendation made to other governmental bodies.
- B. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the planning commission or board of adjustment and all decisions, which have not been appealed within (30) consecutive calendar days shall be come final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.

SECTION 18.4 STAY OF PROCEEDINGS: An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken, certifies to the Board of Adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a court of record on application, or on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

SECTION 18.5 POWERS OF BOARD OF ADJUSTMENT: Upon appeals, the Board of Adjustment shall have the following powers:

- A. To hear and decide on applications for variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the requirements (height or width of building or size of yards, but not

population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.

- B. To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of this ordinance. Such appeal shall be taken within sixty (60) consecutive calendar days.
- C. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses, which are specifically, named herein which may be suitable only in specific locations in the zone only if certain conditions are met as specified in Section 9.14 of this Ordinance.
- D. To hear and decide, in accordance with the provisions of this ordinance, and the Adopted Comprehensive Plan requests for the change from one nonconforming use to another.

SECTION 18.6 DIMENSIONAL VARIANCES: CHANGE FROM ONE NONCONFORMING USE TO ANOTHER, CONDITIONS GOVERNING APPLICATIONS: PROCEDURES.

- A. DIMENSIONAL VARIANCES: Before any variance is granted, the Board of Adjustment must find all of the following, which shall be recorded along with any imposed conditions or restriction in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the Board of Adjustment unless and until:
 - 1. A written application for a variance (including the required fee as per Section 19.0 of this ordinance) and a site plan, subject to the applicable requirements of Section 9.19, are submitted demonstrating:
 - a. That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone.
 - b. That the manner in which the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone;
 - c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this ordinance;

- d. Reasons that the variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood; and
 - e. That granting the dimensional variance requested will not confer on the applicant any special, privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No nonconforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a variance.
 2. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance.
 3. The public hearing shall be held. Any person may appear in person, or by attorney.
 4. Prior to granting a variance:
 - a. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.
 - b. The Board of Adjustment shall further make a finding that reasons set forth in the application justify the granting of variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - c. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance as well as the Adopted Comprehensive Plan and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.
 5. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 16.9 of this Ordinance.
- B. **VARIANCE CANNOT CONTRADICT ZONING REGULATION:** The Board of Adjustment shall not possess the power to grant a variance or permit a use of any land, building, or structure which is not permitted by this Ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.

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- C. DIMENSIONAL VARIANCE RUNS WITH LAND: A 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 land, but the applicant cannot transfer it to a different site.
- D. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: A nonconforming use shall not be changed to another nonconforming use without the specific approval of the Board of Adjustment, as provided herein.
1. The Board of Adjustment shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:
 - a. A written application for a change from one nonconforming use to another (including the required fee as per Section 19.0, c, of this Ordinance) and a site plan, if applicable, subject to the applicable requirements of Section 9.19, shall be submitted to the Board;
 - b. Notice of public hearing shall be given in accordance with Section 18.2 of this Ordinance;
 - c. The public hearing shall be held. Any person may appear in person, or by attorney;
 - d. Prior to granting a change from one nonconforming use to another the Board of Adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the Board of Adjustment shall find:
 - (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;
 - (2) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;
 - (3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.

- e. Any change of nonconforming use granted by the Board of Adjustment shall conform to the requirements of this Ordinance, including, but not limited to: parking requirements, sign, regulations and yard requirements, and all other pertinent ordinance of the legislative body.
- f. The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.
- g. The Board of Adjustment, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations and conditions imposes, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the Zoning Administrator.
- h. The change of nonconforming use as may be granted by the Board of Adjustment applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.
- i. In the case where the change of nonconforming use has not occurred within one year after the date of granting thereof; the change of nonconforming use permit shall be null and void and reapplication to the Board of Adjustment shall have to be made.

SECTION 18.7 CONDITIONAL USE PERMITS: Conditional use permits shall not be issued without the specific approval of the Board of Adjustment, as provided herein.

- A. The Board of Adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:
 - 1. A written application for a conditional use permit (including the required fee, as per Section 19.0, of this Ordinance) and a site plan subject to the applicable requirements of Section 9.19, shall be submitted to the Board;
 - 2. Notice of public hearing shall be given in accordance with Section 18.2 of this Ordinance;
 - 3. The public hearing shall be held. Any person may appear in person, or by agent or by attorney;
 - 4. Prior to granting a conditional use permit, the Board of Adjustment shall find that the application for a conditional use permit meets the requirements of this Ordinance, Section 9.14.

