

# OFFICIAL ZONING ORDINANCE

## CITY OF WILDER, KENTUCKY

Ordinance Number 99-0401

Adopted: April 19, 1999

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## **ARTICLE I**

### **A ZONING ORDINANCE**

**SECTION 1.0** AN ORDINANCE DIVIDING THE CITY OF WILDER, COMMONWEALTH OF KENTUCKY, INTO ZONES. ZONES OF SUCH SHAPE AND AREAS 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 USE 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 WILDER, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

## ARTICLE II

### AUTHORITY AND PURPOSE

**SECTION 2.0 AUTHORITY:** The City of Wilder, pursuant to the authority of Kentucky Revised Statutes (K.R.S. 100.201 - 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 the adopted comprehensive plan 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 highways, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas of the city which needs special protection by the city.

## **ARTICLE III**

### **SHORT TITLE**

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

## 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 public health, safety, 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 ab initio.

## **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, subsection, 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 Wilder to enact each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force and effect regardless of the determined invalidity of any other section or provision.

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## 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.

**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.

**ACCESSORY STRUCTURE OR USE, CUSTOMARY:** A "customary accessory structure or use" is one which:

- A. Is subordinate to and serves the principal structure or principal use;
- B. Is subordinate in area, extent, or purpose, to the principal structure or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
- D. Is located on the same lot as the principal structure 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 structure or use served.

**ACRE, NET:** The total area of a lot or building site, exclusive of streets, expressed in acres.

**AGRICULTURAL USE:** The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use

on the tract, but not including residential building development for sale or lease to the public.

**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 reasonable 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, MANUFACTURED HOME, TRUCK, AND TRAILER SALES AREA:** Any area used for the display, sale, or rental of new or used automobiles, manufactured homes, trucks, or trailers, and where only minor incidental repair of such automobiles, manufactured homes, trucks, and trailers may take place.

**AUTOMOTIVE PARTS AND ACCESSORIES STORE:** A building, or portion thereof, used by an establishment engaged in the retail sale of new automobile parts, accessories, or fluids. Such use shall not include the installation, removal, or replacement of such parts, accessories, or fluids which are sold by the establishment.

**AUTOMOTIVE AND TRUCK SERVICE AND REPAIRS (Major):** A building, or portion thereof, used by an establishment primarily engaged in major automotive and truck repairs including, but not limited to, body restoration and engine overhauls. This use also includes establishments engaged in painting and refinishing of automobiles and trucks.

**AUTOMOTIVE SERVICE AND REPAIRS (Minor):** A building, or portion thereof, used by an establishment primarily engaged in routine general automotive service and repairs.

**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 greater than the vertical distance from the average level of the adjoining grade to the ceiling.

**BATHHOUSE:** A freestanding structure which is primarily designed, intended, and used as a dressing room in conjunction with the use of a private swimming pool.

**BEAUTY PARLOR:** A building, or portion thereof, used by an establishment for giving beautifying treatments to the face, hair, or body, and shall not include massage parlors.

**BED AND BREAKFAST ESTABLISHMENT:** A residential dwelling unit wherein the owner/occupant offers overnight accommodations to guests for compensation.

**BOARD OF ADJUSTMENT OR BOARD:** Board of Adjustment of the legislative body, pursuant to KRS Chapter 100.

**BOARDING HOUSE:** A residential building other than a hotel, motel, or tourist cabin where lodging and meals for four (4) or more persons are served for compensation, and by prearrangement for definite periods.

**BUFFER AREA:** A landscaped area of land intended to separate two (2) or more uses or structures, which are incompatible with each other, 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, any addition to a building, any movement of a building from one location to another, or any change of occupancy of a building.

**BUILDING AREA:** That portion of a lot or building site that can be legally occupied by the ground floor of the principal structure or use and all permitted accessory structures or 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 as a principal structure.

**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 surface, of a flat roof; to the deck line of a mansard roof; or to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR:** The official or officials appointed by this City to administer and enforce the applicable 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, MINIMUM SETBACK LINE:** A line parallel to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space, as specified in this ordinance.

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

**BUSINESS:** A commercial or industrial establishment selling commodities and/or providing a service. For the purpose of this ordinance, businesses located within the same building and tenant space shall be considered one (1) business.

**CAMPING/VACATION MOBILE UNIT:** Any coach, cabin, house trailer, 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, projecting from a building facade, open on three (3) sides, serving the purpose of protecting pedestrians from rain, snow, sun, or hail .

**CAR WASH:** A building, or portion thereof, containing facilities for washing motor vehicles, 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 construed to be the same.

**CARPORT:** See GARAGE, PRIVATE.

**CHILD CARE CENTER:** A building, or portion thereof, where care, protection, and/or supervision are provided on a regular schedule, at least twice a week, to preschool age children.

**CITIZEN MEMBER:** Any member of the Planning Commission or Board of Adjustment who is not an elected or appointed official or employee of the City.

**CLINIC, ANIMAL CARE:** A building, or portion thereof, used by veterinarian persons for the diagnosis and treatment of animals that does not include overnight care facilities or animal runs.

**CLINIC, HUMAN CARE:** A building, or portion thereof, used by medical persons for the diagnosis and treatment of human patients that does not include overnight care facilities.

**CLUB:** A building, or portion thereof, used by an association of persons for some common objective, usually jointly supported and meeting periodically.

**COMMISSION (PLANNING COMMISSION):** The Planning and Zoning Commission of the City of Wilder, Commonwealth of Kentucky.

**COMPREHENSIVE PLAN:** A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. 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, regional impact, historic preservation, and others.

**CONCEALED LIGHTING:** An artificial light source intended to illuminate the face of a sign, 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 location, size, extent, 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 Adjustment, consisting of two parts.

- A. A statement of the factual determination by the Board of Adjustment 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.

**CONGREGATE HOUSING:** A facility for four (4) or more persons who are at least fifty-five (55) years of age, within which are provided living and sleeping facilities, shared

meal preparation services, common dining areas, laundry services, and/or common recreation or social facilities. This use may include convalescent and nursing facilities.

**CONVENIENT STORE:** A building, or portion thereof, used by a retail establishment which sells convenient merchandise items. The dispensing, sale, or offering for sale, at retail, of any motor vehicle fuels or oils may be included as part of the facility.

**CURB CUT:** Any interruption, or break in the line of a street curb intended to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

**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".

**DECOMPOSE BY DETONATION:** Refers to the detonation of explosives as part of blasting and to those uses that utilize blasting during processing, manufacturing, compounding, packing or assembling.

**DEVELOPMENT PLAN:** Written and graphic material for the provision of a development, including any and all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

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

**DOMESTIC ANIMALS:** Animals that are customarily kept for personal use or enjoyment within a residence. Domestic animals shall include, but no be limited to, dogs, cats, birds, fish, and similar animals.

**DORMITORY:** A building, or portion thereof, providing residence for individuals or groups as an associated use to a college, university, boarding school, orphanage, convent, or other similar use.

**DRIVE-IN FACILITY:** A facility which, by its design (e.g., window, counter, microphone/speaker, etc.), allows people to receive goods and/or services while remaining in or on their vehicle, for consumption/use on the premises.

**DRIVE-THRU FACILITY:** A facility which, by its design (e.g., window, counter, microphone/speaker, etc.), allows people to receive goods and/or services while remaining in or on their vehicle, for consumption/use elsewhere than on the premises.

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

DWELLING, ATTACHED SINGLE-FAMILY: A building containing two (2) or more dwelling units, each of which has independent access to the outside of the building to ground level and which are attached to each other by party walls without openings.

DWELLING, DETACHED SINGLE-FAMILY: A dwelling, standing by itself, and containing only one (1) dwelling unit, but shall not include manufactured homes.

DWELLING, MULTI-FAMILY: A building designed, arranged, or used for three (3) or more dwelling units.

DWELLING, TRAILER: See MANUFACTURED HOME.

DWELLING, TWO-FAMILY: A building designed, arranged, or used for two (2) dwelling units.

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

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

EATING ESTABLISHMENTS — RESTAURANTS: An establishment selling food items, ordered from a menu and prepared on the premises, for immediate consumption, with or without drive-thru facilities. Eating establishments -- Restaurants shall include the following:

- A. Carry-out – A restaurant primarily designed for consumption of food off the premises. Incidental indoor seating for consumption of food on the premises may be provided.
- B. Drive-in – A restaurant where consumption of food is encouraged in a vehicle on the premises, where food is provided by "car-hop" or self-service, with or without incidental sit-down and carry-out facilities.
- C. Sit Down – A restaurant which provides indoor seating arrangements designed primarily for consumption of food on the premises, with or without incidental carry-out service
- D. Combination – A restaurant which provides any combination of sit-down, carry-out, drive-in, or drive-thru services.
- E. Dining Room/Cafeteria and/or Supper Club -- A restaurant which provides indoor sit-down seating arrangements as the principal use of the establishment.

**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 reasonably necessary for furnishing adequate service for the public health, safety, or general welfare.

**FACADE:** Any exterior wall of a building which is exposed to public view or any wall which is viewed by persons not within the building.

**FAMILY:** Shall consist of any number of persons living together in the same household, whether or not related by blood or marriage, who share in common the same eating and living facilities and who are self sufficient or is attended to primarily by other members of the same household

**FENCE:** A structure made of wire, wood, metal, masonry, or other material, erected to enclose or screen areas of land.

**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.

**FLOODPLAIN OR FLOOD PRONE AREA:** Any normally dry land area that is susceptible to being inundated by water from any 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 area devoted to such uses.

The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

**FLOOR AREA RATIO:** Determined by dividing the gross floor area of all buildings on a lot by the gross area of that lot.

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

**FRATERNITY/SORORITY HOUSE:** A building, or portion thereof, 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.

**FREQUENCY:** The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

**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:** A building used for the storage of motor vehicles and clearly accessory to the principal permitted use.

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

**HOMELIKE:** For purposes of this ordinance, and in application of KRS 100.982 to KRS 100.984, this term shall consist of a living arrangement shared by members of a family.

**HOSPITAL (HUMAN CARE):** A building, or portion thereof, used by medical persons for the diagnosis and treatment of human patients, generally on an in-patient basis.

**HOSPITAL (ANIMAL):** A building, or portion thereof, used by medical persons for the diagnosis and treatment of animals generally on an in-patient basis and may have outside runs.

**HOTEL:** A building, or portion thereof, which is used for the temporary residence for travelers and transient guests, where entrances to the separate sleeping accommodations are from a common interior area

**HOUSE TRAILER:** See MANUFACTURED HOME.

**HOUSING FOR THE ELDERLY:** A building, or portion thereof, containing dwelling units which are restricted to persons fifty-five (55) years or older. This use does not include developments which contain convalescent or nursing facilities.

**IMPERVIOUS SURFACE:** Any material that substantially reduces or prevents the infiltration of stormwater. Impervious surface includes compacted surfaces, streets, roofs, sidewalks, parking areas, and other similar structures.

**IMPERVIOUS SURFACE RATIO:** The amount of impervious surface, identified in square feet, divided by the lot area, identified in square feet, expressed as a percent.

**JUNK YARD:** An open area where waste, 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, inoperative motor vehicles, and bottles.

**KENNEL, COMMERCIAL:** A structure or premises used for the boarding, breeding, grooming, or training of dogs and/or cats for financial or other compensation.

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

**LAUNDROMAT:** A building, or portion thereof, used by 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 of a building designed and intended for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

**LEGISLATIVE BODY:** The City of Wilder.

**LIVESTOCK:** 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 group of buildings as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaced 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, and shall be in one (1) zone only.

LOT CORNER: A lot situated at the intersection of two (2) streets or on a curved street in 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 mean direction of the side lot lines from the midpoint of the front lot line to the midpoint of the rear lot line.

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

LOT, FLAG: A lot which abuts a public street, via a narrow strip of land.

LOT, INTERIOR: A lot, other than a corner lot, with only one (1) frontage on a deeded 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 double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the principal building faces. In the case of a flag lot, the interior line most parallel to and nearest the street right-of-way line.

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 a triangular or wedge shaped lot, fore measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front line.

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 or 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, Commonwealth of Kentucky.

LOT WIDTH: The horizontal distance of a lot, as measured between the side lot lines along the building front setback line.

**MANUFACTURED HOME:** Any coach, cabin, or other structure which is intended, designed, and used for the fixed residence of a person, family, or a household, built on a permanent chassis, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said structure shall not change its classification. For purposes of this ordinance, double width structures which are fabricated on individual chassis with wheels, and are designed to be joined, shall be considered a manufactured home.

**MANUFACTURED HOME PARK:** Any lot or parcel of land which is subdivided, designed, maintained, intended, and/or used to accommodate more than one (1) manufactured home. For the purpose of this ordinance, any lot or parcel of land used for the wholesale or retail sale of manufactured homes shall not be included within this definition.

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

**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.

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

**MOTEL:** A building, or portion thereof, which is used for the temporary abiding place for travelers and transient guests, where there is a separate exterior entrance to each sleeping accommodation.

**MOTOR VEHICLE:** See VEHICLE.

**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 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, trees, shrubs, or flowers.

**NURSERY SCHOOL:** A building, or portion thereof, used for the education of preschool age children, with or without compensation.

**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.

**OFFICE PARK:** A development on a tract of land that contains more than one (1) building, or other improvement dedicated to permitted, accessory, or conditional uses and open space, designed, planned, and constructed in a manner that permits, encourages, or necessitates interaction of the various users of the development for support.

**OUTDOOR BILLBOARD ADVERTISING:** Means a sign or graphic image affixed to the ground or structure, visible from any street, highway or other public way, displaying a message or promoting goods, products, services, events, activities, ideas, opinions, and candidates for public office, except:

- A: Signs primarily intended to promote the sale of goods, products or services on the same premises as the sign.
- B: Signs primarily intended to promote events or activities taking place on the same premises as the sign.
- C: Directional or traffic control signs posted by a public authority.
- D: Signs advertising the sale or lease of the property on which they are located.

General Requirements:

Every Outdoor Sign shall:

- A: Be securely affixed to a substantial structure, and in the case of wall signs, securely affixed to a building. No sign shall be erected on a roof or above the roof line.
- B: Be maintained, clean and in good repair, and the painted portions of such signs shall be periodically repainted and kept in good condition.
- C: Be constructed in accordance with local building codes.
- D: Be no larger than 300 square feet.
- E: Meet all zoning codes for setback and height for permitted uses within the zone in which Outdoor Advertising is permitted.
- F: Signs may be double faced, side by side or placed on top of one another provided the overall area meet zoning requirements for the zone.
- G: Be spaced a minimum of 1000 lineal feet from any other outdoor advertising sign, located on the same side of the street right-of-way and facing the same traffic flow as measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street.

Prohibited Advertising:

A person may not display on an outdoor advertising sign:

- A: An advertisement for an alcoholic beverage if the outdoor sign is located within 500 feet of a school or church.
- B: Advertising for tobacco products.
- C: Advertisement of Sexually Oriented Businesses or products as defined in this ordinance.

Lighting Requirements for Outdoor Advertising Signs:

Lighting shall not be used in any way in connection with any outdoor advertising sign unless it is so effectively shielded as to prevent beams or rays of light from being directly cast on any portion of the street or highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle. Illuminated off-premise signs shall not produce more than one foot candle of illumination four feet from the sign, when measured from the base of the sign.

Permit required:

A building and zoning permit as regulated by this ordinance shall be obtained before construction or location of any Outdoor Advertising Sign is located in the City of Wilder.

**PARKING AREA, OFF-STREET:** An open, surfaced area, other than the right-of-way of a street or alley, 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.

**PHOTOCOPY ESTABLISHMENT:** A building, or portion thereof, used by business facilities that are involved in the preparation and/or reproduction of material in printed form. Such facilities are primarily intended to serve walk in trade and be limited to activities serving the general public. Such facilities are not intended to include typesetting, photo-engraving, electrotyping, and stereotyping of industrial type printing establishments.

**PLANNED UNIT DEVELOPMENT (PUD):** A 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 RIGHT-OF-WAY:** A strip of land within which the railroad tracks 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.

**RECYCLING PLANT:** A facility in which recoverable resources, such as paper products, glass products, metal products, plastic products, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**RESIDENTIAL CARE FACILITY:** A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

**RESIDENTIAL CLUSTER DEVELOPMENT (RCD):** A 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.

**SCHOOLS, GYMNASIUM:** A building, or portion thereof, used for instruction or education in physical fitness and gymnastic skills.

**SCHOOLS, PAROCHIAL:** A facility belonging to and maintained by a religious organization, providing a curriculum of elementary and/or secondary academic instruction.

**SCHOOLS, PRIVATE:** A facility belonging to and maintained by a private organization, providing a curriculum of elementary and/or secondary academic instruction.

**SCHOOLS, PUBLIC:** A facility belonging to and maintained under public authority and open to the public for their attendance, providing a curriculum of elementary and/or secondary academic instruction.

**SERVICE FACILITIES, PUBLIC UTILITIES:** 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.

**SERVICE STATION:** Any building, or portion thereof, structure, or land used for the dispensing, sale, or offering for sale, at retail, of any motor vehicle fuels. Service stations, in conjunction with the dispensing of motor vehicle fuels, may also dispense, sell, or offer for sale, at retail, motor vehicle oils or accessories and in connection with which is performed general motor vehicle servicing other than body work and automobile and truck service and repair (major).

**Sexually Oriented Businesses (SOB's):** Defined as an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motion picture theater, escort agency or nude model studio business.

1. Adult Arcade means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
2. Adult Bookstore, Adult Novelty Store or Adult Video Store means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, or any one or more of the following:
  - a. Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, diskettes, compact discs, or other visual representation which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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- b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genitals organs or for sadomasochistic used or abuse of themselves or others.
  - c. An establishment may have other principal business purposes that do not involve the offering for sale rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomic areas or specified sexual activities.
- 3. Adult Cabaret means a bar, restaurant “bottle club”, or similar commercial establishment, whether or not alcoholic beverages are served, which includes: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, slides, or other photographic reproduction which are categorized by the depiction of description of specified sexual activities or specified anatomical areas.
  - 4. Adult Motel means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are categorized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines pamphlets or leaflets, radio or television; or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
  - 5. Adult Motion Picture Theater means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are categorized by the depiction or description or specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
  - 6. Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons, who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
  - 7. Escort means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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8. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
  9. Nude Model Studio means any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
  10. Specified Sexual Activities includes any of the following:
    - a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
    - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
    - c. Masturbation actual or simulated; or
    - d. Human genitals in a state of sexual stimulation, arousal or tumescence;
    - e. Excretory functions as part of or in connection with any of the activities set forth in items a-d.
  11. Specified Anatomical Areas includes any of the following:
    - a. Less than completely and opaquely covered human genitals, pubic region buttocks, anus or female breasts below a point immediately above the top of the areolae; or
    - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.  
Studio – A facility used for the production of arts and crafts or a type of dwelling unit.  
Video Store – A business in which video tapes are sold or rented to the public. A video store is not considered a sexually oriented business nor an adult video store.

**SIGN:** Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction. This definition is not intended to include public art work in public spaces, as may be approved by the legislative body, or public art work located on private property not containing, or intended as, commercial advertising.

**SIGN ADVERTISING:** Any sign which directs attention to a business, commodity, service, or entertainment facility which is conducted, sold, or offered:

- A. 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 an intermittent variation in the illumination or physical position of any part of the sign.

**SIGN, AWNING, CANOPY, OR MARQUEE:** Any sign which is painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

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

**SIGN, FLASHING:** Any sign having an intermittent variation in the illumination of the sign.

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

**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:** Any 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 located .

**SIGN, INDIVIDUAL LETTER:** Letters and/or numbers individually fashioned from metal, glass, plastic, or other materials and attached directly to the facade of a building,

**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, PORTABLE:** Any sign that is not permanently affixed to a building, other unmovable structure, or the ground.

**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 sign 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.

**SOCIAL SERVICE CENTER:** A building, or portion thereof, used by establishments primarily engaged in the organized activity for the benefit of the disadvantaged and the overall betterment of society. Such establishments may provide one or more of a wide variety of individual or family social, counseling, welfare, or referral services.

**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 above 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 thoroughfare which affords access to abutting property for 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 thoroughfare constructed, or intended to be 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, which includes sidewalks.

**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, as identified in the adopted comprehensive plan.

**STREET, EXPRESSWAY:** A divided arterial street with full or partial control of access, and generally with grade separations at major intersections.

**STREET, FREEWAY:** A divided multi-lane street 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, 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 made, 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: buildings and fences.

**STRUCTURE, PRINCIPAL:** The structure on a lot used to accommodate the primary use to which the premises is devoted.

**SUBDIVISION:** The division of a parcel of land in two 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 use 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 to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this ordinance.

**SUPPORT CLUB:** A building, or portion thereof, used by a non-profit, charitable club whose primary purpose is the giving of support through fellowship, counseling, and education to individuals facing and/or overcoming a problem or disability. Such club may not permit the use of alcohol or drugs on its premises. Such club may not use the premises as a residence for any individual or permit any individual to sleep there overnight.

**SWIMMING POOL:** 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; any depression or excavation in any natural or constructed material; 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.

Swimming pools shall be deemed to consist of the follow classes:

- 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.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

**TAVERN:** A building, or portion thereof, used for the primary business of selling alcoholic beverages, by the drink, for consumption on the premises.

**TENANT SPACE:** An area owned or rented/leased within a building, completely separated from another area by a permanent wall, and having an individual entrance/exit to the outside or to a common corridor.

**TRAILER:** See CAMPING/VACATION MOBILE UNIT.

**USE:** An interest in real estate which is circumscribed in this ordinance.

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

**UTILITIES:** Any facilities for the transmission or distribution of gas, electricity, water, cable television signals, and telephone signals.

**VARIANCE:** A departure from dimensional terms of this ordinance pertaining to height, width, or location of structures, and size of yards and open spaces, where such departure meets the requirements of KRS 100.241 to 100.247.

**VEHICLE:** An automobile, truck, motor home, motorcycle, motor scooter, or similar type of equipment.

**VEHICLE WEIGHT, GROSS:** The actual weight of any vehicle and the heaviest load that vehicle is designed and intended to carry.

**VEHICULAR USE AREA (VUA):** Any area containing more than 1,500 square feet and/or used by two or more vehicles for parking, loading and/or unloading, sales and/or service, or driveways.

**WASTE USE, INTERMEDIATE:** an activity or place where waste material, other than hazardous or infectious waste, is received and processed for transportation to another location for recycling, re-use, incineration, or final disposal.

**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 the full width of the lot, or building site, 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, 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 appointed 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 of this ordinance, the city may be divided into the following zones:

A. CONSERVATION ZONES

C-O (Conservation) Zone

B. SINGLE-FAMILY RESIDENTIAL ZONES

R-RE (Residential Rural Estate and Agricultural) Zone

R-1A (Residential One - A) Zone

R-1B (Residential One - B) Zone

R-1C (Residential One - C) Zone

R-1D (Residential One - D) Zone

C. MULTI-FAMILY RESIDENTIAL ZONES

R-2 (Residential Two) Zone

R-3 (Residential Three) Zone

D. SPECIAL DEVELOPMENT ZONES

RCD (Residential Cluster Development) Overlay Zone

MLU (Mixed Land Use) Zone

TC (Town Center) Zone

E. COMMERCIAL ZONES

GC (General Commercial) Zone

HC (Highway Commercial) Zone

NSC (Neighborhood Shopping Center) Zone

PO (Professional Office Building) Zone

F. INDUSTRIAL ZONES

I-P (Industrial Park) Zone

I-2 (Heavy Industrial) Zone

**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 WILDER,

KENTUCKY", and shall so remain on file (in hard copy and/or digital format) in the Wilder City Building.

**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 change shall be made on the Official Zoning Map within thirty (30) days of the date upon which final action approving the amendment is taken by the legislative body.

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 corrections/updates in location of base mapping information (i.e., rights-of-way or subdivisions), the planning commission or the legislative body may cause to have prepared a reproduction of the Official Zoning Map which shall supersede the prior Official Zoning Map, but no such corrections/updates 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-way 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 Subsections A through F shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features indicated in Subsections A through F shall be construed as being extensions of such features. 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:** Property which has not been included within a zone, either through error or omission, or when an area is annexed or proposed to be annexed by the legislative body, the zoning to be applied to the area shall meet the requirements of KRS 100.209 and KRS 81A.420(1), as amended.

## ARTICLE IX

### GENERAL REGULATIONS

**SECTION 9.0 PURPOSE:** Except as herein provided, general regulations shall apply to all zones .

**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 lot 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 shall seek relief from the board of adjustment, as provided for in Article XVIII of this ordinance.

