

# REGULATIONS FOR DEVELOPMENT

## PLANNING AND ZONING ORDINANCES FOR DRY RIDGE, KENTUCKY

# ZONING ORDINANCE

692-2006

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**Article 1.**  
**ZONING ORDINANCE**

**SECTION 1.0**

An ordinance dividing the City of Dry Ridge, Kentucky, into zones or districts. Zones of such shape and area as are deemed best suited to carry out these regulations: regulating the location, height, number of stories and size of buildings and other structures; regulating the size of yards and other open spaces and the density and distribution of population and the uses of buildings, structures and land use and other purposes; prescribing penalties for violations; providing for enforcement; a board of adjustments and repealing all regulations, resolutions, orders, ordinances and/or codes in conflict with this ordinance.

**BE IT ORDAINED BY THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:**

**AUTHORITY AND PURPOSE**

**SECTION 2.0 AUTHORITY:**

Pursuant to the authority of Kentucky Revised Statutes (KRS Chapter 100) it is hereby ordained and enacted 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, and general welfare of the City of Dry Ridge, 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 need special protection by the Planning Commission.

**SHORT TITLE**

**SECTION 3.0 SHORT TITLE:**

This ordinance shall be effective throughout and recited to as the **“OFFICIAL ZONING ORDINANCE OF DRY RIDGE, KENTUCKY”**.



## **INTERPRETATION**

### **SECTION 4.0 GREATER RESTRICTION:**

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

### **SECTION 4.1 PERMIT OR LICENSE IN VIOLATION:**

If any permit or license is issued in violation of any provision of this ordinance or purports to authorize the doing of any act not permitted by any provision of this ordinance, said permit or license shall be void.

## **CONFLICT**

### **SECTION 5.0 CONFLICT:**

All ordinances and parts of ordinances of the City of Dry Ridge 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.

## **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 is the intent that this ordinance and portions thereof, individually, and each such section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

## **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:

The word “may” shall be deemed as permissive. 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;

**AASHTO:** American Association of State Highway and Transportation Officials.

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

- a. Is subordinate to and serves the principal building or principal use;
- b. Is subordinate in area, extent, or purpose, to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served (does not include places of residence); and
- d. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off- street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**ACCESS POINT:** An access point is:

- (1) A driveway, a local street, or a collector street intersecting an arterial street;
- (2) A driveway or a local street intersecting a collector street; or
- (3) A driveway or a local street intersecting a local street.

**ADEQUATE PUBLIC FACILITIES:** A level of public infrastructure necessary for development; includes, but is not limited to – roads, waterlines, public utilities, sidewalks, storm drainage features, fire hydrants, garbage collection, sewerage treatment, schools, and any other built features or public service needed to sustain development.

**AGRICULTURAL USE:** The use of a tract of at least five (5) contiguous acres for the production of agricultural, horticultural, floriculture or viticulture crops, including, but not limited to, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, dairy products, livestock, livestock products, poultry products, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities; and 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.

**AIRPORT:** A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways, passenger terminals, parking areas, aircraft maintenance, storage buildings and open spaces.

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

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

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

**APARTMENT HOUSE:** See DWELLINGS, MULTI-FAMILY.

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

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

**AUTOMOBILE AND TRUCK SERVICE AND REPAIRS (Major):** Establishments 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 vehicles.

**AUTOMOTIVE SERVICE AND REPAIRS (Minor):** Establishments primarily engaged in routine general automotive services and repairs.

**AUTOMOTIVE WRECKING:** This dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicle on a lot for a time period exceeding thirty days shall constitute evidence regarding the establishment of a automobile wrecking yard. Also may be referred to as a junkyard.

**BASEMENT:** That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for purposes of general household habitation.

**BED AND BREAKFAST INN:** An operator occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale.

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

**BODY PIERCING:** Means the act of penetrating the skin or body part of a human being to make a hole, mark or scar.

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

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

**BUILDING, ALTERATION OF:** Any change, addition, or rearrangement in the walls, beams, columns, or girders of a building, or an addition to a building or movement of a building from one location to another. This definition shall include any change in the intensity of the use of a building.

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

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

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

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

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

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

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

**BUILDING SETBACK LINE:** A horizontal distance line which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures.

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

**CAMPING/VACATION MOBILE UNIT:** Any coach, truck, cabin, trailer, 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, whether permanent or temporary, or supported and/or capable of being moved by its own power or transported by another vehicle.

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

**CARPOR:** See **GARAGE, PRIVATE.**

**CHILD DAY CARE CENTER:** See **NURSERY SCHOOL.**

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

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

**CLINIC, HUMAN:** A building used by medical persons for the treatment of persons on an outpatient basis.

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

**COIN OPERATED LAUNDRY:** See **LAUNDROMAT**

**COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION):** The Grant County Planning Commission, Grant County, State of Kentucky.

**COMPATIBILITY STANDARDS:** Standards that have been enacted by this ordinance under the authority of KRS 100.348 for the purpose of protecting and preserving the monetary value of real property located concerning the placement of qualified manufactured homes within the local government's jurisdiction.

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

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

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

**CONDITIONAL USE:** A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on 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 adjustments, consisting of two parts:

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

**CONDOMINIUM:** A condominium is an ownership arrangement, not a land use. It is an individual ownership of a unit in a multi-unit structure. As such it is permitted in any residential district where attached residential dwellings are permitted.

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

**CURB CUT:** Any interruption, or break in the line of a street curb in order 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.