SECTION 18.8 DECISIONS OF THE BOARD OF ADJUSTMENT:

- A. In exercising the aforementioned powers, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.
- B. A simple majority of the total quorum of the Board of Adjustment, as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, so long as such action is in conformity with the provisions of this ordinance; or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- C. The details of the decision of the Board shall be forwarded to the Zoning Administrator's office.

SECTION 18.9 ACTIONS OF BOARD OF ADJUSTMENT TO BE FURNISHED TO THE CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION:

Pursuant to KRS 147.705 the Board of Adjustment shall, after final approval of any dimensional variance, change from one non-conforming use to another, conditional use permits, and other appeals, furnish or cause to be furnished, within sixty (60) days after approval, a copy of same to the Campbell county & Municipal Planning and Zoning Commission.

ARTICLE XIX

SCHEDULE OF FEES

SECTION 19.0: Fees shall be as provided by separate ordinance of the legislative body.

APPENDIX A

SPECIFICATIONS FOR PAVING OF OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS

All new off-street parking facilities shall be paved with asphalt or Portland cement concrete and shall be designed and constructed in accordance with the standards and procedures herein established.

A. ASPHALT CONCRETE PAVEMENT:

1. General Design Requirements –

- a. Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surface course and a base course, or courses, all constructed on prepared sub-grade. Pavement thickness required shall be determined from Table A-1 of the appropriate sub-grade soil and traffic use.
- b. Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved systems. Transverse and/or longitudinal slopes of not less than 5/8 inch in 10 feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.
- b. When the pavement includes a granular base, and the pavement is not constructed over granular sub-grade, perimeter sub-surface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.
- d. Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished 1/4 inch above adjacent flush construction to permit proper compaction

2. Construction Materials and Procedures –

- a. Base courses shall consist of the following materials Construction procedure shall conform to the requirements applicable to the base course selected.
 - (1) Asphalt Concrete Base course – Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of highways” Specifications for Asphalt Concrete Base Course, Sections 401,403 except as noted herein.
- b. Crushed Stone Course –
 - (1) Crushed stone base course shall conform to all the current requirements of the Kentucky Department of Transportation, Bureau of Highways, for Dense Graded Aggregate Base course (Section 303).
- c. Asphalt Concrete Surface Course – Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, bureau of Highways, for Ashphalt concrete Surface, Type B (State Highway Designation Section 401.402.
- c. Asphalt Prime and Tack Coat
 - (1) Asphalt Prime shall conform to the Kentucky department of Transportation, Bureau of Highways’ requirements for Cutback Asphalt Emulsion Primer Type I, as per Section 407. Prime shall be applied to the surface of granular base course at a rate of 0.25 to 0.50 gallons per square yard, as directed by the legislative body’s engineer or inspector.
 - (2) Tack (SS-1h) shall meet the current requirements of the Kentucky Department of transportation, Bureau of Highways, as per Section 407. It shall be diluted with equal parts of water, when directed by the inspector. Tack coat shall be applied, upon direction of the legislative body’s engineer, to the surface of asphalt courses that have become dusty or dry at a t rate of 0.10 gallons per square yard of the diluted SS-1h before the subsequent course is constructed.

B. CONCRETE PAVING AND PARKING AND ACCESS DRIVE AREAS:

- 1. General requirements – Thickness of concrete parking and access drives shall be:

- a. A minimum of four (4) inches for driveways and parking areas serving single and two-family dwellings;
- b. A minimum of five (5) inches for passenger cars and panel or pickup trucks serving industrial, commercial, and multi-family areas;
- c. A minimum of six (6) inches for light trucks serving industrial, commercial and multi-family residential areas;
- d. A minimum of seven (7) inches for heavier commercial or industrial needs.

2. General Requirements – Concrete Paving:

- a. Minimum Cement Content – 564 lb. / cu. Yd. of concrete (6 U>S> bags);
- b. Maximum Size of Aggregate – 1-1/4 inches;
- c. Maximum Water Content – 0.49 lb./ 1lb. Of cement (5.5gal / bag);
- d. Maximum Slump – five (5) inches water using hand- finishing techniques; three (3) inches when using mechanical finishing machine;
- e. Strength of Concrete – the concrete shall attain a minimum expected strength of concrete at 28 days of 3,500 pounds per square inch compressive strength and /or 550 pounds per square inch flexural strength “modulus of rupture”.
- f. Air Entrainment –

Maximum Size Aggregate (inches)	Entrained Air (percent)
1-1/4	5 ± 1
3/4, 1	6 ± 1
3/8, 1/2	7-1/2 ± 1

3. Construction Procedures –

- a. All soft and yielding material and other portions of the sub-grade which will not compact readily when rolled or taped, shall be removed and replaced with suitable material, placed and compacted. The sub-grade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHTO-T98).
- b. Longitudinal joint spacing shall not exceed 15 feet and be designed in accordance with the joint details in Figure A-2.
- c. Transverse joint spacings shall be at a regular intervals of twenty (20) feet.