**SECTION 9.2 INTERFERENCE WITH TRAFFIC CONTROL DEVICES:** 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 control devices of any kind.

**SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS:** No structure, vehicle, tree, planting, vegetation, sign, 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 on at least one street frontage, with the other frontage having a minimum of one-half the required minimum front yard depth, except that when such lots abut an arterial street, as identified in the adopted comprehensive plan, the minimum front yard depth shall be provided for each street frontage.

**SECTION 9.5 RAILROAD RIGHT-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 providing said railroad rights-of-way meet the requirements of those sections of the Kentucky Revised Statutes and other pertinent state regulations.

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**SECTION 9.6 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, without first insuring that all requirements of the subdivision regulations, if applicable, have been fulfilled and then obtaining a permit from the zoning administrator.
- B. The zoning administrator 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 which is 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 tree removal, 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 runoff 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 9.7 UNSIGHTLY OR UNSANITARY STORAGE**

- A. No rubbish, salvage materials, junk, motor vehicle tires, or miscellaneous refuse shall be openly stored or kept in the open, and weeds shall not be allowed to go uncut within any zone 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 XII of this ordinance, and an approved permanent planting screen, as regulated in Section 9.17 of this ordinance.

- B. All uses that maintain garbage dumpsters on site shall provide a screened enclosure by means of a Class 1, 3, 5, or 6 fence/wall, or a combination thereof, equal in height to the dumpster. Such enclosure may only open to the interior of the site on which it is located. All such garbage collection areas shall be located in the rear yard and setback a minimum of two (2) feet from any property line, unless site limitations such as topography, yard area, or access prevent such placement, as determined by the zoning administrator.

### **SECTION 9.8 APPLICATION OF ZONING REGULATIONS:**

- A. Except as herein provided, no structures or land shall be used for any purpose other than that permitted in the zone in which such structures or land is located or is to be located.
- 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 structure on one (1) lot, nor shall any structure be erected on any lot which does not abut a public right-of-way.
- C. Except as herein provided, or approved by the board of adjustment, accessory structures and uses shall not be permitted within any front yard or minimum required side yard in any zone. Accessory structures and uses may be permitted to extend into the minimum required rear yard, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and minimum required side yard clearances are maintained. Location of off-street parking, loading and/or unloading areas, fences, and signs, shall be governed by their respective sections, as provided for herein.
- D. Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the minimum required 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 line; 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.

2. In Minimum Required Front Yards – Bay windows, projecting three (3) feet or less into the minimum required front yard; overhanging eaves and gutters, projecting three (3) feet or less into the minimum required front yard; air conditioning equipment, awnings, and canopies, extending not more than six (6) feet in to the minimum required front yard.
3. In Minimum Required Rear Yards – Bay windows, overhanging eaves, gutters, and air conditioning equipment, projecting not more than six (6) feet into the minimum required rear yard; awnings and canopies, provided they do not extend more than ten (10) feet into the minimum required rear yard; uncovered porches, decks, or patios, provided they are less than three (3) feet above grade.
4. In Minimum Required Side Yards – Air conditioning equipment, excluding compressor for central air conditioning unit, overhanging eaves, gutters, awnings, and canopies, projecting not more than thirty (30) inches into the minimum required side yard, but never closer than three (3) feet to the side lot line; uncovered porches, decks, or patios, provided they are less than three (3) feet above grade.

#### **SECTION 9.9 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:**

Home occupations shall include the use of a residential structure 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 other than at that location). The following requirements shall apply to home occupations, where permitted herein:

- A. No persons other than members of the family residing on 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 structure or premises, or other visible evidence of the conduct of such home occupation, that will indicate from the exterior that the structure is being utilized, in part, for any purpose other than that of 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 structure, 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 the vicinity where such home occupation is located.
- G. No equipment or process which creates noise, vibration, glare, 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 9.10 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS**

**A. NONCONFORMING LOTS**

- 1. Any lot of record which does not meet the minimum requirements of this ordinance, or the zone in which it is located, shall be considered a nonconforming lot of record.
- 2. If two (2) or more lots with continuous frontage are in single ownership and 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 minimum requirements for lot width and/or area, as established by this ordinance, or the zone in which it is located, the nonconforming lots of record may be developed, provided: the lot is located on an existing and improved public street; a minimum of fifty-one (51) percent of the lots located on the same side of the street within the same block front are developed; and the development proposed on the lot is in conformance with all other requirements of this ordinance. Where a minimum of fifty-one (51) percent of the lots located on the same side of the street within the same block front are not developed, 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 the minimum lot width and minimum 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.

3. Where a nonconforming lot of record exists having a lot area and/or frontage less than required by the particular zone district 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 variance from any minimum yard, setback, etc., is necessary to develop said lot, an application for such variance shall be submitted to the board of adjustment in accordance with Article XVIII of this ordinance.

## B. NONCONFORMING USES

1. CONTINUANCE: Except as herein provided, the lawful use of 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. However, no conforming use may be enlarged or extended beyond its area of use at the time it becomes a 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 Section 18.6, D. of this ordinance.
3. TERMINATION: In all cases, the board of adjustment 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. Nonoperative, nonused, or abandoned for a period of six (6) consecutive months, providing that the board of adjustment may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners'/operators' control.
  - b. Whenever the structure, in which the nonconforming use is operated, is damaged or destroyed 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.

- c. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance.
  - d. Whenever said nonconforming use is determined to be detrimental or injurious to the public safety, health or welfare;
4. ZONE CHANGE: The foregoing provisions shall apply to uses which become nonconforming due to zone changes which take place hereafter.

#### C. NONCONFORMING STRUCTURES

1. CONTINUANCE: Except as herein provided, any 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 unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance. However, if such a structure is removed or destroyed, other than by intentional means of the owner, the structure may be reconstructed, but shall not be enlarged, extended, or moved.
2. TERMINATION: In all cases the board of adjustment 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 reconstruct the 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 whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure.
  - 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 fifty (50) percent of the market value of such nonconforming structures as of the date of the official order under the applicable ordinance.

- c. Whenever said nonconforming structure is determined to be detrimental or injurious to the public safety, health or welfare.
  3. ZONE CHANGE: The foregoing provisions shall apply to structures which become nonconforming due to zone changes which take place hereafter.
- D. REPAIRS AND MAINTENANCE: On any structure devoted in whole, or in part, to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixture, 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 restoration, 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 stated in Section 9.12, B., 3, or 9.12, C., 2.

E. NONCONFORMING SIGNS

1. CONTINUANCE: Except as herein provided, any nonconforming sign, existing at the time of adoption of this ordinance, may be continued or modified provided, however, that no such sign shall be changed beyond its height and area, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming.
2. TERMINATION: In all cases the board of adjustment 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 six (6) consecutive months.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become nonconforming due to zone changes which take place hereafter.

## SECTION 9.11 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, provided their construction is in accordance with existing or hereinafter 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 so 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 minimum required 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 (51) percent or more of the 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. SIDE YARD VARIANCE: Where a nonconforming lot of record exists in any residential zone, no side yard shall be required to exceed the average width of existing side yards with the side having the least width, on the same side of the street within the same block, when fifty - one (51) percent or more of the lots within that block are improved with residential buildings; provided that no side yard width shall be less than five (5) feet, except as authorized by the board of adjustment.
- E. EXCEPTION TO MINIMUM FRONTAGE, AREA AND YARD REGULATIONS
1. In any subdivision of an existing or proposed development, in any multi-family or commercial zones described herein, zoning, building, and occupancy permits may be issued in the following circumstances, for lots which do not abut a minimum frontage along a dedicated right-of-way, or lots with a lot area, yard areas, or yard sizes which are less than the minimums therefore required by the area and height regulations established herein for the zone in which such development is located:

- a. A development plan conforming to the provisions of Section 9.19 of this ordinance, including all existing and proposed lot and yard areas and sizes in the development, is reviewed and approved by the Planning Commission.
- b. The area of the total development of which such lot is a part, is not less than the minimum total area required for such a development in the zone in which it is located.
- c. The density of the total development of which such lot is a part, is not greater than the maximum density allowed for such a development in the zone in which it is located.
- d. Such lot abuts upon areas within such development, which are either used or proposed for use in common by, or for the benefit of, the owners or tenants of such lot and other lots or areas abutting upon such common area, hereinafter identified and referred to as "benefited abutting property", according to the provisions of legally enforceable agreements or land use restrictions, approved by the Planning Commission and recorded in the office of the County Clerk of Campbell County, Kentucky, which include provisions that:
  - (1) Specifically identify such common areas by a metes and bounds description thereof.
  - (2) Specifically identify the owners of such common areas by name and address, and which identify and establish the obligation and duty of such owners, jointly and severally, to cause such common areas and all improvements thereon, including, without limitation, all motor vehicle access drives and parking areas, pedestrian walkways, other paved surfaces, signs, recreational facilities and open spaces, and other aesthetic and environmental amenities, to be maintained and repaired at least to the extent required by any and all governmental agencies having jurisdiction thereof, or any use or activity conducted thereon.
  - (3) Specifically identify the owners of the benefited abutting property by name and address, and the joint and several obligation thereof to pay a proportionate part of all costs of the aforescribed maintenance and repair of such common areas and the improvements thereon, secured by a lien therefore in favor of the owners of the common areas upon that portion of the benefited abutting property in which they have an ownership interest.

- (4) Specifically identify and establish a legally enforceable right of the city and its successors to enter upon such common areas, through officers, agents, servants, employees and independent contractors thereof, and cause to occur thereon the aforescribed maintenance and repair of such common areas and the improvements thereon, at the joint and several cost and expense of the owners of any interest in the benefited abutting property, with the payment thereof secured by a lien in favor of the city upon such common areas benefited abutting property.
- (5) Identify and establish a legally enforceable right of the owners of each lot or parcel of real estate in such development which does not abut upon a dedicated right-of-way to a paved and unobstructed right-of-way and easement from each of such lots across, over and through such common areas, for motor vehicles and pedestrian access thereto from a dedicated right-of-way.

**SECTION 9.12 CONDITIONAL USES**

**A. DETERMINATION:**

- 1. Subject to the requirements of Section 18.7 of this ordinance, the board of adjustment 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:
  - a. 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
  - b. 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.
- 2. Evaluation of the proposed conditional use and/or development plan shall be based upon the following criteria, where applicable:
  - a. Design
    - (1) Agreement with the various elements of the Wilder Comprehensive Plan, and where applicable, any other adopted plan.

- (2) 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 (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- (3) Nature and extent of the proposed uses in relation to the unique characteristics of the site.
- (4) Extent to which the design of the proposed development responds to the natural and man - made features of the site.
- (5) Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- (6) Extent to which the scale of each building relates to the natural environment.
- (7) The primary activity area of a building should be oriented toward a natural site amenity.
- (8) The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- (9) Heights of structures should be compatible with the height of existing structures adjacent to the site.

b. Circulation

- (1) Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- (2) Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- (3) The circulation system should follow the natural terrain of the site.
- (4) The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- (5) Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- (6) Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

c. Open Space

- (1) Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- (2) Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- (3) Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- (4) Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- (5) Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

d. Utilities

- (1) Extent to which all necessary public utilities and facilities are available to service the proposed 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.

e. Signage

- (1) Signage should be designed to protect and enhance the visual amenities of the site.
- (2) A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- (3) All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- (4) Extent to which signs define and enhance the architectural elements of a building or site.
- (5) Extent to which signage is consolidated and coordinated with the overall site design.

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 adjustment 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, a certificate of Land Use Restriction shall be filed pursuant to Section 9.31. The board shall have power to revoke conditional use permits for noncompliance with the condition thereof. Furthermore, the board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
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 is in operation 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 permit.

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 adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment.

The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the zoning administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the 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 adjustment 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. Thereafter, said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.
6. When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as this ordinance or board of adjustments bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
7. When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given

at least fourteen (14) days in advance of the hearing, by first class mail, to certain public officials, as follows:

- a. If the adjoining property is part of a planning unit, notice shall be given to that unit's commission; or
- b. If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

**SECTION 9.13 BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE:**

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected, or altered in accordance with the applicable housing and building codes.
- B. **WATER AND SANITARY SEWER SERVICE:** Except as herein provided, no principal 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.

1. Individual on-site disposal systems may be permitted only within those areas which are not currently served by a centralized sanitary sewer system. Individual on-site disposal systems may be permitted only under the following conditions:

- a. On-site disposal systems shall be permitted to be located only on lots which abut existing streets. Where new street rights-of-way are created, or new streets constructed within an existing right-of-way, all existing lots or newly subdivided lots shall be required to connect to a centralized sewerage system;
- b. The lot shall comply with the Area and Height Regulations for Permitted Uses, as established in the R-RE Zone; and
- c. All such systems shall be designed and constructed in accordance with the regulations of the applicable state and local agencies.

In those areas where on-site disposal systems are permitted, a connection to the applicable water agency's supply shall not be required.

2. Where existing or proposed development is presently not served by a public sanitary sewer system, and is located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the

zoning administrator, said development shall be required to connect with the public sanitary sewer system and the on-site disposal system shall be discontinued.

3. A copy of the approved on-site disposal system permit shall be submitted to the zoning administrator and/or building official prior to the issuance of a building permit.

### **SECTION 9.14 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 has been obtained, and said building, structure, or improvement complies with the provisions of this section of the ordinance.
- B. **COMPLIANCE:** All alterations and improvements shall comply with the applicable housing and building code, and all other applicable codes and regulations .
- C. **PROCEDURE - PERMITS**
  1. The applicant shall submit to the building inspector, the following:
    - a. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
    - b. A plot plan, footing and foundation plan, and construction plans for any new construction;
    - c. A statement from the applicable legislative body(s) insuring that all past and current taxes have been paid.
  2. 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 and regulations .
  3. The move and set shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.
  4. Upon approval by the zoning administrator 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 the permit. 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 legislative body.

5. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from all applicable agencies.

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. This fee is not returnable. If any alterations or improvements to be made 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 jurisdiction of the legislative body, 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 legislative body, which shall cover the cost of any damage or claim to damage to public improvements (e.g., street pavement, curb and gutter, catch basins, sewers) and other damage to private property resulting from the move and set. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

**SECTION 9.15 RESERVED**

**SECTION 9.16 RESERVED**

**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 any development.

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the zoning administrator (or planning 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 it shall be provided as follows:
  - a. All screening shall be provided by the construction of a Class I or Class 5 fence; as regulated by Article XIII of this ordinance and/or evergreen trees;
  - b. All trees shall be a minimum of six (6) feet in height when planted, however, smaller trees (a minimum of 5 feet in height may be utilized in combination with berms (e.g., earthen mounds) to provide a 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 residential development (single-family and multi-family) shall not be planted further than 10 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 on 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, sloped, reduction of noise pollution, necessary, and the type of screening needed.
4. Screening areas shall be provided in such a manner as to obscure the view into the development from adjacent properties. In those cases where property is located adjacent to property within another governmental jurisdiction, screening shall be provided to the adjoining property 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 than 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. PROVISIONS 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. Shall only be permitted to be located in the rear yard. The zoning administrator may allow pools to be located in the side yard if he/she determines that due to topography, unusual lot shape, or insufficient rear yard area, location of the pool in the rear yard is not possible.
  2. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-latching 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 in height, 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 child may not reach the pool from the street or any 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-latching 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 in height, but not more than seven (7)

feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated by Article XIII of this ordinance). Such fences or walls shall be constructed in such a manner that a child may not reach the pool from the street or any property without climbing the fence or wall or opening the gate or door. Said fence or 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-latching door or gate, or some other device that would prevent a 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 city. Water used in the swimming pool, which is obtained from other than a public source, shall be approved by the appropriate 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 section within sixty (60) days after its adoption.
- B. PUBLIC, SEMI-PUBLIC, AND COMMERCIAL SWIMMING POOLS: All public, semi-public, 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 any minimum required yards or within the limits of any public right-of-way or 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 and self-latching door or gate (only classes 1, 3, 4, or 5 fences are permitted, as regulated by Article XIII of this ordinance). Such fences or walls shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a child may not reach the pool from the street or from any property without climbing the wall or fence or opening the gate or door.

In lieu of providing a fence or wall, as required herein, swimming pools may be provided with a pool cover in compliance with the Kentucky Building Code and provided the following required safety criteria are met:

- a. The safety standard cover must pass the strength test and be able to withstand at least 490 pounds (equivalent to two adults and a child) on any given 3 square foot area.
  - b. The cover must be able to drain water so that water does not accumulate and pose a drowning threat to a child.
  - c. The pool cover shall be designed to fit securely over all sides of the pool preventing a child from lifting the cover or entering the water. The cover shall also have a latch, which cannot become undone or loosened, to secure it in a closed position. If the cover is operated electrically, it shall provide for a manual override in the event of a power failure.
  - d. The power disconnect for the pool cover shall be located inside a building and shall include a visual detector or light which remains lit at all times when the pool cover is not in place.
  - e. That the pool will be kept under observation at all times while the pool cover is not in place.
3. Glare from lights used to illuminate the swimming pool area shall be directed away from the adjacent properties.
  4. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the city. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved of by the appropriate 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 properties.

**SECTION 9.19 DEVELOPMENT PLAN REQUIREMENTS:** No structure shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a development plan is required, except in accordance with the regulations of this section and an approved development plan as hereinafter required. Before a permit is issued for construction, one copy of the development plan, at a scale no smaller than one (1) inch to one hundred (100) feet, shall be filed with the Planning Commission, or its duly authorized representative, the building inspector, and the zoning administrator. The development plan shall identify and locate, where applicable, the information as listed in Section 9.20, B. -- Stage II Development Plan Requirements.

All such development plans shall be reviewed by the Planning Commission, or its duly authorized representative. The Planning Commission, or its duly authorized representative shall review the development plans in accordance with requirements of this and other applicable sections of this ordinance and the comprehensive plan, and shall make one of the following recommendations to the zoning administrator: approval, approval with conditions, or disapproval. However, no action of approving or rejecting any development plan shall be taken by the zoning administrator unless and until a review of the proposal has been made by the Planning Commission, or its duly authorized representative.

All development 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 with.

**SECTION 9.20 DEVELOPMENT PLAN REQUIREMENTS - STAGES I, II, AND RECORD PLAT:**

- A. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide, where applicable, 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, that identifies and provides the following information:
    - 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 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;

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- 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 height of buildings;
    - (2) Attached housing - location and description of the various housing types (i.e., townhouses, 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 and industrial 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 uses, including approximate number of acres, gross floor area, and height of buildings;
  - g. Location of all existing and proposed pedestrian walkways, identifying approximate dimensions;
  - h. Location of all existing and proposed off-street parking and loading and/or unloading areas, identifying the approximate number of spaces;
  - i. Location of all existing and proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;
  - j. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes;
  - k. Certification from appropriate water and sewer agencies indicating that services are available.

- I. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
  
- 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 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 DEVELOPMENT PLAN REQUIREMENTS:** The Stage II Development Plan shall identify and provide, where applicable, the following requirements:

- 1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
  - a. The existing and proposed finished 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, or its duly authorized representative;
  - b. All housing units on the subject property:
    - (1) Detached housing - Location, arrangement, and number of all lots, including lot dimensions 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;

- c. Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
- d. Location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership, operation, and maintenance of such lands shall be identified;
- e. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;
- f. Location of signs indicating their orientation, 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, and size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, 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 arrangement of off-street parking and loading and/or unloading spaces;

- i. Circulation System:
  - (1) Pedestrian walkways, including alignment, grades, type of surfacing, 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 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.

- C. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the approved Stage II Development Plans. If the Record Plat is submitted in sections, 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 development plan, as regulated in

9.19 of this ordinance, submitted to the planning commission, or its duly authorized representative, for 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 public 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 by the planning commission.

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

- A. No vehicle which is abandoned, non-functional, 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(s) to live in any boat, automobile, camper, recreational vehicle, or truck, within the jurisdiction of the legislative body, except houseboats may be permitted along the Licking and Ohio Rivers.
- C. Except as provided for herein, it shall be unlawful to park and/or store any trailer, manufactured home, recreational vehicle, camper, boat, or other such type equipment, within any place or location in the city. The outside storage and/or parking of any trailer, manufactured home, recreational vehicle, camper, boat, or similar type equipment, shall be restricted to the side or 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 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 a completely enclosed building on any lot or parcel of land. Storage and/or parking of any trailer, manufactured home, recreational vehicle, camper, boat, or similar type equipment may be permitted within driveways during the period from May 1 through the following October 15, provided that the following conditions are met: (1) the required off-street parking spaces are available in addition to the space utilized by the aforementioned vehicles or similar type equipment; (2) the stored and/or parked vehicle or equipment shall not extend over any property or right-of-way line; and (3) no more than one such vehicle or piece of similar type equipment is permitted in the driveway at any one time.

1. Exceptions: Nothing in the ordinance shall be interpreted to restrict the storage of any boats or recreational vehicles on a rear round basis on the premises of any marine or recreational vehicle business, which are permitted or conditionally permitted in this ordinance.
- D. It shall be unlawful to park or to keep any truck with dual wheels, either tandem or parallel, or any truck, 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 building.
- E. Any property which does not comply with the provisions of this section, at the time of adoption of this ordinance, 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 this section.

#### **SECTION 9.24 HILLSIDE DEVELOPMENT CONTROLS**

- A. This section is designed to promote public safety and general welfare, to protect property against loss from erosion, earth movement, or hillside slippage. This section will ensure when development is proposed in those areas of the community which have physical characteristics which will limit development (hillsides of 20 percent slope or greater), it shall 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 containing slopes of 20 percent or greater shall be limited to development according to the following requirements, notwithstanding any other section of this or any other ordinance adopted by the city.
  1. All land areas located within the city and identified on the adopted Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas otherwise indicated which have slopes of 20 percent or greater, shall require approval from the planning commission, or its duly authorized representative, before development may occur
  2. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified in (1) above, may occur until plans and specifications for such work have been submitted in the form of a development plan as regulated by Section 9.19 of this ordinance. In addition to development 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, filling,

piling, 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 investigation 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 development plan and other information required by this section of the ordinance, shall be reviewed by the city engineer who will recommend to the planning commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion.
  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 and/or soil erosion, the planning commission, or its duly authorized representative, shall deny a permit for development of said land.
- C. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. PUBLIC POLICY:
    - a. Public works in hillside areas should be designed to preserve the natural character of the land to the greatest extent possible. Deep or extensive excavations and fills scar the landscape and should be avoided.
    - b. Excessive cutting and filling should be avoided in the construction of hillside roadways.
    - c. Roadways constructed on hillsides should, wherever possible, follow the contours of the land or climb the slopes with a gentle grade.
  2. REGULATING THE SUBDIVISION OF HILLSIDE LAND:
    - a. Plans for hillside subdivisions should be laid out so that lots on the flatter upland portions of the site are held back from the crest of the hill.

- b. In planning hillside subdivisions, maximum existing vegetation should be retained.
- c. In planning hillside subdivisions, lots located on sloping portions of the site and at the crests of hills should be arranged so that intrusion of buildings constructed on lower elevations into the views of those above will be minimized.
- d. Hillside vegetation should not be heedlessly displaced, degraded, or destroyed.
- e. Subdivisions in hillside areas should be designed to preserve the natural character of the land, to the greatest extent possible.

3. REGULATING THE CHARACTER OF DEVELOPMENT:

- a. The visual impact of grading should be minimized by avoiding flat grading planes and sharp angles of intersection.
- b. When it is necessary to use retaining walls, their height should be minimized.
- c. When buildings are constructed on hillside sites, yards and patios should respect the natural contours, drainage patterns, and vegetation of the site.
- d. Slopes exposed in new development should be landscaped in order to mitigate visual impacts created by hillside grading.
- e. The natural slope line of the hill, as seen in profile, should be retained.
- f. Existing native vegetation should be preserved, and when disturbed, should be supplemented with new native vegetation.
- g. Trees should be planted in random clusters, not in rows, to compliment the natural pattern of tree distribution.
- h. All cuts, fills, and any other earth modifications should be replanted with appropriate native vegetation.
- i. The risk of off - site geologic property damage should be minimized by locating development away from areas which are vulnerable to sliding.
- j. Grading for buildings, driveways, outdoor use areas, utilities, etc., should be minimized to preserve the natural topography of the site.
- k. When grading operations are necessary, the smallest practical areas of land should be exposed at any one time during development and the length of exposure should be kept to the shortest practicable amount of time.

4. REGULATING EARTHWORKS:

- a. The tops and toes of excavations and their slopes should be set back from property boundaries and structures as far as necessary

- for the safety of adjacent properties and adequacy of foundation support and to prevent damage as a result of water runoff.
- b. No fill should be placed over trees, stumps, or other organic or unstable material.
  - c. All retaining walls should be promptly backfilled.
  - d. Where storm and drainage improvements are necessary, they should be designed to create a natural, rather than a man - made, appearance.
  - e. In order to prevent runoff, erosion control plans should utilize existing trees and vegetation to the maximum extent possible.