**DAY CARE CENTER:** A day care center shall mean or include any home, center, agency, or place, however styled, where children not related to the operator are received for custodial care apart from their parents whether for compensation, reward, or otherwise, during part or all of the day or night and upon any number of successive day or nights.

**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".

**DEVELOPMENT PLAN:** Written and/or graphic material for the provision of a development, including, but not limited to, the potential function of the following: location and bulk of buildings and other structures, intensity of land use, density of development, streets, public ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or

buffering, utilities, existing man made and natural conditions, and any other development provisions agreed to by the commission and the applicant.

**DISTRICT:** For purposes of this ordinance, synonymous with “ZONE”.

**DORMITORY:** A residence hall providing rooms for individuals or groups.

**DRIVEWAY:** Any private access to a residence or private road that connects to a publicly maintained right-of-way established as a means of ingress and egress to a property.

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

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

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

**DWELLING, TRAILER:** See **MOBILE HOME**.

**DWELLING, TWO-FAMILY:** A residential building designed, arranged, or used exclusively by two (2) families, each of which has independent access to each dwelling unit, living independently of each other.

**DWELLING, MULTI-FAMILY:** A residential building having three (3) or more dwelling units, as separate housekeeping units, each of which has independent access to each dwelling unit.

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

**EASEMENT:** The right which one person has to use the land of another for a specific purpose not inconsistent with a general property in the owner and not including the right to participate in the profits of the soil charged with it. Precisely, a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the soil. Including but not limited to water lines, sewers, telephone, electric and utility lines and the right of ingress and egress to and from the premises of a lot owner to a street, alley or roadway. Easement recorded as a matter of public record.

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

- A. Carry-out—A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is prohibited (or discouraged).
- B. Drive-in—A restaurant where consumption of food on the premises is encouraged (in car, no seating facilities) and where food is provided by “car-hop” or self-service.
- C. Sit-Down Restaurants—Those restaurants which provide seating arrangements.
- D. Combination—A restaurant, which provides any combination of sit down, carry-out, and/or drive-in, services.

**ECLECTIC MERCHANDIZE VENDING/ ECLECTIC MERCHANDIZER:** Is defined to mean that act, or activity of, or an entity providing to a person or the public, a mode or situs, whereby or whereat, a choice, election, or selection of various commodities, whether direct new, pre-owned, or of antiquity, obtained by the vendor-merchandizer's acquisition or under consignment, can be had for a consideration, nominal to the extravagant, under vend, let or purchase, to include, but not be limited to the following enumeration of such merchandizing activities or commodities common: antique shop, collectibles shop, thrift store, variety store, consignment store, period clothing store, odd-lot outlet, surplus store, pawn shop, inside flea market, charity donation store and inside barter fete.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, including but not limited to: 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 or for the public health, safety, or general welfare.

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

**FILLING STATION:** Any building, structure, or land used for the dispensing, sale, or offering for sale at retail, of any automobile fuels, oils, or accessories but does not offer repair or service of vehicles. See **GAS STATION-CONVENIENCE STORE, OR SERVICE STATION.**

**FITNESS CENTER:** Means a service-use activity providing to an individual or the group, a means or method to attain a state of fit or being fit, so as to meet some goal, demand or circumstance, principally of bodily health or vigor, including, but not limited to, exercise, exercise equipment, free weights, resistance equipment, cardiovascular equipment, dynamic tension methods, aerobics, aerobic exercise, dance exercise, yoga, gymnastics, martial arts training, exercise training, training and health consultation, and the providing of, or the use of, duly licensed and regulated health-enhancement services, therapies, methods, modalities, equipment and device.

**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) mud slides (i.e., mud flows) which are proximately caused or precipitated by accumulations of water on or under the ground.

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

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

**FLOOD WAY:** 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 cumulative increasing the water surface elevation more than one foot at any point.

**FLOOD WAY ENCROACHMENT LINES:** The lines marking the limits of flood ways 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 center line 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 center lines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses. The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

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

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

**FRONTAGE:** All the property abutting on one (1) side of the right-of-way of a public 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 or private road be considered as acceptable for frontage.

**GARAGE, PRIVATE:** A building used primarily for the storage of vehicles and clearly accessory to the principal use permitted.

**GAS STATION-CONVENIENCE STORE:** Any building, structure, or land used for the dispensing, sale, or offering for sale at retail, of any automobile fuels, oils, or accessories for automobiles and convenience food items such as milk, bread, and soda.

**GROUP DAY CARE:** A group day care home is one which provides care in a family home during the day for one and not more than six children, including the day care parents' own children.

**HOME OCCUPATION:** Personal services, professional offices or studios; occupation that is clearly customarily conducted entirely within a dwelling, as permitted herein and further meeting all requirements of this ordinance.

**HOME OWNERS ASSOCIATION:** A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

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

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

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

**HOUSE TRAILER:** See **MOBILE HOME**.

**INDUSTRIAL PARK:** A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, storm water management, building design, signage, and landscaping.



**INFRASTRUCTURE:** The total composition of public, semi-public and private utilities, facilities and service which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health, general public administration and revenue.

**JUNK YARD:** An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including, but not limited to, scrap metals, paper, rags, rubber tires, bottles, inoperative motor vehicles, etc. Junkyards or junkyard like activities are not to be permitted outside of an Industrial zone.

**KENNEL:** Any area in which small domestic animals above six (6) months of age are maintained for commercial purposes. Commercial purposes include the grooming, breeding, boarding, training, raising and selling of domestic animals.