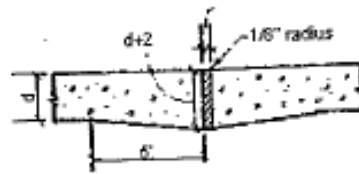
- e. Form offsets at radius points shall be at least two (2) feet.
- f. Pavement joints must be continuous through the curbs.
- g. Where curbs are required, they shall be cast integrally.
- h. The pavement shall be struck-off, consolidated, and finished, to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joint shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic for at least fourteen (14) days or by the time it has attained a compressive strength of 3,500 pounds per square inch and/or 550 pounds per square inch flexural strength. This traffic restriction shall apply to the contractor's construction equipment and vehicles, as well as general traffic.

**TABLE A-1
THICKNESS REQUIREMENTS OF SURFACE AND BASE COURSES
FOR AUTOMOBILE AND TRUCK PARKING FACILITY PAVEMENTS**

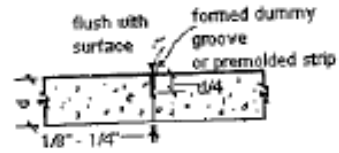
VEHICLE TYPE	FULL-DEPTH ASPHALT CONCRETE		ASPHALT CONCRETE WITH GRANULAR SURBASE		ASPHALT CONCRETE WITH GRANULAR BASE	
	SURFACE KDOT(1) (SEC. 401.402) TYFEB (INCH)	BASE KDOT(1) (SEC. 401.403) (INCH)	SURFACE KDOT(1) (SEC. 401.402) TYFEB (INCH)	BASE KDOT(1) (SEC. 401.402) (INCH)	SURFACE KDOT(1) (SEC. 401.402) TYFEB (INCH)	GRANULAR BASE KDOT(1) (SEC. 305) (INCH)
Amb Parking Facilities	1-1/2	4	1-1/4	2	2	8
Truck Parking Facilities	1-1/2	6-1/2	1-1/2	2-1/2	N/A	N/A

(1) Refer to the Kentucky Department of Transportation (KDOT) Bureau of Highways, Standards and Specifications for Road and Bridge Construction (1976 Edition, or as amended).

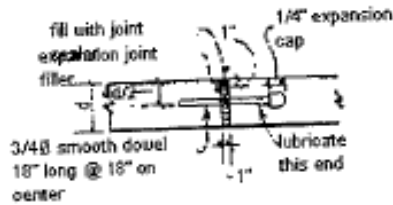
TABLE A-2
JOINT DETAILS



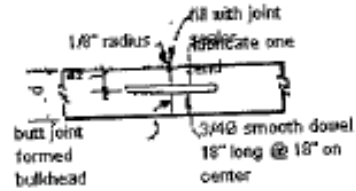
ALTERNATE EXPANSION JOINT



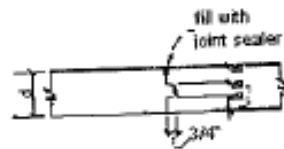
TRANSVERSE CONTRACTION
(SAWED OR PREMOLDED STRIP)



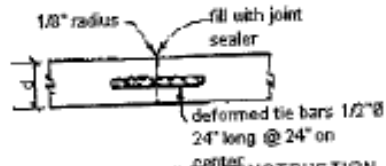
EXPANSION JOINT



TRANSVERSE CONTRACTION JOINT
(PLANNED - COINCIDE WITH CONTRACTION JOINT)



LONGITUDINAL CONSTRUCTION JOINT
KEYWAY



TIED TRANSVERSE CONSTRUCTION JOINT
(EMERGENCY - NOT COINCIDE WITH CONTRACTION JOINT)

APPENDIX B
SUMMARY OF AMENDMENTS

Ordinance Number

Pages Affected

Typed New Text

Date of Approval

September 2017