## **SECTION 9.25 FLOOD PROTECTION DEVELOPMENT CONTROLS**

- A. **PURPOSE:** The purposes of the flood protection development controls are:
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 danger to human life; and
  2. To prohibit all other development in flood prone areas not identified in Subsection A., 1., above, including non-essential or improper installation of public utilities and public facilities.
- B. **DEFINITIONS:** Notwithstanding other definitions within this ordinance, the following definitions shall only apply to this section of the ordinance:
1. Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load - bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load - bearing walls is new construction.
  2. Area of shallow flooding means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
  3. Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

4. Base flood means the flood having a one percent chance of being equaled or exceeding in any given year.
5. Basement means that portion of a building having its floor subgrade (below ground level) on all sides.
6. Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
7. Building means any structure built for support, shelter, or enclosure for any occupancy or storage.
8. Development means any man - made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.
9. Elevated building means a non - basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts or piers), shear walls, or breakaway walls.
10. Existing construction is any structure for which the 'start of construction' commenced before the effective date of the first flood protection development control ordinance.
11. Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Flood Protection Development Controls adopted by the legislative body.
12. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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- a. the overflow of inland or tidal waterways;
  - b. the unusual and rapid accumulation or runoff of surface waters from any source.
14. Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been identified as Zone A.
  15. Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
  16. Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
  17. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
  18. Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
  19. Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long - term storage, manufacture, sales, or service facilities.
  20. Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.
  21. Historic structure means any structure that is:
    - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily

- determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior; or
    - (2) Directly by the Secretary of the Interior in states without approved programs.
22. Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section of the ordinance.
23. Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
24. Manufactured home park or subdivision means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
25. Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purpose of this section of the ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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26. National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
  27. New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the Flood Protection Development Controls adopted by the legislative body and includes any subsequent improvements to such structures.
  28. New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Flood Protection Development Controls adopted by the legislative body.
  29. Recreational vehicle means a vehicle which is:
    - a. Built on a single chassis;
    - b. 400 square feet or less when measured at the largest horizontal projection;
    - c. designed to be self propelled or permanently towable by a light duty truck; and
    - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
  30. Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

31. Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.
32. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
33. Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term does not, however, include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  - b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".
34. Substantially improved existing manufactured home park or subdivision is where the repair, reconstruction, rehabilitation or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
35. A departure from dimensional terms of this ordinance pertaining to the height, width, or location of structures, and the size of yards and open

spaces where such departure meets the requirements of KRS 100.241 to 100.247.

C. 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. The limits of the floodplain (areas subject to flooding during the occurrence of a 100-year flood) and floodway are identified as Flood Protection Control Areas on the zoning map, pursuant to the Flood Insurance Study prepared by the Federal Emergency Management Agency. This study, along with any accompanying maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this section of the ordinance.
2. Areas designated as susceptible to flooding during the occurrence of a 100-year flood shall be controlled by both the zoning district in which the area is located and the requirements of this section of the ordinance.

Flood data within this section identify the elevation of the 100-year flood level and the width of the floodway as follows:

TABLE A	LICKING RIVER
TABLE B	THREE MILE CREEK
TABLE C	MOOCK ROAD TRIBUTARY

In the case of any proposed activity located along other tributaries or bodies of water not covered in these tables, and located in those areas which are identified as being susceptible to flooding, according to the report prepared by the U.S. Department of Agriculture, Soil Conservation Service, "Soil 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 flood and floodway for said areas prior to the issuance of any zoning and building permits.

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, including making any alteration or relocation of a waterway, located within the floodway which would result in any increase in flood levels during the occurrence 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 of Natural Resources & Environmental Protection, Division of Water Resources, and other applicable agencies, for their review and approval.

4. All land outside the floodway of the bodies of water identified in Subsection C., 2., above, but located within the floodplain, may be used for any purpose for which it is zoned, provided that:
  - a. 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 elevated to a minimum of two feet above the level of the 100-year flood. Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. For all new construction and substantial improvement, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage, in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect.
  - b. Any new non-residential structures, including any expansion or substantial improvements of non-residential structures, within said floodplain, shall have the lowest floor elevated to a minimum of two feet above the level of the 100-year flood or together with attendant mechanical, utility, and sanitary facilities shall be designed and floodproofed 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 hydro-dynamic loads and effects of frequency certified by a professional engineer or architect. For all new construction and substantial improvement of elevated non-residential structures, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage, in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect.

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- c. For all new construction and substantial improvement of elevated non - residential structures, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect or meet the following minimum requirements:
    - (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (2) The bottom of all openings shall be no higher than one foot above grade; and
    - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  5. All utilities constructed to serve structures which are to be located within the floodplain shall be flood protected at a minimum to the elevation of the 100-year flood level.
  6. All construction or modification of buildings and structures, including flood-proofing measures and techniques in the flood plain area, as required within this section of the ordinance, 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, and the following requirements:
    - a. All new construction or substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - b. All new construction or substantial improvements shall be constructed with materials and mechanical 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 or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

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- e. All new or 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.
7. In addition to the above requirements, manufactured homes, as herein defined, shall meet the following standards:
- a. No manufactured home or recreational vehicle shall be permitted to be placed in a floodway or a Coastal High Hazard Area.
  - b. All manufactured 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 manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than fifty (50) feet in length and one additional tie per side for manufactured homes of fifty (50) feet in length or more;
    - (2) Frame ties be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufactured homes of less than fifty (50) feet in length and one additional tie for manufactured homes of fifty (50) feet in length or longer;
    - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds;
    - (4) Any additions to the manufactured home be similarly anchored.
  - c. For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities, or pads equals or exceeds fifty (50) percent of the value of the streets, utilities, or pads before the repair, reconstruction, or improvement has commenced; and, for manufactured homes not placed in a manufactured home park or subdivision require:

- (1) That all manufactured homes meet all of the requirements for new construction, including elevations and anchoring;
  - (2) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be a minimum of two feet above the base flood level;
  - (3) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;
  - (4) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement;
  - (5) Adequate surface drainage and access for a hauler are provided;
  - (6) 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. Recreational vehicles may be permitted to be located within the limits of the floodplain, subject to compliance with the following requirements:
- a. The recreational vehicle must be on the site for less than 180 consecutive days;
  - b. The recreational vehicle must be fully licensed and ready for highway use; or
  - c. That the recreational vehicle meet the elevation and anchoring requirements for manufactured homes, as set forth in Subsection C., 7., above.

A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9. Any existing structure or use which is located within the floodplain and which does not conform to the requirements herein shall be nonconforming 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.

10. 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.
11. A survey of the site in question will be required prior to the issuance of any building permit or construction activity that would alter the site in any manner, to establish the existing elevation of the land.
12. After completion of the first floor elevation, as provided in Subsection C., 4., above, a certified copy of said lowest elevation shall be provided to and maintained in the offices of the Zoning Administrator - Building Official.
13. A development 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.
14. A zoning permit, as regulated by Section 16.1 of this ordinance shall be required prior to any grading or construction within any area designated as being located within the floodplain.

## FIGURE A

## LICKING RIVER

DISTANCE RIVER MILE (1)	STATION POINT (2)	ELEVATION OF 100-YEAR FLOOD	WIDTH OF FLOODWAY FLOODWAY (3)
1.25	F	499.9	193
1.50	G	500.2	181
1.75	H	500.6	183.2
2.00	I	500.8	261
2.25	J	501.0	222
2.50	K	501.5	668
2.75	L	501.7	852
3.00	M	501.7	564
3.25	N	502.3	281
3.50	O	502.6	198
3.75	P	502.7	223
4.00	Q	502.8	386
4.30	R	503.0	273
4.50	S	503.2	281
4.75	T	503.8	398
5.25	U	504.2	395
5.75	V	504.8	255
6.25	W	505.2	723

- (1) As measured from the mouth of the Licking River.
- (2) Coincides with river cross-sections identified on the zoning map.
- (3) Width of the 100-year floodway as measured in feet from the Wilder corporation boundary.

## FIGURE B

## THREE MILE CREEK

DISTANCE RIVER MILE (1)	STATION POINT (2)	ELEVATION OF 100-YEAR FLOOD	WIDTH OF FLOODWAY FLOODWAY (3)
0.39	A	502.0	153
0.50	B	502.0	286
0.69	C	502.0	98
0.85	D	502.0	61
1.02	E	506.2	54
1.29	F	523.9	70

- (1) Miles above mouth.
- (2) Coincides with creek cross-sections identified on the zoning map.
- (3) Total Width of 100-year floodway measured in feet.

## FIGURE C

## MOOCK ROAD TRIBUTARY

DISTANCE RIVER MILE (1)	STATION POINT (2)	ELEVATION OF 100-YEAR FLOOD	WIDTH OF FLOODWAY FLOODWAY (3)
0.29	A	502.0	98
0.84	B	521.2	64

- (1) Miles above mouth.
- (2) Coincides with creek cross-sections identified on the zoning map.
- (3) Total Width of 100-year floodway measured in feet.

**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 redevelopment of a specified area for the use and/or density designated within the comprehensive plan when the necessary conditions for such development are realized (e.g., demolition of existing buildings). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development designated within 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 rezoning, 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 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 upon attainment of all the requirements of the zone which corresponds to the adopted comprehensive plan for the type of use and/or density, 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, an area zoned R-1C, which is identified for future use on the adopted comprehensive plan for "industrial" could be temporarily zoned R-1C(P), indicating that 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 an adequate access road, demolition of existing buildings), the area could be rezoned through a zone change procedure to an industrial zone. 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.
- D. The minimum size of any area to be rezoned, as regulated by this section of the ordinance, is one (1) acre, provided that all other provisions of this ordinance and the subdivision regulations are adhered to. Development of a smaller tract adjacent to an existing zone being requested 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 and provided further that the zone is in conformance with the comprehensive plan.

**SECTION 9.27 LAND USED SOLELY FOR AGRICULTURAL PURPOSES:** Pursuant to KRS 100, any land which is used for agricultural purposes (exclusive of land and building used for residences, shall have no regulations 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 flood plain, which tend to increase flood heights, or obstruct the flow of flood waters shall be in accordance with this ordinance.
- C. All dwellings to be constructed or provided as part of land used for agricultural purposes shall meet all requirements of the zone in which said use is located and all other requirements of this ordinance.

**SECTION 9.28 HAZARDOUS WASTE:** The treatment, storage, transfer, processing and any other handling of hazardous waste except for such material as is produced as part of the operation of an activity located within the I-2 Zone, shall be prohibited within any zone.

- A. **DEFINITION:** Any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality of an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; nothing in this definition shall be construed to apply to any activity or substance which is subject to the Federal Atomic Energy Act of 1954, as amended (68 Stat. 923) (KRS 224.005). The specific criteria for identifying the characteristics of Hazardous Waste shall be provided for within Part 261 – Identification and Listing of Hazardous Waste in V of 45, No. 98 of the Federal Register, May 19, 1980 or subsequent revisions thereto.

**SECTION 9.29 REGULATION OF BED AND BREAKFAST ESTABLISHMENTS:** Bed and breakfast establishments, where permitted, shall be subject to the following regulations in addition to any imposed by the board of adjustment in approving a specific operation.

- A. One off-street parking space must be provided for each guest room, on-site, or within a reasonable distance off-site, except where it is demonstrated that parking is available on-street;
- B. The establishment shall be operated by the owner of the dwelling unit, who shall live in the unit; and

- C. Food service may be provided for registered guests only.

**SECTION 9.30 REGULATIONS CONCERNING UTILITIES:** No utilities shall be extended into any area for which a preliminary subdivision plat has been approved, unless the extension thereof is beneath the surface of the ground.

**SECTION 9.31 TRIP REDUCTION REGULATIONS**

- A. **PURPOSE:** The Greater Cincinnati Metropolitan Area has been identified as a non-attainment area for federal ozone level standards. Ozone is a compound and is the primary constituent of smog. This type of air pollution can be primarily attributed to motor vehicles. Due to the increasing responsibilities being placed on local governments to formulate plans which will help to reduce ozone levels, and the sanctions which will be placed upon metropolitan areas if ozone levels are not reduced, it is imperative that measures be taken by local legislative body's and other applicable agencies to reduce the amounts of ozone and other types of air pollution within the total community. Therefore, it is the purpose of these regulations to encourage and accommodate alternatives to single-occupant motor vehicle trips through the promotion and development of transportation management programs. A reduction in such trips can be expected to assist in reducing traffic congestion, air pollution, and energy consumption.
- B. **DEFINITIONS:** For the purpose of this section of the ordinance, the following definitions shall apply:
1. **Carpool** - A motor vehicle occupied by two or more employees who commute together to/from work.
  2. **Compressed Work Week** - A work schedule for an employee which eliminates at least one round trip commute two times a week.
  3. **Flextime** - The scheduling of employee arrivals and departures at a work site so that the number of single occupant vehicle trips during peak hours is reduced.
  4. **Subscription Bus Service** - Transportation of persons in a motor vehicle for commute purposes, where the driver is not employed by the owner/tenant of the work site, either on a fixed route or demand response. This definition shall not include public/private mass transit services.
  5. **Telecommuting** - A system of either working at home or at an off - site work station with computer facilities that link to the work site.

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6. Vanpool - A van occupied by five or more employees who commute together to/from work.
- C. APPLICABILITY: These regulations shall be applicable to all existing and new residential and non-residential uses or developments, the owner(s)/developer(s) of which elect to participate.
- D. TRANSPORTATION MANAGEMENT COORDINATOR: Owner(s)/developer(s) of every residential and non-residential use or development which elect to participate in the transportation management program must identify a specific individual, department, or other entity to act as the transportation management coordinator. If the use is existing at the time of adoption of this ordinance, the transportation management coordinator shall be identified at the time the owner(s)/developer(s) of the use or development elect to participate in the transportation management program. If the use or development is new, the occupancy permit shall not be issued until the transportation management coordinator is identified. The transportation management coordinator shall perform the following duties and functions:
1. Coordinate and manage day-to-day operations of the transportation management program.
  2. Monitor and report, as required by this ordinance, performance of the transportation management program.
  3. Act as the administrative liaison between the legislative body and the owner(s)/developer(s) of the use or development.
- E. REPORTING PROCEDURES: An annual report, summarizing performance and effectiveness of the transportation management program, shall be filed with the zoning administrator no later than February 28. This report shall cover the period of January 1 through December 31 of the previous calendar year. This report shall contain, at a minimum, the following information, where applicable:
1. Address of the use or development.
  2. Names and types of uses within the development.
  3. Number of employees at the use or development by work hours.
  4. Number of dwelling units within the development.
  5. A description of the types of services provided in the transportation management program.

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6. Number of persons who utilize the services by type of service.
  7. Number of off-street parking spaces located on the site.
- F. TRANSPORTATION MANAGEMENT PROGRAM AND INCENTIVES:
1. NON-RESIDENTIAL USES:
    - a. The transportation management program, for non-residential uses, may include one or more of the following services. For each service provided, a reduction in the number of required off-street parking spaces may be taken.
      - (1) VANPOOLING OR SUBSCRIPTION BUS SERVICE: A reduction of up to twenty percent (20%) of the number of required off-street parking spaces may be allowed for non-residential uses which employ vanpooling or a subscription bus service. To qualify for this reduction, the applicant must submit, along with the zoning permit application, the following:
        - (a) Information indicating that the owner/tenant will obtain or lease to employees vans, buses, or other high occupancy vehicles, for the purpose of providing transportation of additional employees.
        - (b) Information indicating that the owner/tenant will operate or hire vans, buses, or other high occupancy vehicles, for the purpose of providing transportation of employees.
      - (2) CARPOOLING: A reduction of up to fifteen percent (15%) of the number of required off-street parking spaces may be allowed for non-residential uses which institute a carpooling program. To qualify for this reduction, the applicant must submit, along with the zoning permit application, the following:
        - (a) Information indicating that the program is registered with Rideshare, as established by the Ohio-Kentucky-Indiana Regional Council of Governments.
        - (b) Information indicating that the owner/tenant will provide passive matching services (i.e., bulletin board notice, paycheck stuffers, office newsletter, etc).

- (c) Information indicating that all reasonable efforts will be made to register existing and new employees with ride matching services.
  - (d) Information indicating that the program will be actively promoted to employees through newsletters, posters, and other materials.
- (3) ON-SITE AMENITIES AND OTHER ACTIVITIES:
- (a) A reduction of up to ten percent (10%) of the number of required off-street parking spaces may be allowed for non-residential uses which provide on-site amenities or other activities which encourage a reduction in trip generation or alternative modes of transportation. Examples of acceptable on-site amenities and other activities are as follows:
    - [1] Provision of flextime.
    - [2] Provision for a compressed work week.
    - [3] Provision for telecommuting.
    - [4] Provision of cafeteria facilities.
    - [5] Provision of preferential parking for high occupancy vehicles.
    - [6] Provision for bicycle parking.
    - [7] Provision of locker and shower facilities.
  - (b) To qualify for this reduction, the applicant must submit, along with the zoning permit application, the following:
    - [1] Information indicating the types and amounts of amenities and activities.
    - [2] Information indicating that use of the amenities and activities will be actively promoted to employees through newsletters, posters, and other materials.

- (4) TRANSIT: A reduction in the number of required off-street parking spaces, equal to the estimated reduction in trip generation, may be allowed for non-residential uses which are located within one-half (1/2) mile of any regularly scheduled bus route stop, with service available during commuting hours. (Example: If the zoning ordinance requires one off-street parking space for every two employees and there are six employees who use the transit system to get to/from work, there can be a reduction of three off-street parking spaces)
- b. As an alternative to reducing the required number of off-street parking spaces, owner(s)/developer(s) of a use or development may increase the floor area, as follows:
- (1) The owner(s)/developer(s) of the use or development must provide the full amount of off-street parking spaces required by the city's/county's zoning ordinance prior to the proposed increase in floor area.
  - (2) At the time that a zoning permit application is submitted, the applicant must submit the required information and provide the transportation management programs listed in Subsection F., 1., a., herein.
  - (3) The amount of the additional floor area shall be fifty percent (50%) of the figure calculated by taking the number of off-street parking spaces which would be reduced through the incentive programs listed herein multiplied by the off-street parking space variable listed in this ordinance. (Example: Assume that the zoning ordinance requires office uses to provide a minimum of one off-street parking space for every 200 square feet of gross floor area. A 50,000 square foot office building would be required to provide a minimum of 250 off-street parking spaces. Also assume that the owner/developer will provide the necessary transportation management programs that will allow a reduction of 20% in the number of required off-street parking spaces. Instead of providing 250 off-street parking spaces (250 - [250 x 20%]), the developer would be allowed to enlarge the gross square footage of his building by 5,000 square feet (50% x [50 x 200])

2. RESIDENTIAL USES: The transportation management program for residential uses is divided into multi-family residential developments and single-family residential developments.
  - a. MULTI-FAMILY RESIDENTIAL DEVELOPMENTS: An increase of up to ten percent (10%) in density may be allowed for multi-family residential developments which provide all of the following:
    - (1) Each resident, upon initial occupancy, must receive information on available mass transit services.
    - (2) The owner must provide shuttle or subscription bus service to various local shopping and business areas.
    - (3) Additional off-street parking spaces, which meet the minimum requirements of this ordinance must be provided for the increased number of dwelling units.
  - b. SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS: An increase of up to ten percent (10%) in density may be allowed for single-family residential developments which provide one or both of the following:
    - (1) All roadways must be designed and constructed so as not to preclude vanpool or bus service.
    - (2) An area within the development must be designated, designed, and constructed to accommodate ridesharing, vanpooling, park and ride, or other commuter parking service, at a rate of one (1) space for every ten (10) dwelling units. Such area must be approved by the appropriate mass transit agency prior to approval of the zoning permit. If the mass transit agency does not approve the location of such an area, the developer/owner may pay an "in lieu of" fee, equal to the amount of the estimated cost of construction of such an area, to the appropriate mass transit agency.

G. ENFORCEMENT:

1. If the approved transportation management program, including the requirements of this ordinance, are not being conducted or adhered to, or if the effectiveness of the program is not being met, the owner shall: (1) construct the required amount off-street parking, as required by this ordinance; (2) discontinue the use of the additional amount of building area/dwelling units, provided for within this ordinance; or (3) demolish,

raze, or remove the additional amount of building area/dwelling units, provided for within this ordinance.

2. Prior to the issuance of any occupancy permits, the owner/tenant must verify that the transportation management program, as identified in the zoning permit, will be implemented. Such verification may include copies of contracts, lease agreements, purchase agreements, and any other appropriate documentation.
3. Provisions of the approved transportation management program shall be binding upon the owner/tenant and all successors. The owner shall record a deed restriction in the County Clerks office, binding all successors in title to the provisions of the approved transportation management program. Additionally, the owner shall include in all leases, a clause which binds all tenants to the provisions of the approved transportation management program.

H. APPEAL PROCEDURE: The appeal process shall be as provided for within this ordinance.

### **SECTION 9.32 FILING OF CERTIFICATE OF LAND USE RESTRICTIONS**

A. FILING OF CERTIFICATES OF LAND USE RESTRICTIONS: A "Certificate of Land Use Restriction" shall be filed in the office of the county clerk by the planning commission, legislative body, and/or board of adjustment, whichever body(s) impose(s) any land use restrictions according to the provisions of KRS 100.3681 to 100.3684. A \$10.50 fee for recording such filing shall be collected by the body imposing the restriction. This fee shall be paid over to the county clerk. An additional fee, not to exceed \$10.50, may be imposed by the body imposing the restriction for costs of completing and filing the certificate.

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**ARTICLE X**  
**ZONE REGULATIONS**

**SECTION 10.0 CO (CONSERVATION) ZONE**

**A. USES PERMITTED**

1. Agricultural uses, but not including the feeding of garbage to animals.
2. Public owned and/or operated parks and/or recreation areas, including public swimming pools.
3. Recreational uses other than those publicly owned and/or operated such as golf courses, and country clubs including commercial swimming pools.

**B. ACCESSORY USES**

1. Customary accessory buildings and uses.
2. Fences and walls – as regulated by Article XII of this Ordinance.
3. Signs – as regulated by Article XV of this Ordinance.

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment as set for in Section 9.12 of this Ordinance.

1. Golf driving ranges.
2. Riding academies and stables.
3. The following uses are permitted in connection with streams, rivers, lakes or other bodies of water, providing that the development of all permitted facilities in or adjacent navigable waters shall be approved by the Corps of Engineers, Department of the Army, and such statement of approval or denial shall be submitted to the Board of Adjustment at the time of submittal for a conditional zoning certificate.

**a. Boat Harbors and Marinas**

The following uses shall be permitted as accessory uses in connection with any boat harbor or marina and primarily intended to serve only persons using the boat harbor or marina.

- (1) boat fueling, service and repairs
- (2) sale of boat supplies
- (3) grocery store

- (4) restaurant
- (5) club house and lockers

- b. Public boat landing or launching facilities
- c. Dockage facilities
- d. Off-street parking facilities and temporary parking of boat trailers – including spaces large enough to accommodate automobiles pulling boat trailers.

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

- 1. Minimum Lot Area – Five (5) Acres.
- 2. Minimum Lot Width at Building Setback Line – Three Hundred (300) feet.
- 3. Minimum Front Yard Width on Each Side of Lot – Fifty (50) feet.
- 4. Minimum Side Yard Width on Each Side of Lot – Fifty (50) feet.
- 5. Minimum Rear Yard Depth – Fifty (50) feet.
- 6. Maximum Building Height – Twenty-Five (25) feet.

E. OTHER DEVELOPMENT CONTROLS:

- 1. All "Uses Permitted", "Conditional Uses", permitted in this zone shall require a certificate of approval from the city engineer, certifying his approval of the type of and manner of construction to be built (insuring that such constructions shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses or unnecessary destruction of natural features) which completed certificate shall be submitted to the appropriate Officer or Board, as required herein, at time of request.
- 2. Dwelling units are not permitted in this zone.
- 3. Off-street parking and loading or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- 4. With the exception of subsection D of this section of the Ordinance no outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- 5. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
- 6. No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building.
- 7. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of one hundred (100) 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.