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

**LANDMINIUM:** A subdivision with access and maintenance agreements which is similar to a condominium except that a purchaser of a unit receives fee simple title both to the unit and the land underlying the unit. A landminium is a subdivision within the meaning of and subject to the Grant County Subdivision Regulations.

**LANDFILL:** A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

**LANDSCAPING:** The preservation, addition, and maintenance of trees, bushes, plants and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons.

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

**LDN (Level of noise day and night):** The average noise level created by an aircraft over a twenty-four (24) hour period. Noise level is measured in decibels (DBA) logarithmically averaged over a twenty-four (24) hour period.

**LEASABLE AREA, GROSS:** The total floor area designed for tenant occupancy and exclusive use, including but not limited to: basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**LEGISLATIVE BODY:** Dry Ridge City Commission.

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

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

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

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

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

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

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

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

**LOT, FLAG:** A lot with primary access provided to the bulk of the lot through the means of a panhandle access corridor.

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

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

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

**LOT OF RECORD:** A designated fractional part 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, state of Kentucky.

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

**MANUFACTURED HOME:** A single family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. The manufactured home is intended for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with Federal Manufacturing Housing Construction and Safety Act standards. For the purpose of this ordinance, double and triple width manufactured 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, parcel, or premises, subdivided, designed, maintained, intended, and/or used to accommodate three (3) or more manufactured homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of manufactured homes shall not be included within this definition.

**MINIMUM BUILDING 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.

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

**NON-CONFORMING 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.

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

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

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

**NURSING HOME:** A health establishment, which provides nursing care to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

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

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

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

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

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

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

**PERFORMANCE STANDARDS:** Criteria established to control, but not limited to: 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.

**PERMANENT FOUNDATION:** A system of supports that is: (1) capable of transferring without failure, into soil or bedrock, the maximum design load imposed by or upon a structure; (2) constructed of concrete; and (3) placed at a depth below grade adequate to prevent frost damage.

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

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

**RECYCLING CENTER:** A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant recoverable resources such as newspapers, glassware, plastics and aluminum cans.

**RECYCLING COLLECTION POINT:** A neighborhood collection point for the temporary storage of recoverable resources for shipment to a recycling plant.

**RECYCLING PLANT:** A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

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

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

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

**SEASONAL-OCCASIONAL-INFREQUENT-PERIODIC USES OR ACTIVITIES:** Means the use of a currently permitted commercial site for the vending of merchandise, or the providing of services, or the engaging in activities requisite during, for or at times of: (1) a particular or special occasion or happening; or (2) at time infrequent, but from time to time, regular, recurrent, and at, and within times recognized, or celebrated as being of the season or having significance, all in time, period and duration of not more than 40 calendar-days total within and calendar year.

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

**SERVICE STATION:** Any building, structure, or land used for the dispensing, sale, or offering for sale at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work.

**SEWERS, CENTRAL OR GROUP:** A central sewage treatment facility for a single development, community, or region with an accompanying collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate sanitation and health officials.

**SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Subject to the approval of the appropriate health and sanitation officials.

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

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

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

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

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

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

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

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

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

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

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

**SIGN, WINDOW:** Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of Article 14, 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.

**SITE PLAN:** A plan prepared to scale showing accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specified site. A site plan addressed physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provision of all required improvements, and the interrelationship of the various site plan components.

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

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

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

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

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

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

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

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

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

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

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

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

- A. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
- B. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- C. Public: a swimming pool operated by a unit of government for the general public.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

**TATTOOING (TATTO):** Means the act of producing scars on a human being or the act of inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce indelible marks or figures visible through the skin, including the application of permanent makeup (KRS 211.760 (1)©); to make permanent marks or designs on (the skin) by puncturing it and inserting colors; to make (marks and designs) on the skin in this way.

**TOWNHOUSE DWELLING UNIT:** A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached).

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

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

**VARIANCE, DIMENSIONAL:** A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of a building or size of yards, but not density or intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation 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.

**WHOLESALE:** the selling of goods in relatively large quantities at low prices to retailers.

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

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

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

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

**ZONING ADMINISTRATOR:** The official or officials employed by the Planning Commission to administer and enforce the provisions of this ordinance.

**ZONING DISTRICT:** A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity of such uses, and the maximum height and minimum setbacks for any proposed structures.

**ZONING PERMIT:** A permit issued by the Planning Commission authorizing the permitted use of a lot and/or a structure and its accompanying characteristics.

**ZONING ORDINANCES:** The minimum land use requirements for each zoning district, adopted for the promotion of public health, safety, morals, and general welfare. Whenever the requirements of these regulations conflict with the requirement of any lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.



## ESTABLISHMENT OF ZONES

### SECTION 8.0 ZONES:

For the purpose of this ordinance, the city may be divided into the following zones:

**A-1 AGRICULTURAL - ONE:** The purpose of this district is to preserve and protect the decreasing supply of productive agriculture lands and to prevent the indiscriminate infiltration of urban and commercial residential development.

**R-1 RESIDENTIAL – ONE (R-1A, R-1B, R-1C, R-1D):** The purpose of this district is to permit the establishment of single-family detached residences. The lots in this district must have an adequate public water supply for fire protection and must provide a health department approved sewage disposal system.

**R-2 RESIDENTIAL - TWO:** The purpose of this district is to provide for the establishment of medium density single-family and two-family residential dwellings. Adequate infrastructure (central water and sewer owned and/or operated by an agency of government) must be available to the site.

**R-3 RESIDENTIAL - THREE:** The purpose of this zone is to permit a mixture of higher density residential uses which includes single family, two family and multi-family dwellings. Adequate infrastructure (central water and sewer owned and/or operated by an agency of government) must be available to the site.

**R-4 RESIDENTIAL - FOUR:** The purpose of this zone is to permit a mixture of higher density residential uses which includes multi-family dwellings. Adequate infrastructure (central water and sewer owned and/or operated by an agency of government) must be available to the site.

**MHP MOBILE HOME PARK:** The purpose of the Residential Mobile Home Park is to provide an alternative type of dwelling within well-planned and desirable environments for individuals and families who do not prefer conventional, constructed dwellings and may not desire private property ownership. Such parks shall be located in areas with adequate infrastructure and convenient accessibility. This district shall be located upon suitable land where adequate infrastructure (central water and sewer owned and/or operated by an agency of government) is available and shall meet all buffer yard and recreational requirements.

**CBD CENTRAL BUSINESS DISTRICT:** This district is for the traditional town center which is home to a wide variety of businesses and uses. The provisions of this zone allow for residential and commercial uses and for the preservation of the structure and vitality of the town center and architectural history.

**NC NEIGHBORHOOD COMMERCIAL:** The purpose of this district is to permit the establishment of areas for convenience businesses which tend to meet the daily needs of the residents in an immediate neighborhood.

**HC HIGHWAY COMMERCIAL:** The purpose of this district is to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways. Adequate infrastructure is required.

**MP MEDICAL/PROFESSIONAL OFFICE:** The purpose of this district is to provide for a mixture of medical and office medical type land uses that are essential to maintain the quality of

life in a community. The lots in this district must have municipally supplied water system and municipally supplied wastewater disposal system.

**I-1 INDUSTRIAL - ONE:** The purpose of this district is to encourage the development of manufacturing, processing, packaging, assembling and wholesale business establishments which meet the standards specified in Article 15 of this ordinance.

**I-2 INDUSTRIAL - TWO:** The purpose of this zone is to encourage the development of major manufacturing, processing, packaging, assembling and warehousing which meets the standards specified in Article 15 of this ordinance.

**PUD PLANNED UNIT DEVELOPMENT:** The purpose of this zone is to permit single-family dwellings in a rural setting with open space. Adequate public services (central water) must be available to the site.

## **SECTION 8.1 REPLACEMENT OF OFFICIAL ZONING MAP:**

The Planning Commission may adopt the Official Zoning Map of the City of Dry Ridge as a portion of the Official Zoning Map of Dry Ridge.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or is deemed necessary to be replaced due to the age of the map or major corrections in location of rights-of-way or subdivisions, the legislative body may cause to have prepared and adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereto. The above zones are bounded and defined as shown on a map entitled, "Official Zoning Map of Dry Ridge, Kentucky." In addition to its title and date, the Official Zoning Map shall be identified by the signatures of the Planning Commission members.

## **SECTION 8.2 RULES FOR INTERPRETATION OF ZONE BOUNDARIES:**

Rules for interpretation of zone boundaries shown on the Official Zoning Map are as follows:

- A. Boundaries indicated as approximately following the rights-of-way of a street, alley, or other public way shall be construed to follow such rights-of-way lines and when said rights-of-way are officially vacated, the zones bordering such rights-of-way shall be extended out to the centerline of said vacated rights-of-way.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.
- D. Boundaries indicated as approximately following the rights-of- ways of railroad lines shall be construed as following such lines.
- E. Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies or water shall be construed to follow such centerlines.
- F. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map shall be construed as following such ground elevation lines.

- G. Boundaries indicated as approximately parallel to features indicated in Rules A through F of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.

**SECTION 8.3: AREAS NOT INCLUDED WITHIN ZONES:**

When an area is annexed to or otherwise becomes a part of the legislative body, or in any case where property within the legislative body has not been included within a zone, either through error or omission, such property shall be officially included in the “C-O” (correctable omission) Zone until otherwise classified.

Within sixty (60) calendar days after an annexed area officially becomes a part of the legislative body, or an error or omission is recognized, the legislative body shall take action to initiate a zone change review of the area in question, as per Article 19, to insure its appropriate zoning classification in conformity with the officially adopted comprehensive plan.

## **Article 9.**

### **GENERAL REGULATIONS**

#### **SECTION 9.0 PURPOSE:**

General regulations shall apply to all districts unless otherwise specified.

#### **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 Section 20.4: Variances, of this ordinance.

#### **SECTION 9.2 INTERFERENCE WITH TRAFFIC SIGNALS:**

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

#### **SECTION 9.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS:**

No type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

#### **SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS:**

On lots having frontage on more than one street, the minimum front yard depth shall be provided for each street, in accordance with the provisions of this ordinance.

#### **SECTION 9.5 UTILITIES LOCATION:**

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

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.
- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.
- C. Such facilities shall be enclosed by a protective fence as regulated by Article 13: Fences and Walls.

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

**SECTION 9.6 RAILROAD RIGHTS-OF-WAY LOCATION:**

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

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

- A. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements of the Subdivision Regulations of the legislative body, if applicable, have been fulfilled and then obtaining a permit from the building inspector.
- B. The 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 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 run-off caused by changed soil and surface conditions during and after development.
  - 6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
  - 7. The development shall be fitted to the topography and soils so as to create the least erosion potential.
  - 8. Wherever feasible, natural vegetation shall be retained and protected.
- D. Section 9.7 does not apply to land used solely for agricultural purposes.