8. No use producing objectionable odors, noise, vibrations, dust or others deemed objectionable by the city's Zoning Administrator, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

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**SECTION 10.1 R-RE (RESIDENTIAL RURAL ESTATE AND AGRICULTURAL) ZONE:**

**A. USES PERMITTED:**

1. Single Family Dwelling (detached).

**B. ACCESSORY USES:**

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

**C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set for in Section 9.12.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Institutions for higher education providing they are located adjacent to an arterial street.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools
8. Educational farms and related activities/tourist attractions, including but not limited to sales of souvenirs or products of the farm as well as other incidental items such as minimal food items or related supplementary service limited to sites of 100 acres or more.

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- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Three (3) acres.
  2. Minimum Lot Width at Minimum Building Setback Line – Three hundred (300) feet.
  3. Minimum Front Yard Depth – Forty (40) feet.
  4. Minimum Side Yard Width on Each Side of Lot – Seventy-five (75) feet.
  5. Minimum Rear Yard Depth – Twenty-five (25) feet.
  6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2 1/2) stories.
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the regulations in Section 10.11, D.
- F. 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. With the exception of Subsection D of this Section of the Ordinance no outdoor storage of any materials (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 residential zone.
  4. Where land in this zone is abutting a residential zone, a minimum yard requirement of one hundred (100) 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 screen area as regulated by Section 9.17 of this Ordinance.

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**SECTION 10.2 R-1A (RESIDENTIAL ONE – A) ZONE**

- A. PURPOSE: This zone is established to provide a low density residential environment whose dwelling types are typical of a suburban character.
- B. PERMITTED USES
  - 1. Single-family residential dwellings (detached)
- C. ACCESSORY USES
  - 1. Customary accessory structures and uses
  - 2. Fences and/or walls, as regulated by Article XII of this ordinance
  - 3. Home occupations, as regulated by Section 9.11 of this ordinance
  - 4. Signs, as regulated by Article XV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
  - 1. Cemeteries
  - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
  - 3. Fire and police stations, provided they are located adjacent to an arterial street
  - 4. Government offices
  - 5. Institutions for higher education, provided they are located adjacent to an arterial street
  - 6. Libraries
  - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
  - 8. Parochial, private, and public schools
  - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
  - 10. Educational farms and related activities/tourist attractions, including but not limited to sales of souvenirs or products of the farm as well as other incidental items such as minimal food items or related supplementary service limited to sites of 100 acres or more
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
  - 1. Minimum lot area – Twelve thousand five hundred (12,500) 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 on Each Side of Lot – Fifteen (15) feet

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

F. 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 at building setback line – One hundred fifty (150) feet
3. Minimum front, side, and rear yard depths Fifty (50) feet
4. Maximum building height – Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property .
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

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**SECTION 10.3 R-1B (RESIDENTIAL ONE – B) ZONE**

- A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. PERMITTED USES:
  - 1. Single-family residential dwellings (detached)
- C. ACCESSORY USES
  - 1. Customary accessory structures and uses
  - 2. Fences and/or walls, as regulated by Article XII of this ordinance
  - 3. Home occupations, as regulated by Section 9.11 of this ordinance
  - 4. Signs, as regulated by Article XV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
  - 1. Cemeteries
  - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
  - 3. Fire and police stations, provided they are located adjacent to an arterial street
  - 4. Governmental offices
  - 5. Institutions for higher education, provided they are located adjacent to an arterial street
  - 6. Libraries
  - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
  - 8. Parochial, private, and public schools
  - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
  - 1. Minimum lot area – Seven thousand five hundred (7,500) sq feet
  - 2. Minimum lot width at building setback line – Sixty (60) feet
  - 3. Minimum front yard depth – Thirty (30) feet
  - 4. Minimum side yard width on Each Side of Lot – Ten (10) feet
  - 5. Minimum rear yard depth – Twenty-five (25) feet
  - 6. Maximum building height – Thirty-five (35) feet or two and one-half (2 1/2) stories

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F. 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 at building setback line – One hundred fifty (150) feet
3. Minimum front, side, and rear yard depths – Fifty (50) feet
4. Maximum building height – Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

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**SECTION 10.4 R-1C (RESIDENTIAL ONE – C) ZONE**

- A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. PERMITTED USES:
  - 1. Single-family residential dwelling (detached)
- C. ACCESSORY USES
  - 1. Customary accessory structures and uses
  - 2. Fences and/or walls as regulated by Article XII of this ordinance
  - 3. Home occupations, as regulated by Section 9.11 of this ordinance
  - 4. Signs, as regulated by section XIV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Section 9.12 and 18.7 of this ordinance:
  - 1. Cemeteries
  - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
  - 3. Fire and police stations, provided they are located adjacent to an arterial street.
  - 4. Governmental offices
  - 5. Institutions for higher education, provided they are located adjacent to an arterial street
  - 6. Libraries
  - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
  - 8. Parochial, private, and public schools
  - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
  - 1. Minimum lot area – Seven thousand five hundred (7,500) square feet
  - 2. Minimum lot width at building setback line – Seventy (70) feet
  - 3. Minimum front yard depth – Thirty (30) feet
  - 4. Minimum side yard width on Each Side of Lot – Seven (7) feet minimum, total of fifteen (15) feet
  - 5. Minimum rear yard depth – Twenty-five (25) feet
  - 6. Maximum building height – Thirty-five (35) feet or two and one-half (2 1/2) stories

F. 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 at building setback line – One hundred fifty (150) feet
3. Minimum front, side, and rear yard depths – Fifty (50) feet
4. Maximum building height – Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading area shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

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**SECTION 10.5 R-1D (RESIDENTIAL ONE – D) ZONE**

- A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
  
- B. PERMITTED USES:
  - 1. Single-family residential dwellings (detached)
  
- C. ACCESSORY USES
  - 1. Customary accessory structures and uses
  - 2. Fences and/or walls, as regulated by Article XIII of this ordinance
  - 3. Home occupations, as regulated by Section 9.11 of this ordinance
  - 4. Signs, as regulated by Article XIV of this ordinance
  
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Section 9.12 and 18.7 of this ordinance:
  - 1. Cemeteries
  - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
  - 3. Fire and police stations, provided they are located adjacent to an arterial street
  - 4. Governmental offices
  - 5. Institutions for higher education, provided they are located to an arterial street
  - 6. Libraries
  - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
  - 8. Parochial, private, and public schools
  - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
  
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
  - 1. Minimum lot area – Nine thousand (9,000) square feet
  - 2. Minimum lot width at building setback line – Seventy-five (75) feet
  - 3. Minimum front yard depth – Thirty-five (35) feet
  - 4. Minimum side yard width on each Side of Lot – Ten (10) feet
  - 5. Minimum rear yard depth – Twenty-five (25) feet
  - 6. Maximum building height – Thirty-five (35) feet or two and one-half (2 1/2) stories

F. 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 at building setback line – One hundred fifty (150) feet
3. Minimum front, side, and rear yard depths – Fifty (50) feet
4. Maximum building height – Thirty-five (35)

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas 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 any use located within this zone onto any street, or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided.

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**SECTION 10.6 R-2 (RESIDENTIAL TWO) ZONE**

- A. PURPOSE: This zone is established to provide a residential environment of attached dwelling units whose densities are typical of an urban character.
  
- B. PERMITTED USES:
  - 1. Single-family residential dwellings (attached)
  - 2. Two-family residential dwellings
  
- C. ACCESSORY USES
  - 1. Customary accessory structures and uses
  - 2. Fences and/or walls, as regulated by Article XII of this ordinance
  - 3. Signs, as regulated by Article XV of this ordinance
  
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
  - 1. Cemeteries
  - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
  - 3. Fire and police stations, provided they are located adjacent to an arterial street
  - 4. Governmental offices
  - 5. Institutions for higher education, provided they are located adjacent to an arterial street
  - 6. Libraries
  - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
  - 8. Parochial, private, and public schools
  - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
  
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
  - 1. Minimum lot area – Twenty thousand (20,000) square feet for the first four (4) dwelling units or less; four thousand (7,500) square feet shall be provided for every dwelling unit thereafter.
  - 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 – Fifteen (15) feet
  - 5. Minimum rear yard depth – Thirty (30) feet
  - 6. Maximum building height – Forty (40) feet

7. Maximum density - Seven (7) dwelling units per net acre
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. 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 at building setback line – One hundred fifty (150) feet
3. Minimum front, side, and rear yard depths – Fifty (50) feet
4. Maximum building height – Forty (40) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a single-family residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

**SECTION 10.7 R-3 (RESIDENTIAL THREE) ZONE**

- A. **PURPOSE:** This zone is established to provide a residential environment of multiple dwelling units whose densities are typical of an urban character.
- B. **PERMITTED USES:**
1. Multi-family residential dwellings
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
  2. Fences and/or walls, as regulated by Article XII of this ordinance
  3. Signs, as regulated by Article XV of this ordinance
- D. **CONDITIONAL USES:** The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Section 9.12 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
  3. Fire and police stations, provided they are located adjacent to an arterial street
  4. Governmental offices
  5. Institutions for higher education, provided they are located adjacent to an arterial street
  6. Libraries
  7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
  8. Parochial, private, and public schools
  9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:**
1. Minimum lot area – Twenty thousand (20,000) square feet
  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 – Fifteen (15) feet
  5. Minimum rear yard depth – Thirty (30) feet
  6. Maximum building height – Forty (40) feet
  7. Maximum density - Twenty (20) dwelling units per net acre
  8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. 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 at building setback line - One hundred fifty (150) feet
3. Minimum front, side, and rear yard depths - Fifty (50) feet
4. Maximum building height - Forty (40) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted or conditionally permitted in this zone abuts property in a single-family residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided required.
5. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

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**SECTION 10.8 RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in any Residential Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements 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 usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Residential Cluster Development (RCD) Overlay Zone may only be permitted 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 RCD Overlay 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:** Applications for Residential Cluster Development Overlay Zone shall be processed as follows:
1. **Stage I** - Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area RCD shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection O., below. If an area, however, is currently zoned RCD, the submission of the Stage I Development Plan, for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed. Development shall include the demolition, erection, physical expansion, change of use, or outside remodeling of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - 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 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 legislative 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 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., 1., a., above. Approval of the RCD Overlay Zone shall require that development be in conformance with the approved Stage I Development Plan.

The legislative body shall forward a copy of the approved Stage I Development Plan to the planning commission, or its duly authorized representative, for further processing in accordance with the requirements for Stage II Development Plan and Record Plat.

Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the residential zone (e.g., RCD-R-1B, RCD-R-1C, RCD-R-2, etc.).

2. Stage II -- Plan and Record Plat - A Stage II Development Plan and Record Plat shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, 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. of this ordinance, shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
  - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, other applicable elements of this ordinance, other applicable regulations, and its conformity with the approved Stage I Development Plan. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments

do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Upon approval of the Stage II Development Plan, by the planning commission, or its duly authorized representative, a copy of said plan shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the approved Stage II Development Plan and other regulations as may be required by this ordinance.

- b. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C. of this ordinance, the applicable requirements of the subdivision regulations, and its conformance with the approved Stage II Development Plan.

Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, 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. RESIDENTIAL USES AND DENSITIES: All types of residential housing units may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the residential zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).
- E. ACCESSORY USES: Accessory uses shall be as specified within the zone being overlaid.
- F. CONDITIONAL USES: Conditional uses, including any customary accessory structures and uses, shall be as specified within the zone being overlaid, subject to the approval of the Board of Adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance.
- G. 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 may include the following:
  - 1. Child care centers
  - 2. Churches

3. Community centers
4. Country clubs
5. Fire or police stations
6. Libraries
7. Open space/recreation areas

H. AREA REQUIREMENTS

1. No RCD Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be zoned RCD, provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned RCD.
2. The minimum area for submission of a Stage I Development Plan, within an existing RCD Zone, shall be not less than three (3) acres. However, a Stage I Development Plan may be submitted for an area of less than five (5) acres, provided it is consistent with an officially adopted Neighborhood Concept Plan for the area in question, and said Stage I Development Plan is in agreement with all other requirements of the RCD Zone.

I. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.

J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.

K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

M. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed RCD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the RCD. Common open space/recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, single-family residential lots, and access drives.

N. SCREENING: Shall be as approved in the plan.

- O. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. Agreement with the various elements of the Wilder Comprehensive Plan and where applicable, any officially adopted Neighborhood Concept Plan by the planning commission or the legislative body, or other adopted plan.
  2. Extent to which the proposed development plan is consistent with the purpose of the RCD Zone.
  3. 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.).
  4. Nature and extent of the proposed commercial types, proposed in relation to the unique characteristics of the site; 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.
  5. Extent to which the proposed design, as indicated in the Stage I Development Plan, is compatible with development contiguous to the site. Compatibility shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding area; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions 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.
  6. 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.
  7. 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.
  8. 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.
- P. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by

Subsection C., subject to the same limitations and requirements as those under which such plans were originally approved.

- Q. UTILITIES: All utilities in a RCD shall be underground.
- R. EXPIRATION: Development plans within the RCD 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 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. Stage II Development Plan has not been approved by the planning commission, or its duly authorized representative, within a period of twenty-four (24) consecutive months from the date of the approved Stage I Development 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 appreciably to render the approved Stage I 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 Development Plan by the planning commission, or its duly authorized representative, 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 Stage I Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Stage II Development Plan.

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**SECTION 10.9 GC (GENERAL COMMERCIAL) ZONE**

A. PURPOSE: This zone is established to primarily provide for individual retail, service, and other uses which are oriented towards serving the daily needs of area residents.

B. PERMITTED USES

1. Antique shop
2. Art supplies
3. Bakery and bakery goods store (providing that all products are sold exclusively on the premises)
4. Banks and other financial institutions
5. Barber shops
6. Beauty shops
7. Boat and marine sales and service
8. Camera and photographic supplies (including incidental repair)
9. Carpet and rug stores
10. Delicatessen
11. Drug store
12. Dry cleaning establishments
13. Florist shop
14. Food stores and supermarkets
15. Garden supplies
16. Hardware store
17. Interior decorating studio
18. Laundromats, self service washing and drying
19. Locksmith shop
20. Music, musical instruments and record store (inc. incidental repair)
21. Office appliances and supply
22. Opticians and optical supplies
23. Outdoor Billboard Advertising as defined in Article VII
24. Paint and wallpaper store
25. Plumbing sales and repair
26. Radio and television repair stores
27. Sexually Oriented Businesses as defined in Article VII
28. Shoe store and shoe repair
29. Sporting goods
30. Studios for professional work or teaching of any form of fine arts (photography, music, drama, or dance)
31. Tailor shop
32. Eating and Drinking Establishments
33. Pawn Shops

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance

D. AREA AND HEIGHT REGULATIONS:

1. Minimum lot area – Seventy-five hundred (7,500) feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum yard requirement – Fifteen (15) feet on each side, except when any yard abuts a roadway, the minimum yard requirement shall be fifty (50) feet
4. Maximum building height – Forty (40) feet
5. More than one principal structure, as herein defined, may be permitted on one lot

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XII and XIV 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 any use located within this zone onto any street or into any adjacent property
4. Where any yard of any use permitted in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided, in addition to the required setback.
5. No use producing objectionable odors, noise, or dust shall be permitted in this 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. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
8. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
9. Any sexually oriented business permitted in this zone is subject to spacing of 1500 lineal feet from other sexually oriented businesses, churches, residential zones or schools.
10. Outdoor billboard advertising subject to spacing of a minimum of 1000 lineal feet spacing between billboards.

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**SECTION 10.10 HC (HIGHWAY COMMERCIAL) ZONE**

A. PURPOSE: This zone is established to provide for limited retail, service, and other uses which are oriented towards serving the traveling/transient public or which require immediate access to the regional transportation system.

B. PERMITTED USES

1. Automotive, motorcycle, and truck sales, new or used
2. Automotive service and repairs, provided that all business activity shall be conducted within an enclosed building.
3. Banks and other financial institutions, with or without drive-through facilities
4. Boat and other marine equipment sales and service, new or used
5. Convenience stores
6. Eating establishments and taverns, with or without drive-in/drive-through facilities
7. Hotels and motels
8. Off-street parking lots and garages
9. Police and fire stations
10. Service stations (including auto repairing, provided all work, except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building)
11. Theaters
12. Indoor Athletic facilities and sporting goods and apparel
13. Consumer Fireworks Sales as defined in KRS 227.702 provided that the entire building housing the firework sales as the primary source of business is within 300 feet of and the land on which the building is located is adjacent to a Federal Interstate Highway and providing all sales are conducted indoors (i.e. no tents, stands or other temporary structures).

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance
4. Uses as listed below, included within and entered from within, any motel or hotel, as a convenience to the occupants thereof, and their customers, provided 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 from outside the building:

- a. Barber shops
  - b. Beauty shops
  - c. News and confectionery stands
  - d. Restaurants
5. Outdoor dining
- D. **CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustments as set forth in Section 9.12.
- 1. Outdoor athletic fields lying within the 100 year floodplain of the Licking River shall be permitted as accessory uses to the use and operation of an indoor athletic facility in this zone.  
  
In addition to the outdoor athletic fields permitted as accessory uses in Section C., 1., above, one (1) outdoor athletic field, with an actual field of play no larger than 80 yards by 120 yards, shall be permitted as an accessory use to the use and operation of an indoor athletic facility in this zone.
  - 2. Full service car wash
- E. **AREA AND HEIGHT 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 or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. 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 – Forty (40) feet
  - 7. In the case of this zone, more than one principal structure, as defined herein, may be constructed on one lot
- F. **OTHER DEVELOPMENT CONTROLS**
- 1. Off–street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. No motor vehicle, which is inoperable or trailer which is usable or unusable, shall be stored on any lot or parcel in this zone unless it is within a completely enclosed building.
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. Where any side and/or rear yard of any use permitted in this zone abuts property in a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this Ordinance.
7. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
8. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any permitted use in this zone.

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**SECTION 10.11 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE**

A. PURPOSE: This zone is established to provide for retail, service, and other uses, within a planned and coordinated development, which is oriented towards serving the residents of the immediate area.

B. PERMITTED USES:

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including loan, savings, and finance companies
5. Barber and beauty shop
6. Billiard or pool hall
7. Book, stationary, or gift shop
8. Camera and photographic supplies
9. Candy store, soda fountain, ice cream store, excluding drive-ins
10. Child care centers
11. Delicatessen
12. Drug store
13. Dry cleaning and laundry pick-up station
14. Eating and drinking places, excluding drive-ins
15. Florist shop
16. Food store and supermarkets
17. Furniture store
18. Garden supplies
19. Glass, china, or pottery store
20. Haberdashery
21. Hardware store
22. Health spas
23. Hobby shop
24. Household and electrical appliance store, including incidental repair
25. Interior decorating studio
26. Jewelry store, including repair
27. Laundromats and self service washing and drying
28. Leather goods and luggage store
29. Library
30. Locksmith shop
31. Music, musical instruments, and records, including incidental repair
32. Offices
33. Off-street parking lots and/or garages
34. Opticians and optical goods
35. Package liquor and wine store, excluding drive-ins

36. Paint and wallpaper store
37. Pet shop, excluding boarding and outside runs
38. Police and fire stations
39. Post office
40. Radio and television store, including repair
41. Shoe store and shoe repair
42. Sporting goods
43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
44. Tailor shop
45. Toy store
46. Variety store, including notions and "Five and Ten" stores

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance

D. AREA AND HEIGHT REGULATIONS

1. Minimum building site area – Five (5) acres
2. Minimum yard requirements – Fifty (50) feet for each front, side, and rear yards, except where the building site abuts an arterial street, as identified in the adopted comprehensive plan, then there shall be a minimum yard requirement of one hundred (100) feet.
3. Maximum building height – Forty (40) feet.
4. In the case of this zone, more than one principal structure, as defined herein, may be constructed within the minimum building site area

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone or into any adjacent property.
4. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Where any yard of any use permitted in this zone abuts a residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

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 outdoor play areas of child care centers.
8. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area of the proposed shopping center and take into consideration internal and external pedestrian and vehicle access and the functional relationships of uses within the shopping center.

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**SECTION 10.12 PO (PROFESSIONAL OFFICE BUILDING) ZONE**

A. PURPOSE: This zone is established to provide for a low rise office environment accommodating individual office uses or small scale office developments.

B. PERMITTED USES

1. Banks and other financial institutions, including loan, savings, and finance companies.
2. Clinics – medical or dental
3. Offices
4. Off–street parking lots and/or garages
5. Police and fire Stations
6. Post offices

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or 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, provided 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 from outside the building:
  - a. Barber shops
  - b. Beauty shops
  - c. Cleaning services, including laundries and dry cleaning
  - d. Coffee shops or refreshment stands
  - e. Child care centers
  - f. Eating establishments and taverns
  - g. Medical or dental laboratories
  - h. News and confectionery stands
  - i. Prescription pharmacies

D. AREA AND HEIGHT REGULATIONS:

1. Minimum building site area for office park development - Five (5) acres
2. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Thirty (30) feet
5. Minimum side yard width - Fifteen (15) feet

6. Minimum rear yard depth - Twenty-five (25) feet
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal structure, as defined herein, may be constructed on one lot
9. In the case of this zone, more than one principal structure, as defined herein, may be constructed within the minimum building site area.

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XIII 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 any use located within this zone onto any dedicated street or into any adjacent property.
4. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Where any side and/or rear yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

**SECTION 10.13 IP (INDUSTRIAL PARK) ZONE**

- A. **PURPOSE:** This zone is established to provide for manufacturing, warehousing, and related industrial uses, within a planned and coordinated development. Uses typically permitted in this zone involve manufacturing of goods from pre-manufactured parts, which does not produce air emissions, water or noise pollution concerns; all manufacturing and storage of materials is within enclosed buildings comprising the business; and, the manufacturing processes used do not rely on the extensive use or storage of hazardous or environmentally sensitive materials.
- B. **PERMITTED USES:**
1. Except for those that decompose by detonation or uses or processes that employ blasting as part of their ongoing operation; The manufacturing, compounding, processing, packing, or assembling of the following uses:
    - a. Animated and/or illuminated billboards and other commercial advertising structures
    - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, excluding poultry and animal slaughtering and dressing
    - c. Cosmetics, pharmaceutical, and toiletries
    - d. Electric appliances, television sets, phonographs, household appliances
    - e. Electrical machinery, equipment, and supplies
    - f. Fountain and beverage dispensing equipment
    - g. Furniture
    - h. Instruments of professional, scientific, photographic and optical use
    - i. Metal products and metal finishing, excluding the use of blast furnaces or drop forges
    - j. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - k. Office equipment
    - l. Pottery and figurines
    - m. Products from the following 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
    - n. Textile products such as: canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine (excluding asbestos products)
  2. Bottling and canning works
  3. Building materials, sales yards, Home improvement center

4. Contractors offices and accessory storage yards, including storage for general construction equipment and vehicles
5. Crating services
6. Industrial engineering consultant offices
7. Laboratories, offices, and facilities for research both basic and applied, conducted by or for any industrial organization or concern whether public or private
8. Laundries and dry cleaning plants; involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
9. Machine shops
10. Printing, engraving and related production processes
11. Schools for industrial or business training
12. Warehousing or wholesaling, with the exception of those items or products not permitted to be manufactured with in this zone.
13. Public Utilities rights of way and permanent structures
14. Offices
15. Equipment sales and rental offices
16. Indoor athletics facilities
17. Studio for professional work or teaching any form of fine art including photography, music, drama or gymnastics
18. Day Care Centers

C. ACCESSORY USES

1. Customary accessory structures 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, machine shops, and rail spurs.
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance
4. Uses as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, provided 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

D. AREA AND HEIGHT REGULATIONS:

1. Minimum tract for industrial development - Ten (10) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved

- site may be permitted provided the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved development plan layout
2. Minimum lot area within minimum tract – One (1) acre
  3. Minimum lot width at building setback line – One hundred (100) feet
  4. Minimum Front Yard Depth
    - a. When abutting an arterial, as identified in the adopted comprehensive plan – Seventy-five (75) feet
    - b. On internal roads – Fifty (50) feet
  5. Minimum Side Yard Width
    - a. In internal parts of the park – Twenty-five (25) feet
    - b. Where the side yard is adjacent to an arterial, as identified in the adopted comprehensive plan - Seventy-five (75) feet
  6. Minimum rear yard depth – fifty (50) feet; no rear yard shall be required where a rail spur line forms the rear property line
  7. Maximum building height –forty (40) feet
  8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

#### E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV of this ordinance.
2. Any accessory storage yard of any use permitted in this zone shall be visually screened from any public street (as identified in the Comprehensive Plan) by a combination of building(s) land forming, landscaping and other devices as regulated by Section 9.17 of this Ordinance.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building.
5. Where any side and/or rear yard of any use permitted in this zone abuts a residential zone, or the Town Center (TC) zone, a minimum yard requirement of seventy-five (75) feet shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
6. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

7. Must demonstrate compliance, at all times, with Section 15.2 Performance Standards.

**SECTION 10.14 I-2 (INDUSTRIAL TWO) ZONE**

- A. **PURPOSE:** This zone is established to provide for manufacturing, warehousing, and other industrial uses. Uses typically permitted in this zone involve manufacturing or processing from raw materials; outside storage of materials is often necessary to store the types of products manufactured on the premises or to store raw materials used in the manufacturing process; industrial processes used may involve or require mitigation of air, water, or noise pollution created by the manufacturing processes; and, potentially hazardous materials may be used in the manufacturing process.
- B. **PERMITTED USES**
1. Except for those that decompose by detonation or processes that employ blasting as part of their ongoing operation, the manufacturing, compounding, processing, packing or assembling of the following uses:
    - a. Asphalt and asphalt products, located within one (1) mile of an interstate highway interchange.
    - b. Brewing and distilling of liquors, located within one (1) mile of an interstate highway interchange.
    - c. Brick, tile or terra cotta, located within one (1) mile of an interstate highway interchange.
    - d. Candy and confectionery products, food and beverage products including the rendering or refining of fats and oils
    - e. Cement, concrete and concrete products, located within one (1) mile of an interstate highway interchange.
    - f. Cosmetics, pharmaceutical and toiletries
    - g. Animated and/or illuminated billboards and other commercial advertising structures
    - h. Electric appliances, television sets, phonographs, household appliances
    - i. Electrical and non-electrical machinery, equipment and supplies
    - j. Fountain and beverage dispensing equipment
    - k. Furniture
    - l. Instruments of professional, scientific, photographic and optical
    - m. Iron, steel, aluminum foundry or forge works and heavy weight casting
    - n. Lumber mills and storage yards
    - o. Metal, metal finishing and metal products including the use of blast furnaces or drop forges
    - p. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - q. Office equipment
    - r. Oilcloth or linoleum

- s. Plastic and plastic products
  - t. Pottery and figurines
  - u. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, steel, tin, wood, bone, plastics, rubber, cork, felt, fibers, yarn, wool, tobacco
  - v. Rolling mills
  - w. Rubber and rubber products
  - x. Soap and soap products
  - y. Stone and monument works employing power driven tools
  - z. Sand and gravel including storage, located within one (1) mile of an interstate interchange.
2. Bag, carpet and rug cleaning
  3. Bottling and canning works
  4. Building materials sales yards
  5. Bus line shops and storage
  6. Coal, coke, or wood yards
  7. Contractors offices and accessory storage yards including storage, sales and rental of general construction equipment and vehicles
  8. Crating services
  9. Flour mills
  10. Forge plants and Foundries
  11. Governmentally owned and/or operated city, county or state garages
  12. Industrial engineering consultant offices
  13. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private
  14. Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
  15. Machine shops
  16. Plating plants
  17. Printing, engraving and related reproduction processes
  18. Publishing and distribution of books, newspapers, and other printed materials
  19. Railroad facilities including passengers and freight terminals, marshaling yards, and maintenance shops, and round house
  20. Schools for industrial or business training
  21. Trucking and freight terminals, with the exception of those items or products not permitted to be manufactured with in this zone.
  22. Warehousing or wholesaling, with the exception of those items or products not permitted to be manufactured with in this zone.
  23. Offices

24. Bulk storage, sale and distribution of bottled and compressed gas, with the exception of those items or products not permitted to be manufactured with in this zone.
25. Sand and gravel including storage, for use or consumption on-site only.
26. Intermediate waste uses, including composting yards, resource recovery facilities, recycling centers, buy-back centers, tire shredding facilities, tire recycling center, and transfer station provided all business activities are conducted within a completely enclosed building.