### **SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE:**

No rubbish, salvage materials, junk, or miscellaneous material shall be openly stored or kept in the open within any zone. No inoperable vehicles, buses, mobile homes, trailers, etc. shall be used for the storage of these materials. Salvage and junkyards, where permitted in this ordinance, shall be adequately enclosed with a solid fence or wall, as regulated by Article 13: Fences and Walls, and an approved permanent planting screen may be required as regulated in Section 9.17: Screening Area, of this ordinance.

### **SECTION 9.9 AUTOMOBILE WRECKING, SALVAGE, AND JUNKYARDS:**

Owing to the environmental consequences and potential impact of automotive wrecking, salvage, and junkyards, such uses shall be permitted only as a conditional use (a permit must be obtained) in any zone and authorization is obtained (where appropriate) from the Kentucky Highway of Transportation, Bureau of Highways, in accordance with KRS 177.905 and 177.950. Any salvage materials in open storage or junkyards shall be served notice in which to comply fully with the above regulations. Failure to do so will constitute a violation punishable as prescribed by this ordinance. Any permitted junkyard must adhere to the following guidelines:

1. Such uses shall be located no closer than 2,000 feet from the centerline of any road, residential use, church, school, historical place or public park.
2. No rubbish, junk, salvage, or miscellaneous material, because it is discarded and incapable of being reused in some form, shall be placed in open storage.
3. All salvage materials and activities involving the same other than loading and unloading shall be within fully enclosed buildings. Enclosed buildings must be permanent structures where the original and intended use is for storage only.
4. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration.
5. All non salvage materials not within fully enclosed buildings shall be enclosed by a screening structure with the following screening requirements:
  - a. Completed screening shall be completely hide all junked, wrecked or inoperable vehicles, machinery and materials from the view of the traveling public on all roads and neighboring properties.
  - b. Materials for screening shall present an attractive appearance. No wrinkled or bent metal will be accepted.
  - c. Piecing out of metal or wood panels or patchwork type screening will not be acceptable.
  - d. Unless a continuous overall neat design is created, all metal and wood panels must be erected vertically.
  - e. Fencing/Screening shall be uniform in height and alignment while blending with the surrounding area as much as possible.
  - f. A bufferyard which is suitably landscaped and maintained shall be required.

### **SECTION 9.10 HOME AUTO REPAIR AND SALES:**

- A. Only minor repairs and maintenance (of licensed and running vehicles) may be performed.
- B. The sale of automobiles at a place of residence shall be restricted to no more than one (licensed and operational) vehicle at a time, and no more than 5 in one year.

**SECTION 9.11 APPLICATION OF ZONING REGULATIONS:**

- A. Except as herein provided, every structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot, nor shall any building be erected on any lot which does not abut a public right-of-way. An accessory structure does not include a place of residence. Exceptions are included in R-3 and A-1 zones.
  
- B. Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:
  - 1. In All Minimum Required Yards - Driveways providing they are not closer than two (2) feet to the property line to which they run approximately parallel to 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 eighteen (18) inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubbery; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in Article 13; Fences and Walls, and off-street parking as provided for in Article 11; Off-Street Parking, of this ordinance.
  - 2. In Minimum Front Yard Depths - Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; window air conditioning units; and awnings and canopies extending not more than three (3) feet into the minimum required front yard.
  - 3. In Minimum Rear Yard Depths - Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three (3) feet into the minimum required rear yard; awning and canopies provided they not extend more than ten (10) feet into the minimum required rear yards.
  - 4. In Minimum Side Yard Width - Window air conditioning units and overhanging eaves and gutters projecting not more than eighteen (18) inches into the minimum required side yard, awnings and canopies providing that they extend not more than two (2) feet into the minimum required side yard.

**SECTION 9.12 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:**

Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location). Group Day Care is permitted for up to five (5) children without obtaining a conditional use permit. The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five

- (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by Article 14: Sign Regulations, of this ordinance, shall be permitted.
  - D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
  - E. No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

### **SECTION 9.13 NON-CONFORMING LOTS, NON-CONFORMING USES, NON-CONFORMING STRUCTURES, REPAIRS AND MAINTENANCE AND NON-CONFORMING SIGNS:**

#### **A. NON-CONFORMING LOTS OF RECORD:**

1. Any lot of record which does not meet the requirements of this ordinance shall be considered a non-conforming lot of record.
2. In any case where a lot of official record or a lot which has received preliminary plat approval by the Planning Commission, at the date of the adoption or amendment of this Zoning Ordinance does not conform to the width, depth, or area requirements of this Zoning Ordinance with respect to such lots, it shall be considered a legal non-conforming lot. Such lots may be reasonably used as a building site within the zoning district involved without requiring a dimensional variance.
3. Where a single non-conforming lot of record exists having a lot area 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 right-of-ways precluding acquisition of additional area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance. Where a dimensional variance from any minimum yard, setback, etc. is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the board of adjustments in accordance with Article 20; Board of Adjustment, of this ordinance.

#### **B. NON-CONFORMING USES:**

1. **CONTINUANCE:** Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance—it shall become a legal non-conforming use. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in



continuous existence for a period of (10) ten years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall also be deemed a legal non-conforming use. However, no non-conforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal non-conforming use, unless and until the use is brought into conformance with all provisions of this ordinance.

2. CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER: As regulated by Article 20, Section 20.6, D, of this ordinance.
3. TERMINATION: In all cases, the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 20.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming use based on any of the following conditions, and if the decision is to do so, the board shall state its basis, in writing, for such determination.
  - a. Non-operative, non-used, or abandoned for a period of twelve (12) consecutive months providing that the board of adjustments may allow the continuation of such non-conforming use if it is determined that reasons for such nonuse were beyond the owners/operators control.
  - b. Whenever the structure, in which the non-conforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the non-conforming use is operated and a determination is made by the board of adjustments that this structure should not be reconstructed.
  - c. Whenever the structure, in which the non-conforming 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 and a determination is made by the board of adjustments that this structure should not be reconstructed.
  - d. Whenever said non-conforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.
4. ZONE CHANGE: The foregoing provisions shall apply to uses, which become legally non-conforming due to zone changes, which take place thereafter.

#### C. NON-CONFORMING STRUCTURES:

1. CONTINUANCE: Except as herein provided, any lawful non-conforming structure existing at the time of adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no non-conforming 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.
2. TERMINATION: In all cases the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 20.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming 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 non-conforming 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 and a determination is made by the board of adjustments that the structure should not be reconstructed.
  - b. Whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such non-conforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such non-conforming structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustments that the structure should not be reconstructed.
  - c. Whenever said non-conforming structure is determined to be detrimental or injurious to the public health, safety, or general welfare.
3. ZONE CHANGE: The foregoing provisions shall apply to structures which become legally non-conforming due to zone changes which take place thereafter.
  4. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement or nonbearing walls, fixtures, wiring, or plumbing provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it non-conforming, shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in Section 9.13, B, 3, b, or 9.13, C, 2, b.

D. NON-CONFORMING SIGNS:

1. CONTINUANCE: Except as herein provided, any lawful non-conforming sign existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
2. TERMINATION: In all cases the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming 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 14 of this ordinance;
  - b. Nonuse or abandonment of said non-conforming sign for a period of twelve (12) consecutive months.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become legally non-conforming due to zone changes which take place thereafter.

## **SECTION 9.14 EXCEPTIONS AND MODIFICATIONS:**

### **A. EXCEPTIONS TO HEIGHT LIMITS:**

1. The height limitations of this ordinance shall not apply to such things as: church spires, various types of towers, smoke stacks, other related structures and necessary mechanical appurtenances, etc. provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

### **B. OTHER EXCEPTIONS: Service stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.**

### **C. FRONT YARD VARIANCE:**

1. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.
2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty-one (51) percent or more of lots within that block are improved with residential buildings; provided that in no case shall a front yard depth be less than twelve (12) feet.

## **SECTION 9.15 CONDITIONAL USES:**

### **A. DETERMINATION: Subject to the requirements of Section 20.5; Conditional Use Permits, the board of adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:**

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

### **B. CONDITIONAL USE PERMITS: In accordance with KRS 100.237, the board of adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met:**

1. The board of adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the

request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the county clerk and one copy of said permit attached to the deed for the property for which it is issued. The board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use 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 permits. If the landowner is not complying with all of the conditions listed on the conditional use permit, the zoning administrator shall report the fact in writing to the chairman of the board of adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustments. The board shall hold a hearing on the report within a reasonable time. Notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustments finds that the facts alleged in the report of the zoning administrator are true and that the landowner has taken no steps to comply with time between the date of the report and the date of the hearing, the board of adjustments may authorize the zoning administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
5. Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the zoning administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

## **SECTION 9.16 BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE:**

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected, or altered in accordance with the legislative body's housing and building codes.
- B. **WATER AND SANITARY SEWER SERVICE:** No residence may be constructed in any zone on one acre or less unless such building is connected to adequate water and sanitary sewer system of adequate capacity and design, and approved by proper authorities. Where existing buildings are presently not served by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the legislative body and/or the Grant County Board of Health, said building shall be required to connect with the public sanitary sewer system and the private sewage disposal system shall be prohibited.

## **SECTION 9.17 MOVE AND SET:**

- A. **REQUIREMENTS:** No manufactured home or permanent structure which requires inspection shall be moved or set from or upon land located in any area or transported upon any public street, in the legislative body, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained.
- B. **COMPLIANCE:** All buildings, structures, and improvements shall comply with the legislative body's housing and building code, and all other applicable codes and regulations.
- C. **PROCEDURE-PERMITS:** The applicant shall submit to the building inspector, the following:
  - 1. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
  - 2. A plot plan, footing and foundation plan, and construction plans for any new construction;
  - 3. A statement from the applicable legislative body(s) insuring that all past and current taxes have been paid.
  - 4. Upon receipt of the foregoing items, the building inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the legislative body and determine if the proposed development will comply with all applicable codes and regulations.
  - 5. The move and set shall be referred to the zoning administrator for approval or denial of compliance with this ordinance.
  - 6. Upon approval by the zoning administrator and building inspector, a building permit to move and set shall be issued.
  - 7. No building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the Kentucky Department of Transportation, and the city road supervisor and police department, whichever are applicable.
- D. **FEES**
  - 1. There will be a building investigation fee as established by the legislative body to cover the costs of investigation and inspection for determining the structural

soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with all applicable codes and regulations should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be in compliance with the legislative body's applicable codes and regulations a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.