C. ACCESSORY USES

1. Customary accessory structures 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/or walls, as regulated by Article XV of this ordinance
3. Signs, as regulated by Article XV of this ordinance
4. Uses, as listed below, located 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
5. Day Care Centers

D. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustments as set forth in Section 9.14.

1. Office buildings exceeding forty (40) feet in height.

E. AREA AND HEIGHT REGULATIONS:

1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout

2. Minimum lot area within minimum tract – One (1) acre
3. Minimum lot width at building setback line – One hundred fifty (150) feet
4. Minimum front yard depth – Fifty (50) feet
5. Minimum side yard width – Twenty-five (25) feet; fifty (50) feet is required where a side yard abuts a street, or deeded right-of-way
6. Minimum rear yard depth – Fifty (50) feet; no rear yard is required where a rail spur forms the rear property line
7. Maximum building height – Forty (40) feet
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV of this ordinance.
2. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
3. Where any side and/or rear yard of any use permitted in this zone abuts a residential zone, a minimum requirement of seventy-five (75) feet shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
4. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any permitted use in this zone.
5. All uses and/or accessory uses with the exception of employee or customer parking, must be located 900 feet from any residential zone district.
6. Must demonstrate compliance, at all times, with Section 15.2 Performance Standards.

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**SECTION 10.15 MLU (MIXED LAND USE) ZONE**

- A. **PURPOSE:** The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, commercial uses, retail and service uses, and residential uses within a planned development. Such development is intended to be designed to provide for a related 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 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 usable 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 Mixed Land Use Zone may be permitted 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 MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application.
- C. **APPLICATION AND PROCESSING:** Applications for a Mixed Land Use Zone shall be processed as follows in two stages:
1. Stage I - Except as provided in Section 17.0, I., applications for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I Plan Requirements, provided for within Section 9.20, A., of this ordinance. If an area, however, is currently zoned MLU, the submission of a Stage I Development Plan for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed.
    - a. The planning commission shall hold a public hearing on the proposed application (Stage I Development Plan, and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the MLU Zone, the required elements of the Stage I Development Plan and other applicable requirements of this section. Written notice of the

hearing shall be given to the owner of every parcel of property adjoining the property encompassed within the Stage I Development Plan as provided in and in accordance with the provisions of Section 17.0, D., 2. Upon holding such hearing, the planning commission 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 I Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said MLU 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 for further review and recommendation, in accordance with Subsection C., 1., a., above. Approval of the MLU 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 Development Plan and Record Plat.

Zoning Map Amendment - Upon approval of the MLU Zone, the official zoning map shall be amended by adding the area as identified in the application or as shown on the Stage I approved plan.

2. Stage II - Plan And Record Plat - A Stage II Development Plan and record plat shall be developed in conformance 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, or its duly authorized representative, 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, or its duly authorized representative, 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 and

other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be permitted, provided that the adjustments do not change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance (e.g., parking requirements). The planning commission, or its duly authorized representative, upon completion of its review of the proposed Stage II Development Plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission, or its duly authorized representative, shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, or its duly authorized representative, review said recommendations and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission, or its duly authorized representative. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, or its duly authorized representative, then said conditions shall be resubmitted to the planning commission, or its duly authorized representative, for further review and recommendation, in accordance with Subsection C., 2., a., above.

Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to: (1) the 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, or its duly authorized representative.

- c. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted record plat, if applicable, 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 conformance with the Stage II approved plan. Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, 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. PERMITTED USES: One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II Plans:

1. Residential - including single-family and two-family. Residential development shall not occupy a cumulative total of more than twenty-five (25) percent of the area within the MLU. Residential uses which are located above nonresidential uses shall not be considered to be a part of this cumulative total
2. Offices
3. Restaurants
4. Retail and service uses, as follows:

- Advertising agency
- Antique shop
- Apparel shop
- Appliance shop - electrical and household
- Appliances - office
- Art and art supplies
- Bakery shop
- Banks
- Book shops
- Cafeterias
- Camera supplies
- Candy store
- Churches
- Clinics - medical and dental
- Clothing store
- Clubs - business, YMCA, YWCA
- Coffee shop
- Convenience store - drug, fruit, grocery, meat, pharmacy, vegetables
- Craft shops
- Day care facilities
- Dry cleaning pick-up
- Finance company, financial institutions
- Florist shop
- Garden supplies
- Gift shop
- Glass store
- Hair stylist
- Hardware store
- Hobby shop

Hotels, motels  
Ice cream store  
Interior decorator  
Jewelry store  
Laboratory - medical and dental  
Laundry pick-up  
Leather goods  
Loan company  
Locksmith shop  
Luggage shop  
Music shop  
Off-street parking  
Office supplies  
Optical goods and supplies  
Optician and optometrist  
Package liquor and wine store, excluding drive-thrus  
Paint and/or Wallpaper store  
Pet shop  
Pharmacy  
Photographic supplies  
Pottery store  
Recreation area - open space  
Savings and loan  
Shoe store with incidental repair  
Souvenir shop  
Sporting goods  
Stationary shop  
Studio - decorating, photo  
Tailor shop  
Travel agency  
Video rental

E. ACCESSORY USES:

1. Customary accessory buildings and uses

F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the MLU Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

1. Fire and police stations
2. Post office branch
3. Schools (elementary and secondary)

G. AREA REQUIREMENTS:

1. No MLU Zone shall be permitted on less than fifteen (15) acres of land. However, an area of less than fifteen (15) acres may be zoned MLU, provided it is adjacent to an area that is currently zoned MLU.
  2. The minimum area for submission of a Stage I Development Plan, within an existing MLU Zone, shall be not less than five (5) acres. However, a Stage I Development Plan may be submitted for an area of less than five (5) acres, provided it is adjacent to and extends the existing Stage I Development Plan and conforms to requirements of the MLU Zone.
- H. ACCESS REGULATIONS: Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.
- I. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance.
- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall generally be in accordance with Articles XIII and XIV of this ordinance and as approved in the plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. RECREATION AND OPEN SPACE: At least twenty (20) percent of the total acreage of the proposed MLU development shall be retained as open space or recreation areas. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the MLU development. Open space and recreation areas shall be that part of the total project exclusive of buildings, parking areas, access drives and streets. At such time as the Stage II Development Plan for a particular development is submitted to the planning commission, or its duly authorized representative, notwithstanding Subsection C., 2., a., open space requirements of less than twenty (20) percent may be considered for the development if unique topographic conditions exist, unique treatment of parking areas is provided for, and unique conditions and circumstances exist on or are adjacent to the site.
- N. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:

1. Agreement with the various elements of the Wilder Comprehensive Plan, and where applicable, any KRS Chapter 99 approved Urban Renewal Development Plan.
  2. Extent to which the proposed development plan is consistent with the purpose of the MLU Zone. Consistency with the purpose can be measured by the extent to which a variety of the permitted uses is incorporated within the overall design. At a maximum no single proposed use should comprise over fifty (50) to seventy-five (75) percent of the gross floor area proposed in the Stage I or Stage II Development Plan.
  3. 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 (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
  4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; 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.
  5. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions 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.
  6. Amount of traffic that would be generated by the proposed operation and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
  7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
  8. 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.
- O. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by Subsection C., of this section.

- P. EXPIRATION: Development plans within the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time constraints, 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 the appropriateness of the approved development plan. A public hearing may be initiated if either of the following condition apply:
1. Stage II 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, except as agreed upon for the phasing of development 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) 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.

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## **SECTION 10.16 TC (TOWN CENTER) ZONE**

- A. **PURPOSE:** The purposes of the Town Center (TC) Zone are to: allow businesses, within a planned and architecturally unified development, which provide convenience goods and services to a work population and the residences of adjacent neighborhoods; allow developments which will link the older residential areas of the city, city parks, and municipal buildings, via pedestrian, bicycle, and vehicular access; allow development at a small scale with a town - like setting; and supplement or serve adjacent areas without having an adverse impact on adjacent areas; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Town Center (TC) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area TC shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned TC, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Town Center (TC) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission 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 I Development Plan and the bases for their recommendation.

- b. The legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action 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 B., 1., a., of this section.

A copy of the approved Stage I Development Plan shall be forwarded to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.

3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. 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. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, 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, or conflict with other applicable requirements of this ordinance.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his/her duly authorized representative: approval, approval with conditions, or disapproval. The planning

commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his/her duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, process the proposed Stage II Development Plan. Upon approval of the Stage II Development Plan by the city's chief administrative official, or his/her duly authorized representative, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

C. PERMITTED USES:

- 1. Antique and art stores
- 2. Bakery and bakery goods store, provided the products are sold exclusively on the premises
- 3. Banks and other financial institutions, including savings, loan, and finance companies
- 4. Barber and beauty shops
- 5. Book, stationery, or gift shop
- 6. Candy store, soda fountain, ice cream store, excluding drive-in facilities
- 7. Child day care center
- 8. Convenience stores, without the dispensing of fuels
- 9. Dance and fitness
- 10. Delicatessen
- 11. Drug store
- 12. Dry cleaning and laundry pick-up station, excluding on site processing
- 13. Eating and drinking places, excluding drive-in facilities
- 14. Florist shop
- 15. Government offices and facilities
- 16. Music, musical instruments, and records, including incidental repair
- 17. Offices
- 18. Photocopy establishment
- 19. Shoe store and shoe repair
- 20. Video sales and rental
- 21. Indoor Athletic facilities and sporting goods and apparel

D. CONDITIONAL USES

- 1. Congregate and retirement housing, nursing homes
- 2. Second floor apartments, not to exceed 4 units per structure

3. Bed and breakfast establishments
- E. ACCESSORY USES:
1. Customary accessory structures and uses.
  2. Fences and/or walls, as regulated by Article XIII of this ordinance.
  3. Signs, as regulated by Article XIV of this ordinance.
- F. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - One - half (1/2) acre.
  2. Minimum Lot Width At Building Setback Line - One hundred (100) feet.
  3. Maximum Impervious Surface Ratio - Seventy (70) percent.
  4. Maximum Building Height - Forty (40) feet.
  5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.
- G. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, thirty (30) feet of which shall be maintained by a screening area, as regulated by Section 9.15 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading areas.
- H. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- I. OFF-STREET PARKING, LOADING AND/OR UNLOADING: Off-street parking shall be provided at one-half the amount required in Article XI of this ordinance. Loading and unloading shall be provided in accordance with Article XII of this ordinance.
- J. OTHER DEVELOPMENT CONTROLS:
1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.
  3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
  4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of the following:

- 
- a. Off - street parking and loading and/or unloading areas.
  - b. Outdoor play areas of a child day care center.
  - c. Outdoor dining
- 5. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
  - 6. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
  - 7. Flat and mansard roof construction shall not be permitted.
  - 8. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  - 9. Sidewalks shall be required when any new development occurs.
  - 10. Interior landscaping shall be provided as follows:
    - a. A minimum of 5% of the vehicular use area shall be landscaped.
    - b. Such landscaped areas shall be a minimum of 65 square feet in area.
    - c. Vegetation shall not be located closer than 30 inches to any pavement.
- K. CRITERIA: Evaluation of the proposed Town Center (TC) Zone and/or development plan shall be based upon the following criteria:
- 1. Design
    - a. Agreement with the various elements of the Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Town Center (TC) Zone.
    - c. 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 (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
    - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
    - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
    - f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
    - g. Extent to which the scale of each building relates to the natural environment.

- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- k. Off-street parking should be provided at the side and/or rear of building to maintain a fully landscaped front yard, adjacent to public streets.

2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed 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.

5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

L. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2., or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

M. EXPIRATION: Development plans within the Town Center (TC) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, 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: (1) whether said Town Center (TC) Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

- 1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, 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 Stage II

Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.

## ARTICLE XI

### OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

In all zones, off-street parking facilities for use by 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 required off-street parking spaces required, if such spaces result in fractional parts thereof, the number of said required spaces shall be construed to be the next highest whole number.
- B. ADDITIONAL PARKING SPACES TO BE PROVIDED: Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein, additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing off-street parking area is inadequate to serve such increase in intensity of use.
- C. LOCATION OF OFF-STREET PARKING FACILITIES:
  - 1. Off-street parking facilities shall be located as follows:
    - a. Single-Family Residential Zones
      - (1) Off-street parking may be permitted in driveways in the front, side, and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. No off-street parking area, for permitted uses, located in the front yard in a single-family residential zone, may exceed four hundred (400) square feet (two parking spaces) except, however, the zoning administrator may allow additional off-street parking spaces to be located thereon, provided that 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.

- (2) Off-street parking may be permitted in the side and rear yards of conditional uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking, located in the rear yard, shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in the front yard, only if approved by the Board of Adjustment.

b. Multi-Family Residential Zones

- (1) Off-street parking may be permitted in the side and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in front yards, only if approved according to an approved development plan.

- (2) Off-street parking may be permitted in the side and rear yards of conditional uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking, located in the rear yard, shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in the front yard, only if approved by the Board of Adjustment.

c. Special Development Zones - Off-street parking shall be located as designated on the approved development plan.

d. Commercial and Industrial Zones - Except as herein provided, off-street parking may be permitted in the 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 line.

e. Institutional and Community Commercial Zones - Off - street parking is not permitted within any required minimum front yard, unless approved according to an approved development plan. Off - street parking may be permitted in front, side, and rear yards of permitted uses within these zones, provided that off - street parking facilities are set back a minimum of ten (10) feet from the property line.

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2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
    - a. Permitted uses within multi-family and industrial zones may supply off-street parking within three hundred (300) feet from such lot served, upon approval of the zoning administrator, provided 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 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 a conditional use, may be permitted to locate on a lot other than the lot on which the building or use being served is located, when approved by the Board of Adjustment, provided that said off-street parking is located at the most convenient and visible area nearest to the use or building being served and available at all times without restrictions for said purposes, except as provided for under Section 11.0, E. of this ordinance.
    - d. Permitted uses in the RCO Zone may utilize off-street parking as is available within one thousand (1,000) feet of the building or use being served. Public parking in this area may also be used to fulfill parking requirements. If parking is not exclusively available for the building or use, the owner or operator shall provide a study documenting that adequate parking is available for the use, recognizing the specific peak hour and turnover characteristics of the use in question and other users of the parking facilities.
- D. COLLECTIVE PARKING PROVISION: Collective off-street parking facilities may be provided, however, the area for such parking facilities shall not be less than would otherwise be individually required, except as provided for under Section 11.0, E. of this ordinance.
- E. SHARED PARKING PROVISION: When any land or building is under the same ownership, or upon submission of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and proposed

development is for two (2) or more land uses, excluding residential uses, the number of required off-street parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each land use by the appropriate percentage, as shown in the following shared parking credit table, for each of the five (5) time periods. The number of required off-street parking spaces is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the minimum parking requirement.

SHARED PARKING CREDIT TABLE

LAND USE TYPE	Time Of Operation				
	Weekday		Weekend		Nighttime (Midnight - 6 am)
	Daytime (6 am - 6 pm)	Evening (6 pm - midnight)	Daytime (6 am - 6 pm)	Evening (6 pm - midnight)	
Office/Industrial	100%	10%	10%	5%	5%
Retail/Personal Service	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Theater/Commercial Recreational Establishment	40%	100%	80%	100%	10%

1. The following requirements shall apply to any shared parking facility:
  - a. The shared parking facility must be located within five hundred (500) feet walking distance of the entrance of the establishment to be served. Said walkway access shall provide a safe means of pedestrian access to and from the establishment being served.
  - b. Reserved spaces shall not be shared.
  - c. It shall be determined at the time of parking facility plan approval that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient and convenient short-term parking will be available to commercial establishments during the weekday daytime period. The short-term shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.

- d. Any subsequent change in use shall require the issuance of a new zoning permit and proof that minimum parking requirements, per these regulations, will be met.
  - e. Shared parking may be utilized for other uses, which are not shown in the parking credit table. The applicant shall prepare a similar calculation for the proposed uses, indicating the estimated percentage of each time period, based upon current parking information. Documentation shall be submitted by the applicant to demonstrate that the normal and regular operating hours of the uses proposing a shared parking arrangement do not coincide or overlap in any manner.
- F. DRIVEWAYS NOT COMPUTED AS PART OF REQUIRED PARKING AREA: Entrances, exits, or driveways shall not be computed as any part of a required off-street parking area, except in the case of single-family residential zones, where access driveways may be used for parking.
- G. OFF-STREET PARKING SPACE TO BE USED FOR PARKING 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.
- H. NO BUILDING TO BE ERECTED IN OFF-STREET PARKING SPACE: No building of any kind shall be erected in any off-street parking area, 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, provided the number of required spaces are not reduced.
- I. PARKING PLAN APPROVAL REQUIRED: Plans for all off-street parking 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, location 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 sub-base – proposed grade of parking lot, storm drainage facilities, location and type of 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 11.3 of this ordinance.

**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) off-street 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
  - 1. All off-street parking areas shall be laid out with the following minimum aisle or access drive widths:
    - a. Ninety (90) degree (perpendicular) parking — Twenty-two (22) feet (either one or two way circulation)
    - b. Sixty (60) degree (angle) parking — Fifteen (15) feet (one way circulation only)
    - c. Forty-five (45) degree (angle) parking — Twelve (12) feet (one way circulation only)
    - d. Thirty (30) degree (angle) parking — Eleven (11) feet (one way circulation only)
    - e. Zero (0) degree (parallel) parking — Twelve (12) feet (one way circulation only).
  - 2. Except as herein provided, the minimum width of access drives or aisles, as provided for in Section 11.1, B., 1 of this ordinance, shall be required whether the access drive or aisle provides access to an off-street parking area or individual off-street parking spaces.
  - 3. 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 (2) foot overhang may be permitted on the external sides of a parking area.
  - 4. If the width of the parking space is increased over nine (9) feet, the drive aisle width can be decreased proportionally (Two (2) foot width in drive aisle per one (1) foot increase in space width) except that a drive aisle for two-way traffic may not be decreased below twenty (20) feet in width and a drive aisle for one-way traffic may not be decreased below eleven (11) feet in width.
  
- C. ACCESS TO OFF-STREET PARKING SPACES: Each required off-street parking space shall be connected with a deeded public right-of-way by means of aisles or access drives. The off-street parking area shall be so designed to

ensure that all maneuvering into and out of each off-street 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 off-street parking areas shall have a protective wall and/or bumper blocks around the perimeter of said off-street parking area and shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. All off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential dwellings, 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.
- 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 AREAS
  - 1. 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 of this ordinance. Alternative hard surface paving systems, including decorative pavers, may be used, provided that the system and materials used will have the same or greater load bearing strength as asphalt concrete or cement concrete specified in Appendix A of this ordinance. Under no circumstances shall an off-street parking area be used for more than one (1) year without being paved in accordance with the above requirements.
  - 2. In any residential zoning district, where the depth of the front yard is one hundred (100) feet or more, an access drive serving single-family residential uses may be paved with gravel. Any subsequent subdivision of property, creating front yards of less than one hundred (100) feet in depth, shall require such drives to be paved with asphalt concrete or portland cement concrete. This provision shall not apply to flag lots, as herein defined.
- G. Except as herein provided, no use of land, or construction thereon, which involves or is intended for the transaction of any business between the occupant of a motor vehicle and any employer, or other person or machine, at a designated location within a building, shall be permitted unless an area no less than eleven (11) feet wide and one hundred (100) feet long is paved and restricted to the use of motor vehicles waiting in line to approach the designated location at which such transactions may be conducted.

**SECTION 11.2 SPECIFIC OFF-STREET PARKING REQUIREMENTS:** The amount of required off-street parking for uses, buildings, 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, except as provided for under Section 11.0, E. of this ordinance.

TYPES OF USES	REQUIRED NUMBER OF SPACES
A. Airport, railroad passenger stations, and bus terminal	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 laundry	One (1) parking space for each employee, plus one (1) space per owner or manager, and reservoir space equal to five (5) times the capacity of the facility.
C. Service station	One (1) parking space for each gas pump island, plus two (2) parking spaces for each working bay, plus one (1) parking space for each employee on shift of largest employment
D. Beauty parlors and barber shops	Two (2) parking spaces per barber and/or beauty shop operator.
E. City and/or county government facilities	One (1) parking space for each two hundred (200) square feet of gross floor area.
F. Commercial or trade schools	One (1) parking space for each two (2) students, based on design capacity of the school, plus one (1) parking space for each employee.

TYPES OF USES	REQUIRED NUMBER OF SPACES
G. Congregate housing	One (1) parking space for each two (2) beds, plus one (1) parking space for each and two (2) employees or staff members, orphanages including nurses, on shift of largest employment, plus one (1) parking space per doctor.
H. 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) parking space for each four (4) persons, based on design capacity, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
I. Dormitories, fraternities, sorority houses,	One (1) parking space per each two (2) 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 (2) seats for membership meetings, whichever is greater, based on design capacity.
J. 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.
K. 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.