## **SECTION 9.18 SCREENING AREA:**

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

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the zoning administrator (or planning commission, where required by this ordinance) according to a submitted site plan as regulated by the applicable requirements of Section 9.20; Plan Requirements, 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 condition to the satisfaction of the city.
  2. Wherever screening is required in this ordinance, all trees shall be evergreen, chain link fence with slats or fabric or opaque fence.
  3. All trees shall be a minimum of eight (8) feet in height when planted, unless otherwise required according to the submitted site plan.
  4. All hedges shall be a minimum of three (3) feet in height when planted unless otherwise required according to the submitted site plan.
  5. All trees, shrubs, and other planting materials shall be living plants (not artificial) and shall be suitable to the Central Kentucky Area and the specific conditions of the site in question, such as but not limited to, soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The Legislative Body may require review of the proposed screening plan from the U.S. Soil Conservation Service, the applicable County Agricultural Extension Service.
  6. Screening areas are to be provided within the required minimum yard setbacks as required in each district's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirements shall be the same as if the zone in the adjacent legislative body (or a zone containing the most similar types of permitted uses as provided herein) were located within this legislative body.
  7. 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.

## **SECTION 9.19 OUTDOOR SWIMMING POOLS:**

**A. PRIVATE SWIMMING POOLS:** All private swimming pools shall be regulated according to the following requirements;

1. Swimming pools shall be permitted to locate only to the rear and side of the principal permitted use. No swimming pool or associated equipment shall be permitted within any required yards, nor within any public utility right-of-way easement, except that swimming pools may be permitted to extend into the minimum rear yard, provided that they are setback twenty (20) feet from the rear lot line.
2. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in Article 13; Fences and Walls, of this ordinance); such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
3. Swimming pools which are located above ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article 13; Fences and Walls, of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level. Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.

**B. PROVISION AND MAINTENANCE:** Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

**C. INCLUSION ON 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 9.20; Plan Requirements, 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 city 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.

1. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
2. 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 Grant County Health Department.

3. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within sixty (60) days after its adoption.

D. 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 required yards or within the limits of any public utility right-of-way easement.
2. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1, 3, 4, and 5 fences are permitted, as regulated by Article 13; Fences and Walls, of this ordinance). Such fence or wall shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.
3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the city. Water used in the operation of the swimming pool, which is obtained from a public source, shall be approved of by the Grant County Health Department.
5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties.

### **SECTION 9.20 SITE PLAN REQUIREMENTS:**

No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction one copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the Planning Commission. The site plan shall identify and locate, where applicable, the information as listed in Section 9.20, B—Stage II plan requirements.

The Planning Commission, or its duly authorized representative shall review all such site plans, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of this ordinance, and the comprehensive plan for the cities and county.

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

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



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

## **SECTION 9.21 PLAN REQUIREMENTS - STAGES I, II AND RECORD**

### **PLAT:**

- A. STAGE I—PRELIMINARY PLAN REQUIREMENTS: The Stage I Plan shall identify and provide the following information:
1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
    - a. The total area in 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 twenty (20) feet;
    - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
      - (1) Detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings.
      - (2) Attached housing - location and description of the various housing types (i.e., townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type.
    - f. Delineation of all existing and proposed nonresidential uses in the project:
      - (1) Commercial uses - location and type of all uses including approximate number of acres, gross floor area and heights of buildings.
      - (2) Open-Space-Recreation - The approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained.
      - (3) Other public and semi-public uses - location and type of all uses, including approximate number of acreage, and height of buildings.
    - g. Location of proposed pedestrian walkways, identifying approximate dimensions.
    - h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
    - i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.
    - j. Certification from appropriate water and sewer agencies that services will be available.
    - k. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
    - l. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.

- m. A schedule of development, including the staging and phasing of:
  - (1) Residential area, in order of priority, by type of dwelling unit;
  - (2) Streets, utilities, and other public facility improvements, in order of priority;
  - (3) Dedication of land to public use or set aside for common ownership;
  - (4) Nonresidential buildings and uses, in order of priority.

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

B. STAGE II—FINAL PLAN REQUIREMENTS: The Stage II Plan shall conform to 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 twenty (20) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission.
  - b. All housing units on the subject property:
    - (1) Detached housing - Location, arrangement, and number of all lots, including lot dimensions and setbacks, 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 non-residential 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 and 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 and size and height.
  - g. All utility lines and easements:
    - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
    - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.
    - (3) Storm 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:
- j. Pedestrian walkways, including alignment, grades, type of surfacing and width.
- k. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
- l. 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.
- 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 or priority;
  - (3) Dedication of land to public use or set aside for common ownership;
  - (4) Nonresidential buildings and uses, in order of priority.

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

- C. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the Stage II approved plans. If the Record Plat is submitted in 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 9.22 REGULATIONS CONCERNING AIR RIGHTS:**

Any proposed use of air rights as defined herein, shall be in the form of a site plan (as regulated in Section 9.19; Site Plans, of this ordinance) submitted to the planning commission, or its duly authorized representative, for its review.

## **SECTION 9.23 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS:**

Any proposed development requiring the construction of streets (including curb and gutters) sidewalks, sewers (sanitary & storm) water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in

accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived.

**SECTION 9.24 REGULATIONS PERTAINING TO PARKING OR STORING OF OR STORING IN TRAILERS, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT:**

- A. No motor vehicle (automobiles, buses, trucks), which is inoperable, shall be stored on any lot in any residential zone beyond 30 days unless it is in a completely enclosed building.
- B. It shall be unlawful for any person(s) to establish long term or permanent residency in any boat, automobile, camper, or truck within the jurisdiction of the legislative body.
- C. The outside storage of any recreational vehicle, camper, boat, mobile home or similar type equipment shall be restricted to the rear yards 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 on another part of the lot, excluding the front yard, provided the area is properly screened from view, when determined necessary by the board, according to the requirements of this ordinance.
- D. The use of trailers, campers, mobile homes, inoperable vehicles and other such type equipment for storage is prohibited in any zone.