TYPES OF USES	REQUIRED NUMBER OF SPACES
L. Establishments for sale and consumption on the premises of alcoholic beverages, food, refreshments, or for take home food service	<p>One (1) parking space for each two (2) employees on shift of largest employment, plus one (1) parking space for each:</p> <ul style="list-style-type: none"> <li>A. Thirty (30) square feet of gross floor area in a drive-in facility ;</li> <li>B. One hundred forty (140) square feet of gross floor area in a carry-out facility</li> <li>C. Sixty-five (65) square feet of gross floor area in a combination facility;</li> <li>D. Three (3) seating accommodations, based on maximum seating capacity, in a sit-down facility</li> </ul>
M. Fire stations	One (1) parking space for each person on duty on largest shift.
N. Hospitals	One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.
O. Laundromat	One (1) parking space for each two (2) washing machines, plus one (1) parking space for each employee.
P. 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) parking space for each two (2) employees on shift of largest employment.
Q. Medical offices and/or clinics	Five (5) parking spaces for each practitioner, plus one (1) parking space for each two (2) employees, or one (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) parking space for each two (2) employees, whichever is greater.

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TYPES OF USES	REQUIRED NUMBER OF SPACES
R. 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 design capacity of the building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee.
S. Offices for professional business, financial, real and estate, business purposes, other than medical offices and/or clinics	Three (3) parking spaces per one thousand (1,000) square feet of gross floor area.
T. Post offices	One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) parking space for each two (2) employees on shift of largest employment, plus one (1) parking space for each vehicle operating from the premises.
U. Private clubs, boarding houses, lodge halls	One (1) parking space for each guest and sleeping room, or one (1) parking space for each four (4) fixed seats in the main assembly area, whichever is greater, plus (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each four (4) persons, based on design capacity of the building, plus one (1) parking space for each two (2) employees.
V. Retail and personal service stores	Four (4) parking spaces per one thousand (1,000) square feet of gross leasable area.

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TYPES OF USES	REQUIRED NUMBER OF SPACES
W. Schools – elementary, junior high, equivalent, private or parochial and nursery school	One (1) space per teacher, employee, and administrator and one (1) parking 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.
X. Schools – senior high, trade and vocational, colleges and universities, and equivalent, private parochial	Six (6) parking spaces for each room to be used for class instruction or administrative offices, or one (1) parking space for each or 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, gymnastic	One (1) parking space per teacher, administrator, or employee, plus one (1) parking space for each three hundred fifty (350) square feet in the main gymnasium.
Z. Shopping centers	Four (4) parking spaces per one thousand (1,000) square 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) parking 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 maximum seating capacity, plus one (1) parking space for each two (2) employees on shift of largest employment.

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TYPES OF USES	REQUIRED NUMBER OF SPACES
CC. Theaters, auditoriums, churches, and places of assembly without fixed seats	One (1) parking space per four (4) people in designed capacity of the 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) parking 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.

TYPES OF USES

REQUIRED NUMBER OF SPACES

GG. All other uses not listed herein

Based on a study to be prepared by the 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 rate);
- 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) parking space to be provided for each two (2) employees based on shift of maximum employment).

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### SECTION 11.3 ACCESS CONTROL REGULATIONS

- A. **PURPOSE:** In order to promote greater safety of passage between streets and land, improve the convenience and ease of movement of travelers on streets, permit reasonable speeds and economy of travel, and increase and protect the capacity of streets , the location and design of access points shall be in accordance with the following access control regulations. These regulations shall apply to all arterial and collector type streets, as identified in the adopted comprehensive plan.
  
- B. **PROVISION OF RESERVED TURNING LANES:** At those access points where vehicles turning to and from arterial and collector streets will substantially affect the roadway capacity, reserved turn lanes shall be constructed by the developer.
  
- C. **PROVISION OF FRONTAGE ROAD:** Where possible, provision for the construction of a frontage road shall be made. However, access to arterial or collector streets via an intersecting street or a common driveway shall be investigated if such a design is not reasonable.
  
- D. **COORDINATION OF ACCESS POINTS:** Access points on opposite sides of arterial and collector streets shall be located opposite each other, otherwise turning movement restrictions may be imposed by the planning commission, or its duly authorized representative, or the 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 any 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.
  
- E. **SPACING RESTRICTIONS FOR SIGNALIZED ACCESS POINTS:** Except when approved by the Kentucky Transportation Cabinet, access points which will warrant signalization shall be spaced a minimum distance of one quarter (1/4) 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
  - 5. Accident experience

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

F. SIGHT DISTANCE: The location of access points shall comply with safe sight distance requirements as provided for in Table 1 of this ordinance. The centerline of all access points shall intersect as nearly at a ninety (90) degree angle as possible, but in no case shall the 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 its duly authorized representative, or the zoning administrator, whichever is applicable, due to certain exceptional conditions.

G. LOCATION OF UNSIGNALIZED ACCESS POINTS

1. Arterial Streets

a. Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart, measured from point of curb return to point of curb return. Turning restrictions and/or reserved turn lanes may be required.

b. One (1) access point per tract will be permitted. However, if the spacing requirements for a direct access point onto an arterial street, as provided for in Section 11.3, G. 1, a, of this ordinance, cannot be met, then an access point may be located on a frontage road, on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them shall be controlled as follows:

(1) Access points onto local streets which intersect 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 uses, access points from adjacent properties onto frontage roads shall be spaced a minimum distance of 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. If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be permitted. However, all such access points shall be

considered a temporary 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, 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 and congestion to the adjacent street. In all cases where said access points are classified as temporary, such designation shall be noted on the development plan or site plan submitted for a zoning permit and also upon the deed for the property in question.

2. Collector Streets

- a. On two land roadways, one (1) access point per tract will be allowed: Furthermore, the minimum spacing between adjacent access points on this type of facility shall be two hundred (200) 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 four hundred (400) feet, measured from point of curb return to point of curb return, from the intersection.
- b. On multi-lane roadways, the spacing is dependent on whether or not a barrier median exists (prohibiting left turn movements). If a barrier median exists, access points may be spaced as close as two hundred (200) feet apart, measured from point of curb return to point of curb return. However, certain turning movements may be prohibited. If a barrier median does not exist, then the minimum spacing of access points shall be six hundred (600) feet apart, measured from point of curb return to point of curb return. However, certain turning movements may be prohibited.
- c. One (1) access point per tract will be permitted. However, if the spacing requirements for a direct access point onto a collector street, as provided for in Section 11.3, G., 2., a. of this ordinance, cannot be met, then an access point may be located on a frontage road, on an intersecting street, or share a common driveway that meets the spacing requirements.
- d. If a tract of land had no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be permitted. However, all such access points shall be

considered temporary 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, 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 and congestion to the adjacent street. In all cases where said access points are classified as temporary, such designation shall be noted on the development plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

H. WIDTH OF ACCESS POINTS

1. Except as herein provided, 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 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 safe channelization and/or flow of traffic.

I. EXCEPTIONS TO ACCESS POINT REQUIREMENTS: Where situations develop that may require special treatment, the requirements as provided for in Section 11.3, B. - H. of this ordinance 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.

J. 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 of the ordinance, may be increased in order to adequately solve the traffic movement.

K. 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 planning commission, or its duly authorized representative, at a scale not less than 1 inch = 100 feet. No action of

approving or rejecting these plans by the zoning administrator shall be taken until a review and recommendation of said plans has been made by the planning commission, or its duly authorized representative. Such plans shall show the location of all access points on the site in question, and access points on the same side of the street as the site in question within six hundred (600) feet in either direction. The proposed access point shall include typical cross sections of pavement, the base and subbase, proposed grade, storm drainage, and such other information or plans 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 off-street parking and off-street loading and/or unloading plans, in accordance with Sections 13.0 and 14.0 of this ordinance.

- L. APPROVAL OF ACCESS POINTS ALONG STATE MAINTAINED ROUTES BY KENTUCKY DEPARTMENT OF TRANSPORTATION: Plans for all access points to be constructed along a state maintained route shall be submitted to the Kentucky Department of Transportation for review and approval prior to the time as plans are submitted to the zoning administrator, as provided for in Section 11.3, K. of this ordinance. 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

VEHICLE TYPE	20 MPH				30 MPH				40 MPH				50 MPH				60 MPH			
	2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane		2 lane		4 or 6 lane	
	DL	DR	DL	DR	DL	DR	DL	DR	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	740	700	620	700	950	1050	950	1050
Truck	300	200	200	200	500	400	400	400	850	850	850	850	1600	1600	1600	1600	2500	2500	2500	2500

Notes:

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 sight 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 that 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 sight 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

VEHICLE TYPE	20 MPH			30 MPH			40 MPH			50 MPH			60 MPH		
	2 Lane	4 Lane	6 Lane	2 Lane	4 Lane	6 Lane	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	520	550	580	700	740	780
Truck	260	260	300	400	400	480	570	620	670	810	880	950	1000	1100	1200

Notes:

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 sight 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 that 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 sight 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

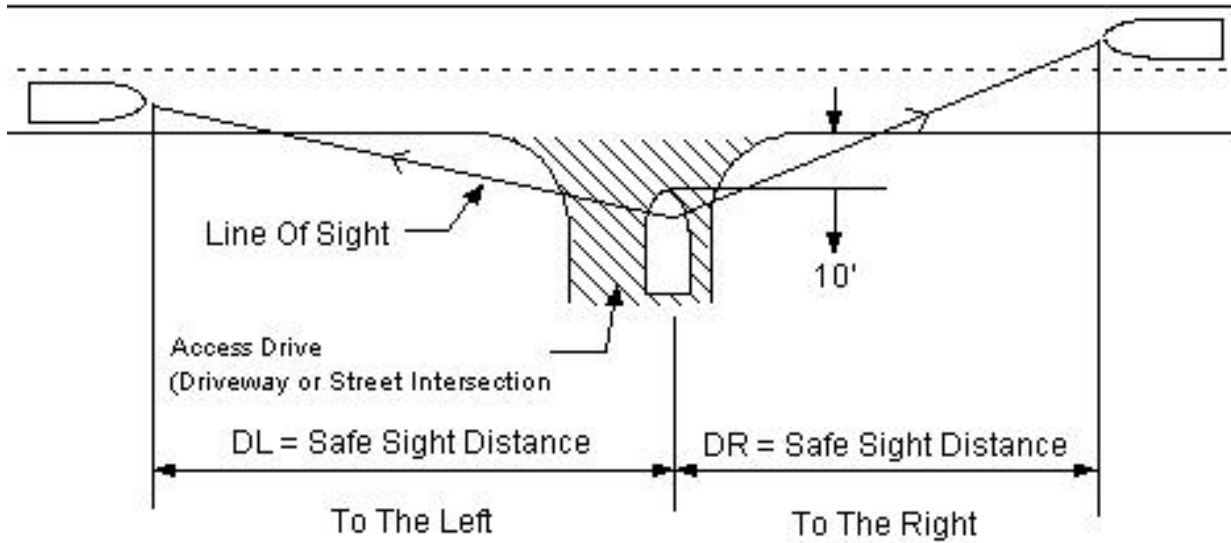
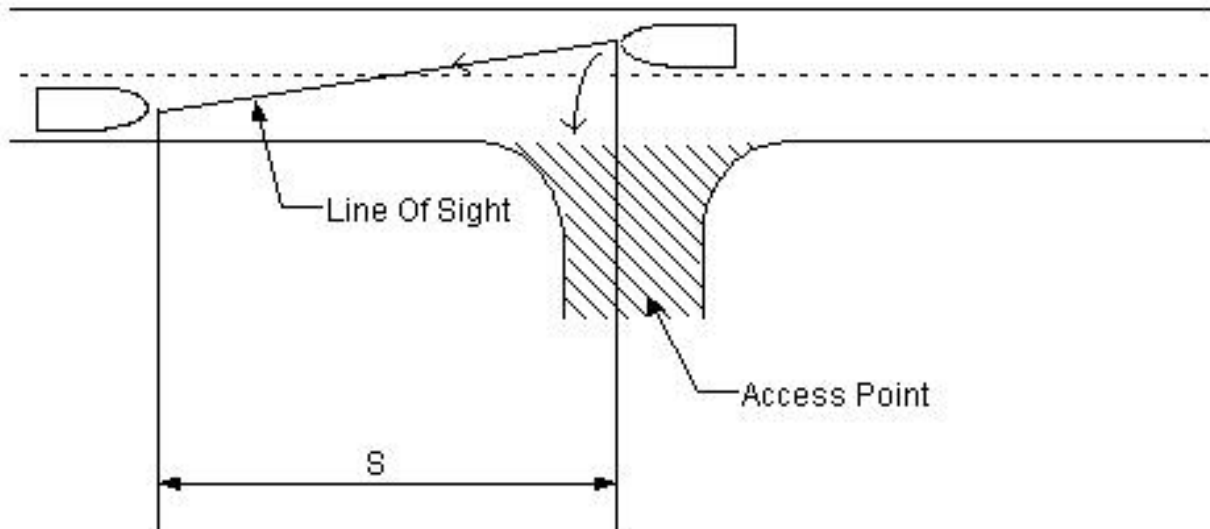


FIGURE 1B

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



## ARTICLE XII

### OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

#### SECTION 12.0 GENERAL REQUIREMENTS

A. GENERAL: For all buildings and structures erected, altered, or extended, and all uses of land established as specified herein, 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.

#### B. SPACES REQUIRED

1. Every building, or part thereof, erected and occupied for uses permitted in commercial or industrial zones, including conditional uses permitted in residential zones, involving the receipt for distribution of vehicles, materials, or merchandise, and having up to five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional 10,000 square feet, or fraction thereof, of gross floor area in the building. 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 the consideration the following:

- a. estimated and projected arrival and departure rates for scheduled and unscheduled 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

The zoning administrator shall review the study of estimated and projected loading and/or unloading needs and make a determination if the number of spaces provided are adequate for the use proposed.

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 off-street loading and/or unloading

spaces are needed to accommodate the facilities than could be reasonably provided, the zoning administrator shall require that additional off-street parking areas, properly designed to handle the parking of trucks, including the maneuvering of the trucks to and from the space, be provided for the storage of trucks waiting to be loaded and/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 off-street 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 spaces 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
- b. require additional off-street loading and/or unloading spaces, or require that adequate off-street parking areas be provided for the storage of trucks waiting to be loaded and/or unloaded

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

D. **LOCATION OF OFF-STREET LOADING AND/OR UNLOADING AREA:** All off-street 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 off-street 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, provided 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 is located in the same zone as the use being served. Off-street loading and/or unloading areas may be located in the side and rear yards, provided that all off-street 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.

E. **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 off-street loading and/or unloading space.

- F. OFF-STREET LOADING AND/OR UNLOADING SPACE TO BE USED FOR LOADING AND/OR UNLOADING ONLY: Any off-street 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.
- G. 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.
- H. OFF-STREET LOADING AND/OR UNLOADING SPACE SHALL NOT BE REDUCED: The required parking spaces, as set forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.
- I. LOADING AND/OR UNLOADING PLAN APPROVAL REQUIRED: Plans for all off-street 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 off-street loading and/or unloading spaces, including necessary maneuvering areas of trucks, dock and apron approach, 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 subbase, 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 of this ordinance.

**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 fourteen (14) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces. Such space shall have a vertical clearance of at least fifteen (15) feet, provided, however, that when it is demonstrated that a particular off-street loading and/or unloading space will be used by shorter trucks, as provided for in Section 12.0, B. of this ordinance, the zoning administrator may reduce the minimum length to not 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, 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-two (22) 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 being served. 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.

- C. OTHER DESIGN FEATURES: Docks are to be designed to facilitate efficient loading and/or unloading. Platform heights shall be forty-four (44) inches for light pickup and delivery trucks and forty-eight (48) to fifty-two (52) inches for heavy trucks and trailers. The dock area shall 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.) shall 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 of this ordinance.
- E. LIGHTING: Any lighting used to illuminate off-street loading and/or unloading areas shall not glare upon any right-of-way or adjacent property.
- F. SCREENING AND LANDSCAPING: All off-street 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 lines 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, 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. Masonry walls
2. Ornamental iron or wood (eighty (80) percent open)
3. Woven wire (eighty (80) percent open) and chain link
4. Wood or other materials (more than fifty (50) percent open)
5. Solid fences, wood or other materials (less than fifty (50) percent open)
6. Hedges
7. Barbed wire or sharp pointed fences
8. Earthen or concrete walls

#### SECTION 13.2 CONSERVATION AND AGRICULTURAL ZONES

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

1. Class 2 or 3 fences and/or walls may be erected in front yards, up to a maximum height of ninety–six (96) inches.
2. Except as provided for in Section 13.0 of this ordinance, class, 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected in side and rear yards, up to a maximum height of ninety–six (96) inches.
3. Class 8 walls shall be permitted, but shall conform to requirements of the building code

#### SECTION 13.3 RESIDENTIAL ZONES

- A. Fences and/or walls, within all residential zones shall conform to the following requirements.
1. For all permitted uses in any residential zone herein, the requirements are as follows, except that where a fence and/or wall is required around a swimming pool, as provided for in Section 9.18 of this ordinance, the fence and/or wall may be of greater height and of a type not otherwise permitted in this section, so as to meet the minimum requirements of Section 9.18 of this ordinance (Figure 13-1 provides illustrations of these regulations).
    - a. Except as provided for in Sections 13.0 and 13.3, A., 3. of this ordinance, only class 6 fences and/or walls may be erected in front yards, up to a maximum height of thirty-six (36) inches.
    - b. Except as provided for in Sections 13.0 and 13.3, A., 3. of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side yards, up to a maximum height of forty-eight (48) inches, except for the following:
      - (1) Where the lot is a corner lot or a double frontage lot, only class 6 fences and/or walls may be erected in the side yard which abuts a street, up to a maximum height of thirty-six (36) inches.
    - c. Except as provided for in Sections 13.0 and 13.3, A., 3. of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in rear yards, up to a maximum height of eighty-four (84) inches, except for the following:
      - (1) Where the lot is a corner lot or a double frontage lot, only class 6 fences and/or walls may be erected in that portion of the rear yard between the adjacent street and a line extending from the side building wall of the principal structure toward the rear lot line, up to a maximum height of thirty-six (36) inches.
    - d. Class 8 walls shall be permitted, but shall conform to the requirements of the building code.
  2. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:
    - a. Except as provided for in Section 13.3, A., 3. of this ordinance, only class 2 or 3 fences and/or walls may be erected in front yards, up to a maximum height of seventy-two (72) inches.

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- b. Except as provided for in Sections 13.0 and 13.3, A., 3. of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side and rear yards, up to a maximum height of seventy-two (72) inches, except for the following:
    - (1) General purpose recreational areas may be enclosed with fences and/or walls of Class 1, 2, 3, 4, 5, 6, or 7, up to a maximum height of ninety-six (96) inches.
    - (2) Class 3 fences and/or walls, or a combination of class 3 and 7 fences and/or walls, may be erected to enclose tennis courts or as back-stops for baseball and/or softball fields, up to a maximum height of one hundred forty-four (144) inches.
  - c. Class 8 walls shall be permitted, but shall conform to the requirements of the building code.
3. For all permitted and conditionally permitted uses in any residential zone herein, an ornamental structure (inclusive of ornamental, wooden and masonry structures, planters, hedges, etc.) where used and developed as an integral part of the landscaping of the lot, may be permitted according to the following requirements (Figure 13-2 provides illustrations of these regulations):
    - a. The average height of any ornamental structure shall not exceed forty-eight (48) inches, although the actual height may vary along any continuous section. In addition, one section of the structure, not to exceed ninety-six (96) inches in length, may be permitted up to a maximum height of ninety-six (96) inches.
    - b. The length of any ornamental structure shall be as follows:
      - (1) Along or approximately parallel to the front property line - Not greater than one-half (1/2) the total width of the lot, provided further that any continuous section shall not exceed one-fourth (1/4) of the total width of the lot.
      - (2) Along or approximately parallel to the side property line (between the front property line and the front setback line of the building) - Not greater than one-half (1/2) of the total distance between the front property line and the building setback line, on each side of the lot.

- (3) Along or approximately parallel to all other property lines not described in (1) or (2) above - No restrictions as to length.

**SECTION 13.4 SPECIAL DEVELOPMENT ZONES**

- A. The location, height, and type of all fences and/or walls within any special development zone, or any overlay zone, shall be as set forth and depicted on the approved development plan.

**SECTION 13.5 COMMERCIAL AND INDUSTRIAL ZONES:** Fences and/or walls within all commercial and industrial zones shall conform to the following requirements:

- A. Except as provided for in Section 13.0 of this ordinance, class 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in front yards of commercial zones, up to a maximum height of forty-eight (48) inches.
- B. Except as provided for in Section 13.0 of this ordinance, class 1, 2, 3, 4, 5, or 6 and/or walls may be erected in side and rear yards of commercial zones, up to a maximum height of seventy-two (72) inches.
- C. Except as provided for in Section 13.0 of this ordinance, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected in front yards, up to a maximum height of forty-eight (48) inches and up to a maximum height of eighty-four (84) inches in side and rear yards of all industrial zones, except for industrial park zones. In industrial park zones, only class 2 or 3 fences and/or walls may be erected in front yards, up to a maximum height of seventy-two (72) inches.
- D. Class 8 walls shall be permitted, but shall conform to the requirements of the building code.

**SECTION 13.6 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:**

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

**SECTION 13.7 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES**

- A. In zones, except agricultural and conservation zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level.

**SECTION 13.8 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 13.9 ELECTRIFIED FENCES:** No fence and/or wall carrying an electrical charge shall be permitted in any zone except when such fence and/or wall is used in conjunction with an agricultural use, and provided the fence and/or wall is not located along the perimeter with adjacent property.

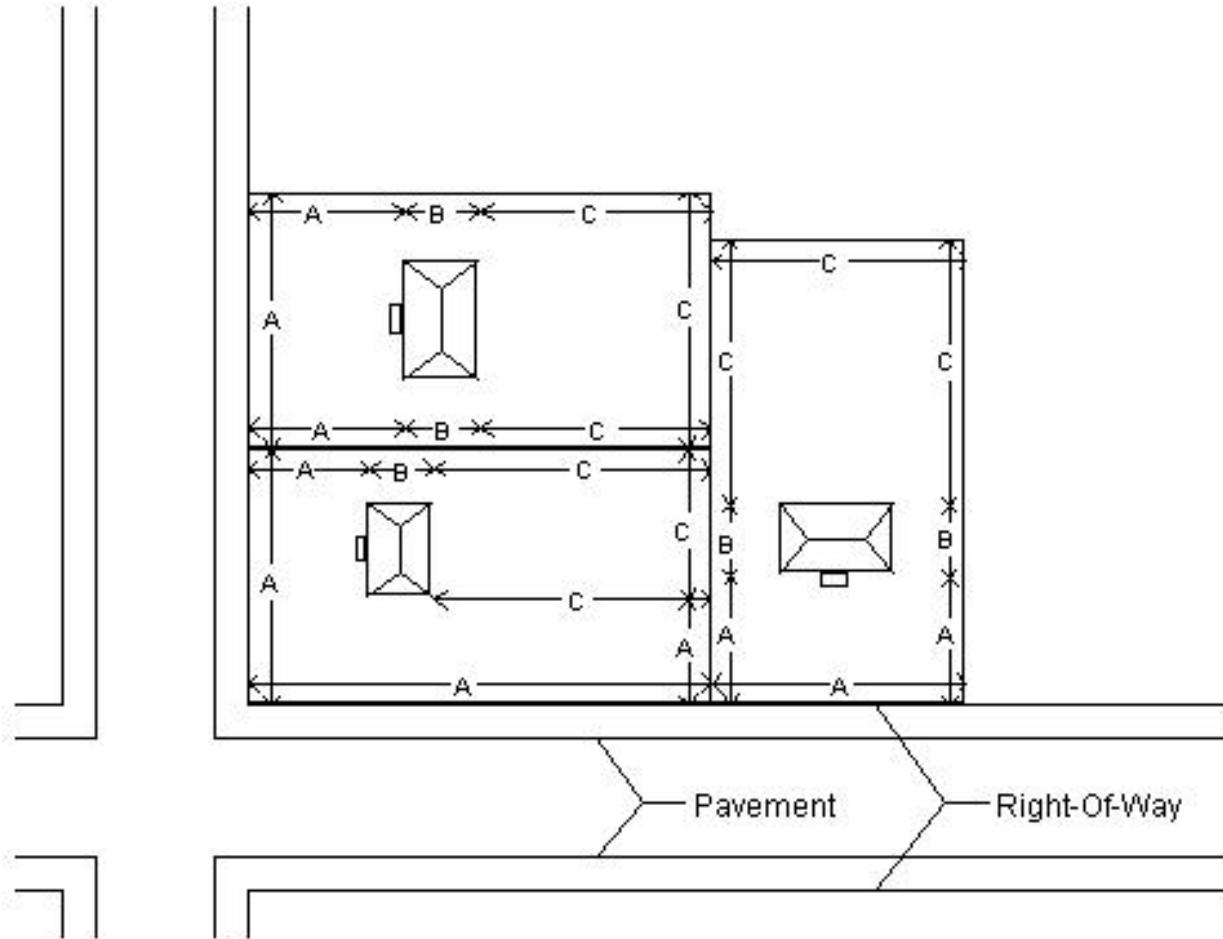
**SECTION 13.10 PERMIT REQUIRED FOR ERECTION OF FENCES:** No fence and/or shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid and the necessary permits have been issued for such by the zoning administrator and the building inspector, in accordance with Sections 16.1 and 16.2 of this ordinance.

**SECTION 13.11 STRUCTURAL ELEMENTS OF FENCES:** Fences and/or walls shall be constructed so that all structural members shall be located on the inside of the fence and/or wall. The inside shall be the side which faces the property owned by the person building the fence and/or wall.

**SECTION 13.12 DILAPIDATED FENCES:** All fences and/or walls shall be kept in a state of good repair.

FIGURE 13-1

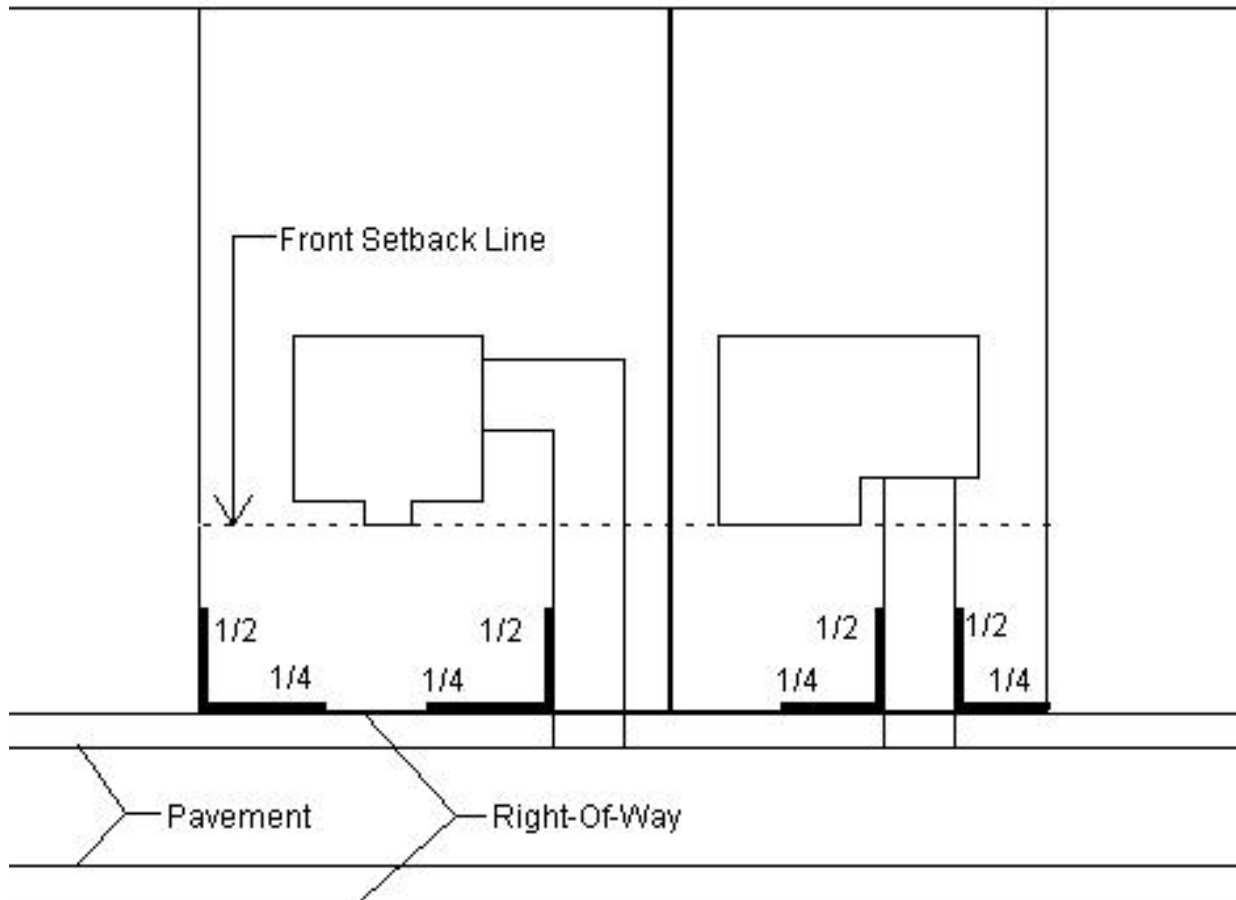
ILLUSTRATIONS OF CLASS AND HEIGHT OF FENCES AND/OR WALLS FOR RESIDENTIAL ZONES



TYPE, CLASS, AND HEIGHT OF FENCES AND/OR WALLS PERMITTED UNDER SECTION 13.3, A. OF THIS ORDINANCE		
TYPE	CLASS	MAXIMUM HEIGHT
A	6	36"
B	1, 2, 3, 4, 5, 6	48"
C	1, 2, 3, 4, 5, 6	84"

FIGURE 13-2

ILLUSTRATIONS OF ORNAMENTAL FENCES AND/OR WALLS FOR RESIDENTIAL ZONES



## 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, as defined herein, shall be deemed accessory structures and all advertising signs, as defined herein, shall be deemed non accessory structures.
- 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, and any other applicable laws, codes, or ordinances of the city. The zoning administrator shall have the duty and authority to remove, or cause to have removed, any sign which is not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the city 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, including attorney fees and court costs, and shall be assessed as civil damages all costs of removal and compliance.
- C. **TIME SCHEDULE FOR COMPLIANCE OF SIGN REGULATIONS:** Compliance with the provisions of this article of the ordinance shall be according to the following time schedule.
  - 1. All new signs shall comply when erected.
  - 2. Except as herein provided, signs which become nonconforming upon the adoption of this ordinance may be continued and maintained. Nonconforming signs may be modified provided, however, that no such sign shall be changed beyond its height and area, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming.
- D. 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, or causing a traffic hazard, shall be erected, maintained, or continued in any zone.

- E. 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.
- F. No sign shall be erected, maintained, or continued which constricts the flow of air through any window or door.
- G. 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.
- H. No advertising sign, except those of a governmental entity, shall be erected, maintained, or continued unless the following provisions are 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 when said company or person is registered with the zoning administrator.
  - 2. The name and address of the company or person owning, maintaining, or erecting said sign is not registered with the zoning administrator.
- I. No sign shall be erected, maintained, or continued over or into any street, public way, alley, or right-of-way, unless specifically provided for within this ordinance.
- J. It shall be unlawful and a violation of this ordinance for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, whether political or otherwise or cause the same to be done in or upon any curbside, 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 portion of any public sidewalk, street or sign except as specifically permitted within this Ordinance.
- K. No sign shall be erected, maintained, or continued upon the inside of a curb of a street which causes any interference to sign distance, in the opinion of the zoning administrator.
- L. No sign shall be erected, maintained, or continued displaying flashing or intermittent lights, or lights of changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not less than a five (5) second cycle when such time or temperature sign does not constitute a public safety or traffic hazard, in the judgment of the zoning administrator.

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- M. No sign shall be erected, maintained, or continued in any zone which does not comply fully with Section 12.0 of this ordinance, except as specifically permitted within this ordinance.
- N. No sign shall be erected, maintained, or continued in any zone, except as provided for in Section 14.1, D. of this ordinance, 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 9.9, E. of this ordinance.
  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.
  6. Compliance with the exemptions listed in Section 15.2 of this ordinance.
- O. 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 inspector 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 inspector 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 placed, signs or barriers indicating such danger.
- P. 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 provisions and regulations of this ordinance. However, if such a sign is removed or destroyed, other than by intentional means of the owner or agent, the sign may be reconstructed, but shall not be enlarged, extended, or moved.

It is further provided, however, that if a nonconforming sign, which was permitted at the time it was installed, is required to be moved due to deed restrictions or encroachment over property boundaries which existed at the time of the original installation, or due to a taking or condemnation for public roadway improvements, and such taking is limited to only a portion of the sign, then the sign may be moved the minimum distance necessary, at an angle perpendicular to the property line at the point of encroachment or taking or condemnation, to comply with the deed restriction or property boundary, as long as it can be maintained on the same site, and provided that there shall be no dimensional changes relative to height, square footage, or total usable area.

- Q. 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.
- R. 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 may be permitted in any zone without a fee. Signs in subsection A., 2. shall not require a sign permit. All other signs within this section shall require an application for a sign permit, as provided for in Section 14.4 of this ordinance.

A. TEMPORARY SIGNS

- 1. Temporary miscellaneous signs, including those which are placed on the exterior of structures (i.e., banners, posters, pennants, or similar type devices) shall be permitted in all zones, subject to the following requirements:
  - a. Such signs, when permitted, shall not be used for a period to exceed fourteen (14) consecutive days, and not more than two (2) permits shall be issued for any site or use in any calendar year.

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- b. Temporary signs, identified as mobile signs, on wheels, carts, or free-standing devices, with or without illuminated message boards, are not permitted in any zone (Class 11 signs, as permitted in the TSC and RU zones, shall not be considered in this classification).
      - c. Temporary signs placed on the inside of windows of retail and service commercial uses, such as food stores, drug stores, furniture stores, general merchandise stores, dry cleaners, service stations, and new and used car/truck sales, to advertise sales and special events, shall be permitted without permits or fees. Such signs shall not be illuminated.
    2. Real estate signs shall be permitted in all zones, subject to the following requirements:
      - a. Such signs are limited to one (1) per lot.
      - b. Such signs shall not exceed twelve (12) square feet in outside area nor exceed a maximum height of eight (8) feet.
      - c. Such signs may be illuminated, but only from a concealed light source, and only until 10:00 PM.
      - d. Such signs shall advertise the sale, rental, or lease of the premises on which the sign is located.
      - e. No part of any sign shall be located closer than ten (10) feet from any property line.
      - f. Such signs shall be removed by owners or agents within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.
    3. Political signs may be permitted in all zones in accordance with the following regulations:
      - a. On each lot, there may be located one (1) sign per candidate supporting the candidacy of any person for local, state, or national office, or any local or state issue. A double sided sign shall constitute a single sign.
      - b. Permission to install the sign must be obtained from the occupant of the premises.

- c. Such signs shall be permitted not more than sixty (60) days prior to the date of the election and not more than seven (7) days after the date of the election.
  - d. The size of such signs shall not exceed sixteen (16) square feet in residential zones and shall not exceed thirty-two (32) square feet in industrial or commercial zones. Signs may not be placed any closer than five (5) feet to any property line or in any area deemed a hazard, causing visibility problems.
  - e. Signs may not be posted in the rights-of-way or on any utility poles.
4. 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.
  5. Special Event Signs: When churches, schools, or other charitable organizations are planning a special event open to the public, a sign not larger than thirty-two (32) square feet may be erected on the same premises as the event. The sign must be set back a minimum distance of twenty (20) feet from any right-of-way or property line. The sign may be illuminated, but only by concealed lighting. The sign may be erected ten (10) days prior to the event and must be removed within twenty-four (24) hours after the event is completed.
- B. Professional name plates, not exceeding one (1) square foot in outside area, single or double faced. Such signs shall not be animated nor 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 PM.
  - D. 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.
  - E. Traffic signs, provided that said signs, are designed and located in accordance with the "Manual On Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.

- F. 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.
- G. Repainting or cleaning of an advertising structure, or the changing of the advertising copy of message thereon, unless a structural change is made.

**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 zoning administrator and building inspector.

- 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 from 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. Alteration 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 designated administrative official showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure and meeting all provisions of this ordinance.

**SECTION 14.4 APPLICATION FOR SIGN PERMIT**

- A. Application for a sign permit shall be made and submitted at the office designated by the legislative body on the appropriate forms furnished by said legislative body.
- 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 as otherwise established by the legislative body.

**SECTION 14.6 PERMITTED SIGN LOCATION, TYPE, AND SIZE:** The location, type, and size of permitted business and identification signs shall be in accordance with the following:

A. CO ZONE: The following business and identifications signs for permitted, or conditionally permitted, uses shall be in accordance with the following:

1. Flat, Window, Or Projecting Signs - Single Or Double Faced

- a. Maximum Size Of Single Sign - Three (3) square feet.
- b. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting not more than thirty (30) inches from the wall face of the building.
- c. Limitations On Number Of Signs - One (1) sign for each separate permitted, or conditionally permitted, use.
- d. Other Limitations

(1) Shall be neither animated nor illuminated.

2. Directional Signs - Single Or Double Faced

- a. Structural Type - Flat, ground, or pole sign.
- b. Maximum Size Of Single Sign - Six (6) square feet.
- c. Maximum Height Above Grade At Top Of Sign - Six (6) feet.
- d. Limitations On Number Of Signs - Two (2) signs for each curb cut, plus any number within off-street parking areas.
- e. Other Limitations

(1) May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.

(2) Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.

(3) No part of any ground or pole sign shall be closer than five (5) feet from any property line.

3. Construction Signs - Single Or Double Faced

- a. Structural Type - Flat, window, or ground sign, single or double faced.
- b. Maximum Size Of Single Sign - Twelve (12) square feet, except as specified in Subsection d., below.
- c. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet.
- d. Limitations On Number And Total Area Of Signs - The total 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 no single sign shall have an area of more than thirty-five (35) square feet on premises already developed or an area of not more than one seventy-five (75) square feet on premises not developed.
- e. Other Limitations
  - (1) Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
  - (2) Shall be temporary only, for advertising development, new construction, or the sale, lease, rental, remodeling and re-building 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.
  - (3) Shall be located only on the premises of the property being referred to.
  - (4) No part of any ground sign shall be closer than five (5) feet from any property line.

#### 4. Facade Signs - Single Faced Only

- a. Structural Type - Flat sign or individual letters.
- b. Maximum Size Of Individual Sign - Two (2) square feet of sign area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
- c. 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 placed.
- d. 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 complex or a coordinated 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 businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease are located within said office building.

e. Other Limitations

- (1) Shall be neither flashing nor animated.
- (2) May be illuminated, but only from a concealed light source.
- (3) 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.

5. Freestanding signs - Single Or Double Faced

- a. Structural Type - Ground sign.
- b. Maximum Sign Area - There shall be no more than fifty (50) square feet of sign area for each lot or building site on which the primary permitted use is located.
- c. Maximum Height Above Grade At Top Of Sign - Ten (10) feet.
- d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
- e. Other Limitations

- (1) Shall be neither flashing nor animated.
- (2) May only be illuminated from a concealed light source.
- (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
- (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.

B. R-RE, R-1, R-2, AND R-3 ZONES: The following business and identifications signs for residential subdivisions and multi-family residential developments and for conditionally permitted uses shall be in accordance with the following:

1. Directional Signs - Single Or Double Faced

- a. Structural Type - Flat, ground, or pole sign.
- b. Maximum Size Of Single Sign - Six (6) square feet.
- c. Maximum Height Above Grade At Top Of Sign - Six (6) feet.
- d. Limitations On Number Of Signs - Two (2) signs for each curb cut, plus any number within off-street parking areas.
- e. Other Limitations
  - (1) May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
  - (2) Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
  - (3) No part of any ground or pole sign shall be closer than five (5) feet from any property line.

## 2. Construction Signs - Single Or Double Faced

- a. Structural Type - Flat, window, or ground sign, single or double faced.
- b. Maximum Size Of Single Sign - Twelve (12) square feet, except as specified in Subsection d., below.
- c. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet.
- d. Limitations On Number And Total Area Of Signs - The total 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 no single sign shall have an area of more than thirty-five (35) square feet on premises already developed or an area of not more than one seventy-five (75) square feet on premises not developed.
- e. Other Limitations
  - (1) Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
  - (2) Shall be temporary only, for advertising development, new construction, or the sale, lease, rental, remodeling and re-building 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.

- (3) Shall be located only on the premises of the property being referred to.
- (4) No part of any ground sign shall be closer than five (5) feet from any property line.

3. Facade Signs For Conditional Uses Only - Single Faced Only

- a. Structural Type - Flat sign or individual letters.
- b. Maximum Size Of Individual Sign - Two (2) square feet of sign area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
- c. 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 placed.
- d. 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 complex or a coordinated 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 businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease are located within said office building.
- e. Other Limitations
  - (1) Shall be neither flashing nor animated.
  - (2) May be illuminated, but only from a concealed light source.
  - (3) 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.

4. Freestanding signs - Single Or Double Faced

- a. Structural Type - Ground sign.
- b. Maximum Sign Area - There shall be no more than fifty (50) square feet of sign area for each lot or building site on which the primary permitted use is located.
- c. Maximum Height Above Grade At Top Of Sign - Ten (10) feet.

- d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May only be illuminated from a concealed light source.
    - (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
    - (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.
- C. MLU and RCD ZONES: The location, type, and size of permitted business and identification signs shall be as approved according to the approved Development Plan. The square footage of signs shall not exceed that permitted for similar uses in other zone districts within this ordinance.
- D. GC, PO (Town Center), NSC ZONES: The following business and identifications signs for permitted, or conditionally permitted, uses shall be in accordance with the following:
- 1. Flat, Window, Or Projecting Signs - Single Or Double Faced
    - a. Maximum Size Of Single Sign - Three (3) square feet.
    - b. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting not more than thirty (30) inches from the wall face of the building.
    - c. Limitations On Number Of Signs - One (1) sign for each separate permitted, or conditionally permitted, use.
    - d. Other Limitations
      - (1) Shall be neither animated nor illuminated.
  - 2. Directional Signs - Single Or Double Faced
    - a. Structural Type - Flat, ground, or pole sign.
    - b. Maximum Size Of Single Sign - Six (6) square feet.
    - c. Maximum Height Above Grade At Top Of Sign - Six (6) feet.
    - d. Limitations On Number Of Signs - Two (2) signs for each curb cut, plus any number within off-street parking areas.
    - e. Other Limitations

- (1) May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
- (2) Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
- (3) No part of any ground or pole sign shall be closer than five (5) feet from any property line.

### 3. Construction Signs - Single Or Double Faced

- a. Structural Type - Flat, window, or ground sign, single or double faced.
- b. Maximum Size Of Single Sign - Twelve (12) square feet, except as specified in Subsection d., below.
- c. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet.
- d. Limitations On Number And Total Area Of Signs - The total 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 no single sign shall have an area of more than thirty-five (35) square feet on premises already developed or an area of not more than one seventy-five (75) square feet on premises not developed.
- e. Other Limitations
  - (1) Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
  - (2) 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.
  - (3) Shall be located only on the premises of the property being referred to.
  - (4) No part of any ground sign shall be closer than five (5) feet from any property line.

### 4. Facade Signs - Single Faced Only

- a. Structural Type - Flat sign or individual letters.

- 
- b. Maximum Size Of Individual Sign - Two (2) square feet of sign area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
  - c. 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 placed.
  - d. 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 complex or a coordinated 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 businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease are located within said office building.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May be illuminated, but only from a concealed light source.
    - (3) 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.
5. Freestanding Signs For Shopping Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced
- a. Structural Type - Ground or pole sign.
  - b. Maximum Sign Area - There shall be no more than eighty (80) square feet of sign area for each lot or building site on which the primary permitted use is located.
  - c. Maximum Height Above Grade At Top Of Sign
    - (1) Adjacent To An Interstate - Forty (40) feet.
    - (2) Adjacent to An Arterial, Collector, Or Local Street - Twenty (20) feet.

- d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May only be illuminated from a concealed light source.
    - (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
    - (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.
6. Freestanding Signs For Uses Not Located In Shopping Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced
- a. Structural Type - Ground sign.
  - b. Maximum Sign Area - There shall be no more than forty (40) square feet of sign area for each lot or building site on which the primary permitted use is located.
  - c. Maximum Height Above Grade At Top Of Sign
    - (1) Adjacent To An Interstate - Forty (40) feet.
    - (2) Adjacent to An Arterial, Collector, Or Local Street - Twenty (20) feet.
  - d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May only be illuminated from a concealed light source.
    - (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
    - (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.
- E. I-2 ZONES: The following business and identifications signs for permitted, or conditionally permitted, uses shall be in accordance with the following:

1. Flat, Window, Or Projecting Signs - Single Or Double Faced
  - a. Maximum Size Of Single Sign - Three (3) square feet.
  - b. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting not more than thirty (30) inches from the wall face of the building.
  - c. Limitations On Number Of Signs - One (1) sign for each separate permitted, or conditionally permitted, use.
  - d. Other Limitations
    - (1) Shall be neither animated nor illuminated.
2. Directional Signs - Single Or Double Faced
  - a. Structural Type - Flat, ground, or pole sign.
  - b. Maximum Size Of Single Sign - Six (6) square feet.
  - c. Maximum Height Above Grade At Top Of Sign - Six (6) feet.
  - d. Limitations On Number Of Signs - Two (2) signs for each curb cut, plus any number within off-street parking areas.
  - e. Other Limitations
    - (1) May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
    - (2) Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
    - (3) No part of any ground or pole sign shall be closer than five (5) feet from any property line.
3. Construction Signs - Single Or Double Faced
  - a. Structural Type - Flat, window, or ground sign, single or double faced.
  - b. Maximum Size Of Single Sign - Twelve (12) square feet, except as specified in Subsection d., below.
  - c. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet.
  - d. Limitations On Number And Total Area Of Signs - The total 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 no single sign shall have an area of more than thirty-five (35) square feet on premises already developed or an area of not more than one seventy-five (75) square feet on premises not developed.
  - e. Other Limitations

- (1) Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
- (2) 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.
- (3) Shall be located only on the premises of the property being referred to.
- (4) No part of any ground sign shall be closer than five (5) feet from any property line.

4. Facade Signs - Single Faced Only

- a. Structural Type - Flat sign or individual letters.
- b. Maximum Size Of Individual Sign - Two (2) square feet of sign area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
- c. 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 placed.
- d. 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 complex or a coordinated 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 businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease are located within said office building.
- e. Other Limitations
  - (1) Shall be neither flashing nor animated.
  - (2) May be illuminated, but only from a concealed light source.

- (3) 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.
  
- 5. Freestanding Signs For Industrial Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced
  - a. Structural Type - Ground or pole sign.
  - b. Maximum Sign Area - There shall be no more than one hundred (100) square feet of sign area for each lot or building site on which the primary permitted use is located.
  - c. Maximum Height Above Grade At Top Of Sign - 40 feet.
  - d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May only be illuminated from a concealed light source.
    - (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
    - (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.
  
- 6. Freestanding Signs For Uses Not Located In Industrial Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced
  - a. Structural Type - Ground sign.
  - b. Maximum Sign Area - There shall be no more than forty (40) square feet of sign area for each lot or building site on which the primary permitted use is located.
  - c. Maximum Height Above Grade At Top Of Sign - ten (10) feet
  - d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May only be illuminated from a concealed light source.

- (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
    - (4) No part of any freestanding sign shall be located closer than seventy-five (75) feet to another freestanding sign located on the same site or within the same complex.
- F. HC ZONES: The following business and identifications signs for permitted, or conditionally permitted, uses shall be in accordance with the following:
  - 1. Flat, Window, Or Projecting Signs - Single Or Double Faced
    - a. Maximum Size Of Single Sign - Three (3) square feet.
    - b. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting not more than thirty (30) inches from the wall face of the building.
    - c. Limitations On Number Of Signs - One (1) sign for each separate permitted, or conditionally permitted, use.
    - d. Other Limitations
      - (1) Shall be neither animated nor illuminated.
  - 2. Directional Signs - Single Or Double Faced
    - a. Structural Type - Flat, ground, or pole sign.
    - b. Maximum Size Of Single Sign - Six (6) square feet.
    - c. Maximum Height Above Grade At Top Of Sign - Six (6) feet.
    - d. Limitations On Number Of Signs - Two (2) signs for each curb cut, plus any number within off-street parking areas.
    - e. Other Limitations
      - (1) May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
      - (2) Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
      - (3) No part of any ground or pole sign shall be closer than five (5) feet from any property line.
  - 3. Construction Signs - Single Or Double Faced
    - a. Structural Type - Flat, window, or ground sign, single or double faced.
    - b. Maximum Size Of Single Sign - Twelve (12) square feet, except as specified in Subsection d., below.

- c. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet.
  - d. Limitations On Number And Total Area Of Signs - The total 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 no single sign shall have an area of more than thirty-five (35) square feet on premises already developed or an area of not more than one seventy-five (75) square feet on premises not developed.
  - e. Other Limitations
    - (1) Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
    - (2) 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.
    - (3) Shall be located only on the premises of the property being referred to.
    - (4) No part of any ground sign shall be closer than five (5) feet from any property line.
4. Facade Signs - Single Faced Only
- a. Structural Type - Flat sign or individual letters.
  - b. Maximum Size Of Individual Sign - Two (2) square feet of sign area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
  - c. 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 placed.
  - d. 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 complex or a coordinated 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 businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease are located within said office building.

e. Other Limitations

- (1) Shall be neither flashing nor animated.
- (2) May be illuminated, but only from a concealed light source.
- (3) 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.

5. Freestanding Signs For Shopping Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced

- a. Structural Type - Ground or pole sign.
- b. Maximum Sign Area on each lot or building site on which the primary permitted use is located - 100 square feet, plus 25 square feet per individual business, not to exceed 400 square feet
- c. Maximum Height Above Grade At Top Of Sign - fifty (50) feet
- d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
- e. Other Limitations

- (1) Shall be neither flashing nor animated.
- (2) May only be illuminated from a concealed light source.
- (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
- (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.

6. Freestanding Signs For Uses Not Located In Shopping Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced

- a. Structural Type - Ground sign or pole sign

- b. Maximum Sign Area - There shall be no more than 100 square feet of sign area for each lot or building site on which the primary permitted use is located.

Each lot or building lot comprised of ten (10) acres or more of land area and containing only one business - 400 square feet

- c. Maximum Height Above Grade At Top Of Sign - 50 feet, except for signs for permitted uses on lots comprising ten (10) acres or more of land area - 60 feet
- d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
- e. Other Limitations

- (1) Shall be neither flashing nor animated.
- (2) May only be illuminated from a concealed light source.
- (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
- (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.

G. IP ZONES: The following business and identifications signs for permitted, or conditionally permitted, uses shall be in accordance with the following:

1. Flat, Window, Or Projecting Signs - Single Or Double Faced

- a. Maximum Size Of Single Sign - Three (3) square feet.
- b. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting not more than thirty (30) inches from the wall face of the building.
- c. Limitations On Number Of Signs - One (1) sign for each separate permitted, or conditionally permitted, use.
- d. Other Limitations

- (1) Shall be neither animated nor illuminated.

2. Directional Signs - Single Or Double Faced

- a. Structural Type - Flat, ground, or pole sign.
- b. Maximum Size Of Single Sign - Six (6) square feet.
- c. Maximum Height Above Grade At Top Of Sign - Six (6) feet.

- d. Limitations On Number Of Signs - Two (2) signs for each curb cut, plus any number within off-street parking areas.
  - e. Other Limitations
    - (1) May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
    - (2) Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
    - (3) No part of any ground or pole sign shall be closer than five (5) feet from any property line.
3. Construction Signs - Single Or Double Faced
- a. Structural Type - Flat, window, or ground sign, single or double faced.
  - b. Maximum Size Of Single Sign - Twelve (12) square feet, except as specified in Subsection d., below.
  - c. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet.
  - d. Limitations On Number And Total Area Of Signs - The total 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 no single sign shall have an area of more than thirty-five (35) square feet on premises already developed or an area of not more than one seventy-five (75) square feet on premises not developed.
  - e. Other Limitations
    - (1) Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
    - (2) Shall be temporary only, for advertising development, new construction, or the sale, lease, rental, remodeling and re-building 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.
    - (3) Shall be located only on the premises of the property being referred to.
    - (4) No part of any ground sign shall be closer than five (5) feet from any property line.

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4. Facade Signs - Single Faced Only
    - a. Structural Type - Flat sign or individual letters.
    - b. Maximum Size Of Individual Sign - Two (2) square feet of sign area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
    - c. 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 placed.
    - d. 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 complex or a coordinated 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 businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease are located within said office building.
    - e. Other Limitations
      - (1) Shall be neither flashing nor animated.
      - (2) May be illuminated, but only from a concealed light source.
      - (3) 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.
  
  5. Freestanding Signs For Industrial Complexes (3 or more businesses located in a unified building or coordinated group of buildings) located adjacent to an arterial street or interstate highway - Single Or Double Faced
    - a. Structural Type - Ground or pole sign.
    - b. Maximum Sign Area - One- Hundred (100) square feet, plus 25 square feet per individual business, not to exceed 225 square feet.
    - c. Maximum Height Above Grade At Top Of Sign - 50 feet
    - d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
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- e. Other Limitations
  - (1) Shall be neither flashing nor animated.
  - (2) May only be illuminated from a concealed light source.
  - (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
  - (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.
  
- 6. Freestanding Signs For Uses Not Located In Industrial Complexes (3 or more businesses located in a unified building or coordinated group of buildings) - Single Or Double Faced
  - a. Structural Type - Ground sign.
  - b. Maximum Sign Area - There shall be no more than forty (40) square feet of sign area for each lot or building site on which the primary permitted use is located.
  - c. Maximum Height Above Grade At Top Of Sign - ten (10) feet
  - d. Limitations On Number Of Signs - One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - e. Other Limitations
    - (1) Shall be neither flashing nor animated.
    - (2) May only be illuminated from a concealed light source.
    - (3) No part of any sign shall be located closer than five (5) feet from any property line nor more than twenty-five (25) feet from any street right-of-way line.
    - (4) No part of any freestanding sign shall be located closer than seventy-five (75) to another freestanding sign located on the same site or within the same complex.

## ARTICLE XV

### PERFORMANCE STANDARDS FOR INDUSTRIAL 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 use or accessory use in all industrial and industrial park zones, shall comply with all of the performance standards herein set forth for the district involved. If any existing use, 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, building, or other structure.

**SECTION 15.1 TIME SCHEDULED FOR COMPLIANCE OF PERFORMANCE STANDARDS:** Except for standards regulated and enforced by the state of Kentucky, 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 this 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 zoning administrator a program and schedule for achieving compliance. Such program and schedule shall contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the installation shall comply.

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

### SECTION 15.2 PERFORMANCE STANDARDS

- A. **BUILDING ENCLOSURES:** Every permitted use in the industrial park zones shall be operated in its entirety within a completely enclosed building. In the other industrial zones, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest zone boundary, as regulated by Section 9.17 and Article XIII of this ordinance.
- B. **LANDSCAPING:** In all industrial and industrial park zones, all required yards shall either be landscaped or be left in a natural state, if acceptable to the planning commission. If said area is to be landscaped, it shall be landscaped

with lawn, trees, shrubs, etc., per a landscape plan approved by the Planning Commission

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer which conforms to specifications published by the American National Standards Institute (specification for Sound Level Meters SI.4 – 1971, and Specifications for Octave, Half Octave, and Third Octave Band Filter Sets S1.11 - 1966, American National Standards Institute, or the latest edition of such standards shall be employed. In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities operating off-site 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 of this section of the ordinance, at the location of the receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 15-2 of this section of this ordinance shall be added to or subtracted from each of the decibel levels given in Table 15-1 of this section of this ordinance.

In any of the industrial park or urban industrial zones, the sound pressure of noise radiated from any activity shall not exceed the values given in Table 15-1 of this section in any octave band frequency at any point on or beyond any property line.

In any industrial zone, other than an industrial park or urban industrial zone, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 15-1 of this section in any octave band frequency at any point on or beyond the nearest zone boundary.

In all industrial or industrial park zones, industrial 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 allowed in excess of ambient air quality standards, as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- E. HUMIDITY, HEAT, OR GLARE: In the industrial park zones, any activity producing humidity, in the form of steam or moist air, heat, or glare, shall be carried on in such a manner that the humidity, heat, or glare is not perceptible at any lot line. In any other industrial zone, any activity producing humidity, heat, or glare shall be carried on in such a manner that the humidity, heat, or glare is not perceptible at or beyond any residential or commercial zone boundary. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting, warning, or traffic signals shall direct light away from adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in the industrial park zones and at the nearest zone boundary in any of the other industrial zones. No vibration is permitted which is discernible of the human sense of feeling for three (3) minutes or more duration in any one (1) 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 Effects 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. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in any industrial or industrial park zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- I. RADIATION: In any industrial or industrial park zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- J. ELECTRICAL RADIATION: In any industrial or industrial park zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment, other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
- K. STORAGE: The storage of any materials, supplies, or products outside of a completely enclosed building shall be prohibited within any industrial park zone. In any of the other industrial zones, outdoor storage of materials, supplies, and products is permitted in side and rear yards, provided that the storage of materials, supplies, and products are within an area screened from view at the nearest zone boundary, as regulated by Section 9.17 and Article XIV of this ordinance.
- L. FIRE AND EXPLOSIVE HAZARDS: In the I-1, I-2, and I-3 zones only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an

automatic fire extinguishing system. In the I-1, I-2, and I-3 – zones only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases, may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.

- M. WASTE: Within any industrial park or urban industrial zone, no waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such a 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. In any of the other industrial zones, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Department of Natural Resources and Environmental Protection.
- N. MINING AND RECLAMATION: All methods of operation, construction of roads, back-filling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.
- O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting, pursuant to the authority of KRS 351.310 to 351.340 and 351.990, and in accordance with the Standards of Safety for Explosives, for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention, pursuant to the authority of KRS 227.300.

TABLE 15-1

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL (DECIBELS) AT SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED CONTINUOUSLY FROM A FACILITY

RECEIVING LAND USE	7:00 AM – 10:00 PM	10:00 PM – 7:00 AM
Residential	55	50
Commercial and Industrial Park	60	55
Industrial	65	65

TABLE 15-2

CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS TO BE APPLIED TO TABLE 15-1

TYPE OF OPERATION OF CHARACTER OF NOISE	CORRECTION IN DECIBELS
Noise source operates less than twenty (20) percent of any one (1) hour period	plus 5*
Noise source operates less than five (5) percent of any one (1) hour period	plus 10*
Noise source operates less than one (1) percent of any one (1) 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

## ARTICLE XVI

### ADMINISTRATION

**SECTION 16.0 ENFORCING OFFICER:** A zoning administrator shall administer and enforce this ordinance. He/she may be provided with assistance of such other persons as the city directs.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he/she shall take such action as is permitted by law. In any civil or criminal proceeding to enforce any provision of this ordinance, or any amendment thereof, any person in violation thereof, shall be liable to the city, and the city shall recover therefrom any and all costs and expenses incurred therein, including, without limitation, court costs, fees of attorneys and experts, and the time and expenses of all city employees involved therein, which shall be included in any judgment as civil damages in regard thereto.

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

All questions of interpretation and enforcement shall be first presented to the zoning administrator. Such questions may be presented to the board of adjustment by an applicant or aggrieved party only on appeal from the decision of the zoning administrator, and recourse from the decisions of the board of adjustment shall be to the courts, as provided by the Kentucky State Statutes,

It shall be recognized by the zoning administrator, that consistent with KRS 100.271, where the literal terms of this ordinance are not clear, and unless this ordinance provides otherwise, the zoning administrator shall exercise reasonable discretion in the interpretation of this ordinance.

In determining what are permitted uses within any zone, it shall be recognized that the uses set forth are to serve as a guide to determine the type of uses to be permitted and are not intended to be exclusive. However, the zoning administrator shall, as nearly as possible, follow the literal intent of the permitted uses set forth herein.

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

- A. **ZONING PERMIT REQUIRED:** No land shall be used, or 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 zoning permit, issued by the zoning administrator. 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.
  2. The required fee for a zoning permit as provided in Section 19.0 of this ordinance.
  3. A Stage II Development Plan, if required by this ordinance, or a plot plan, in duplicate, drawn at a scale of not less than one (1) inch to fifty (50) feet, showing the following information, where applicable:
    - a. The location of every existing and proposed structure, 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 (5) foot contour intervals.
    - f. Total lot area, in square feet.
    - g. Location and dimensions of all access points, driveways, and off-street parking areas
    - h. A drainage plan 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 streets, including rights-of-way and pavement widths.
    - l. All existing and proposed water, 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. 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.

- 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 the 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 public 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 complete 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 19.0 of this ordinance.
  - 4. An approved Stage II Development Plan or Plot Plan.
  - 5. Plans in duplicate, indicating information required by the building code and/or 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 inspector's 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 inspector's signature. The other 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 copy.

- D. COMPLIANCE: It shall be unlawful to issue a building permit, or an 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 City prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of ninety (90) consecutive calendar days from the time of issuance of the building permit. If construction in connection with such a permit has not been started within such a ninety (90) consecutive calendar day period, the building permit shall be void and a new building 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:
  - 1. Building permits, for the complete construction of any principal structure for any use identified as a permitted use, in any zone described and identified as a multi-family residential zone, an overlay zone, a commercial zone, a professional office building zone, an industrial zone, an industrial park zone, or an area protection overlay zone, shall expire, terminate, and be canceled by the building inspector, unless the foundation of the construction, and work authorized thereby, has been completed within ninety (90) consecutive calendar days after the date on which the building permit was issued, and all of the construction, and work authorized thereby, has been completed within five hundred forty (540) consecutive calendar days after the date on which such building permit was issued.
  
  - 2. Building permits for the complete construction of any principal structure for any use identified as a permitted use, in any zone described and identified as a conservation zone or a single-family residential zone, or the construction of any additions to any principal structures for any use identified as a permitted use in any zone, shall expire, terminate, and be

canceled by the building inspector, unless the foundation of the construction, and work authorized thereby, has been completed within ninety (90) consecutive calendar days after the date on which the building permit was issued, and all of the construction, and work authorized thereby, has been completed within three hundred sixty-five (365) consecutive calendar days after the date on which such building permit was issued.

3. Building permits for any construction, other than the complete construction of any principal structure for any use identified as a permitted use in any zone, or any additions thereto, shall expire, terminate, and be canceled by the building inspector, unless the construction, and work authorized thereby, is completed within one hundred eighty (180) consecutive calendar days after the date on which the building permit was issued.
  4. Any dates established hereby for the expiration, termination, and cancellation of any building permit may be extended by the building inspector for any circumstances beyond the control of the person to whom the permit was issued, in which event the permit shall expire, terminate, and be canceled by the building inspector at the end of such extended period of time.
- G. **CONSTRUCTION AND USE:** To be as provided in applications, plans, and permits, zoning permits and building permits, issued on the basis of plans and applications, 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 in 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 structure or land, 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 structure or land, 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/she has checked and is satisfied that the structure, and the proposed use thereof, conform with all the requirements of this ordinance and the building code.

**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 structure or land existing at the time of enactment of this ordinance,

certifying, after inspection, the extent and kind of use made of the structure or land, 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 structures 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 structures shall be filed with the building inspector by the owner or lessee of the land or structure 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 or lessee the entire burden of proof that such use of land or structures lawfully existed on the effective date of this ordinance.

It shall be the duty of the building inspector 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 structure or land conforms to the applicable provisions of this ordinance and to 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 offices of the building inspector and copies shall be furnished, on request, to any person having a proprietary structure 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 with the zoning administrator. The zoning administrator shall maintain a record of such complaints, investigate same, and take action thereon, as provided by this ordinance and in conformity with Kentucky Revised Statutes.

**SECTION 16.9 PENALTIES**

- A. Any person or entity who violates any of the provisions of this ordinance, except for Section 16.12 of this ordinance, shall, upon conviction, be fined not less than ten dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.
- B. Any person who intentionally violates any of the provisions of Section 16.12 of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

- C. In addition to any provisions set forth in subsections A. and B. above, the violator of this ordinance shall be assessed as civil penalty any costs attributable to the enforcement of this ordinance by the zoning administrator, including attorney fees, expert witness fees, and court costs.

**SECTION 16.10 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES:** 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, nonavailability 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 administrator 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 FOR INDUSTRIAL ZONES:** 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, 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 within the established time limit, 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 his 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 cost of the investigation shall be paid by the legislative body without assessment against the properties or persons involved.

**SECTION 16.12 FILING OF CERTIFICATE OF LAND USE RESTRICTIONS**

- A. FILING OF CERTIFICATES OF LAND USE RESTRICTIONS: A "Certificate of Land Use Restriction" shall be filed in the office of the county clerk by the planning commission, legislative body, and/or board of adjustment, whichever body(s) impose(s) any land use restrictions according to the provisions of KRS 100.3681 to 100.3684. The actual recording fee, per statute, for recording such filing shall be collected by the body imposing the restriction. This fee shall be paid over to the county clerk. An additional fee, not to exceed the maximum administrative fee, permitted by statute, may be imposed by the body imposing the restriction for costs of completing and filing the certificate.

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## ARTICLE XVII

### AMENDMENT PROCEDURE

#### SECTION 17.0 AMENDMENT PROCEDURE

- A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed with the city, and the city shall promptly forward the application to the planning commission. A public hearing shall be scheduled to be held within forty-five (45) days of the date of receipt of the application by the city. 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 a zoning map amendment to this ordinance may originate with the planning commission, any fiscal court or legislative body, or with an owner of the property in question. A proposal to amend the text of this ordinance may originate with the planning commission or with any fiscal court or legislative body. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission for its action before adoption.
- C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN**
1. 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.
  2. In addition to the public notice requirements prescribed herein, when the planning commission, fiscal court, or legislative body originates a proposal to amend the zoning map, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing, by first class mail, to an owner of every parcel of property, the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon to determine the identity and address of said owner.
- D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 17.0, C. of this ordinance, the

following notices shall also be given when a proposal is submitted by a property owner to amend the official zoning map.

1. Notice of 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, constructed of durable material, and 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 property, 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(s) 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 conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
3. If the property, the classification of which is proposed to be changed, adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, to certain officials, as follows:
  - a. If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
  - b. If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

4. All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.
- 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 a 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 existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; 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 adopted 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 such area is specifically referred to in the adopted comprehensive plan. 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; and (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed). For the purpose of this section of the ordinance, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line.

G. PLANNING COMMISSION ACTION

1. MAP AMENDMENT: Following the public hearing held by the planning commission on a proposed map amendment, the commission shall, within sixty (60) calendar days from the date of its receipt, make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the legislative body, 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. of this ordinance. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.
2. TEXT AMENDMENT: Following the public hearing held by the planning commission on a proposed text amendment, the commission shall make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed text amendment.

H. LEGISLATIVE BODY DISPOSITION

1. MAP AMENDMENT: The legislative body or fiscal court shall take final action upon a proposed map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal. It shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the planning commission forwards the application to the legislative body or fiscal court without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the legislative body or fiscal court adopting the zoning map amendment shall be deemed to have passed by operation of law.

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2. TEXT AMENDMENT: It shall take an affirmative vote of a majority of the legislative body or fiscal court to adopt a proposed text amendment.
- 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 submitted by the legislative body (other than for a zone change for land under city ownership that the city intends to develop) and the planning commission, to any commercial zone, multi-family residential zone, or industrial zone 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. In addition to the amendment application filing requirements, as provided for in Section 17.0, A of this ordinance, an application for a zoning map amendment shall also be filed with the zoning administrator and shall include a Development Plan indicating the applicable requirements of Section 9.20, A. 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 ordinance. 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 planning commission. However, should the legislative body take action to impose different conditions, than were reviewed and recommended 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 the 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 Stage I Development Plan to the planning commission, or its duly authorized representative, for further processing, in accordance with the applicable requirements of this ordinance.
- e. If the detailed engineering data required under Section 9.20, A of this ordinance, had been waived by the zoning administrator in the initial submission of the Stage I Development Plan, then such data shall be submitted for review in accordance with the requirements of Section 9.19 of this ordinance before a permit may be issued for construction.

The planning commission, or its duly authorized representative, in reviewing the Stage II Development Plan, may authorize minor adjustments from the approved Stage I 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/or 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 planning commission, or its duly authorized representative, 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 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 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 Stage I 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 Stage I Development Plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the Stage I Development Plan.

J. PLANNING COMMISSION - TO HEAR AND DECIDE APPLICATIONS FOR VARIANCES AND CONDITIONAL USE PERMITS

1. In accordance with KRS 100.203, an applicant, at the time of filing of the application for a map amendment, may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the planning commission at the same public hearing set for the map amendment, or by the board of adjustment as otherwise provided for in this ordinance.
2. Application to review a variance and conditional use permit shall include submission of a development plan, in accordance with the applicable requirements of Section 9.20, A., of this ordinance. In review and approval of said application, the planning commission shall assume all powers and duties otherwise exercised by the board of adjustment, pursuant to KRS 100.231, 100.233, 100.241, 100.247, and 100.251.
3. Any judicial proceedings to appeal the planning commission's actions in granting or denying any variance or conditional use permit shall be taken pursuant to KRS 100.347(2).

## ARTICLE XVIII

### BOARD OF ADJUSTMENT

#### **SECTION 18.0 ESTABLISHMENT OF BOARD OF ADJUSTMENT; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS**

- A. A board of adjustment is hereby established.
- B. The board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the planning commission.
- C. The mayor shall be the appointing authority of members to the board of adjustment, subject to the approval of the legislative body.
- D. The term of office for the board of adjustment members 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, in 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, vice-chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of their term.

**SECTION 18.1 MEETINGS OF BOARDS; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWER; 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, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed. Written notice of the meeting containing date, time, and place of the meeting, shall also be provided to the applicant, by first class mail, at least seven (7) days prior to the meeting.
- 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 state 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 witnesses prior to their testifying before the board on any issue.
- G. A board of adjustment may appoint one (1) or more of its members to act as hearing examiner to preside over a public hearing or public meeting and make recommendations to the board based upon a transcript or record of the hearing.

**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, order, requirement, interpretation, grant, refusal, 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 of the official 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 the public hearing on the appeal held 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 sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

**SECTION 18.3 APPEALS FROM PLANNING COMMISSION, BOARD OF ADJUSTMENT, OR LEGISLATIVE BODY:** Any appeal from the planning commission, board of adjustment, or legislative body action may be taken in the following manner:

- A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit, as provided for in Section 17.0, J. of this ordinance, shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the circuit court. After the appeal is taken, the procedure shall be governed by the rules of civil procedure.
- B. Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) consecutive

calendar days after the final action of the board of adjustment. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the circuit court.

- C. Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county, or urban-county government, relating to a map or text amendment, shall appeal from the action to the circuit court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the circuit court.
- D. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.
- E. For purposes of this ordinance, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

**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/or 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:** The board of adjustment shall have the following powers:

- A. To hear and decide on applications for variances.
- 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 thirty (30) 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, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.
- E. 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 VARIANCES; CHANGE FROM ONE NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES**

**A. VARIANCES**

- 1. A variance shall not be granted by the board of adjustment unless and until:
  - a. A written application for a variance (including the required fee per Section 19.0 of this ordinance) and a Development Plan, subject to the applicable requirements of Section 9.19 of this ordinance, are submitted.
  - b. Notice of public hearing shall be given in accordance with Section 18.1 of this ordinance.
  - c. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.
  - d. Prior to granting a variance:
    - (1) The board of adjustment shall make findings that the requirements of this section of this ordinance have been met by the applicant for a variance.
    - (2) The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - e. 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 a 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.

2. Before any variance is granted, the board of adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
    - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
    - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
    - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
  3. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of this ordinance by the applicant subsequent to the adoption of this ordinance from which relief is sought.
- B. VARIANCE CANNOT CONTRADICT ZONING REGULATION: The board of adjustment shall not possess the power to grant a variance to 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.
- C. 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 runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant 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 for herein.
1. The board of adjustment shall have the power to hear and decide on applications to convert or change 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 of this ordinance) and a Development Plan, if applicable, subject to the applicable requirements of Section 9.19 of this ordinance, shall be submitted to the board.
- b. Notice of public hearing shall be given in accordance with Section 18.1 of this ordinance
- c. The public hearing shall be held. Any person may appear in person, by agent, 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 ordinances 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. The action, limitations, and conditions imposed, 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 (1) 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 for 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 per Section 19.0 of this ordinance) and a Development Plan subject to the applicable requirements of Section 9.19 of this ordinance, shall be submitted to the board.
  - 2. Notice of public hearing shall be given in accordance with Sections 18.1 and 9.14 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 and Section 9.14 of this ordinance.
  - 5. CRITERIA: Evaluation of the proposed conditional use and/or development plan shall be based upon the following criteria:
    - a. Agreement with the various elements of the Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the zoning district in which it is proposed to be located.

- c. 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 (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
- e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment and adjacent buildings.
- h. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- i. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- j. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- k. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- l. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- m. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.
- n. Extent to which all necessary public utilities and facilities are available to service the proposed 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.

## **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 majority of board members present and voting 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.

## **ARTICLE XIX**

### **SCHEDULE OF FEES**

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