**SECTION 9.25 HILLSIDE DEVELOPMENT CONTROLS:**

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 15 percent or greater) that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of draining, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements:
  - 1. Development proposed on land areas which have slopes of 15 percent or greater shall require approval 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 above, may occur until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19; Site Plans, of this ordinance. In addition to site plan requirements, the following shall also be submitted:
    - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
    - b. Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such 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 site plan and other information required in this Section shall be reviewed by the county engineer, who will recommend to the legislative body, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion. After consideration of the recommendations, the legislative body, or its duly authorized representative, may authorize use of the site in accordance with the submitted plans.
4. If, after review of the plans required by this section of the ordinance, the legislative body or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage, the legislative body shall deny a permit for the development of said land.

## **SECTION 9.26 GENERAL MANUFACTURED HOME REGULATIONS:**

For the purposes of this ordinance, manufactured homes are defined and regulated as follows; a single-family residential dwelling unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards, after June 15, 1976, in an off site manufacturing facility. The Manufactured Home intended for installation or assembly at the building site as a permanent Structure with transport features removed, bearing a seal certifying that it is built in compliance with Federal Manufacturing Housing Construction and Safety Act standards. It also includes housing built away from a building site in two (2) or more sections or modules, commonly known as a modular home.

Also, for the purpose of this ordinance, the term mobile home shall mean a Structure for residential use constructed prior to July 15, 1976, being the effective date of the Federal Manufactured Housing Construction and Safety Act Standards (Title 42 of the United States Code), and transportable which is built on its own chassis and designed with, or without, a permanent foundation for year-round living when connected to the required utilities. It can consist of one or more sections that can be telescoped when towed and expanded later for additional capacity or of 2 or more sections separately towable designed to be joined into one integral unit. As used herein, Mobile Home shall include a house trailer, but shall not include camping trailer, travel trailer, recreational vehicle, pickup coach or auto camper and such use is prohibited in any applicable zone.

1. Shall be certified by the Manufactured Home Manufacturers Association and the Kentucky Department of Housing, Building and Construction as meeting all Federal and Kentucky Construction and Safety Standards, (herein called “construction and safety standards
2. Shall be installed in accordance with the following requirements (herein called “acceptable installation standards”);
  - a. It shall be permanently attached and installed on a permanent foundation in accordance with the manufacturers installation specifications, which installation specification shall have been approved by the United States Department of Housing and Urban Development, and in accordance with the local building code applicable to single-family dwellings;
  - b. All wheel, trailer-tongue and hitch assemblies shall be removed prior to installation;

- c. It shall be permanently connected to an approved water and sewer system and shall comply with all public health requirements governing plumbing installations; and
- d. When installed, meets all of the following standards (herein called “acceptable appearance standards;”) designed to achieve acceptable similarity in appearance between the manufactured home and the sitebuilt home in this community:
- e. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, even if said wall is not structurally required by the manufacturer’s installation standards, or shall be enclosed with some material such as concrete block, corrugated metal, or other durable and factory approved material.
- f. The roof shall have a pitch and be constructed of roofing materials acceptable under, and installed in accordance with, the local code applicable to single-family dwellings.
- g. All exterior walls shall be constructed of non-reflective siding materials, which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local building code applicable to residential construction.

The following regulations shall also apply to all manufactured homes located individually or in an approved manufactured home park. Requirements of the zone in which said manufactured homes are permitted shall also apply:

- A. The manufactured home shall, at a minimum, be equipped with plumbing and electrical connections designed for attachment to appropriate external systems.
- B. All health, sanitation (including sewers and/or private secondary sewage treatment plants) approved by the Grant County Health Department and safety requirements applicable to a conventional dwelling, shall be equally applicable to a manufactured home.
- C. The manufactured home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the Kentucky Manufactured Home and Recreational Vehicle Park regulations and the open space between the ground and the floor of the manufactured home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and factory approved material.
- D. Any person, firm, or corporation desiring to locate a manufactured home shall apply for a zoning/building permit, and an occupancy permit (excluding MHP). Applicable permits must be approved prior to the installation and occupancy of any manufactured home in any zone. The proper permits must be displayed in a conspicuous location in each manufactured home, signifying that all permits have been approved by the building inspector and zoning administrator.
- E. All manufactured homes must have the following:
  - a. Driveway (gravel or paved)
  - b. Approved Foundation
  - c. Only one manufactured home permitted per lot with the exclusion of MHP.

**SECTION 9.27 LAND USED SOLELY FOR AGRICULTURAL PURPOSES:**

Any land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes (exclusive of land and building used for residences, which shall require building permits, except as herein provided) shall have no regulations imposed as to, height, yard location or requirements for agricultural buildings, except that:

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

**SECTION 9.28 ANTI-MONOTONY CODE:**

No building permit shall be issued for the construction within the City of Dry Ridge from and after ninety (90) days following the effective date of this text amendment for any new single family detached dwelling unit which is similar in appearance to any dwelling unit on the same street which is within two (2) lots distance of it nor in cul-de-sac turnarounds which is similar in appearance to another. For the purpose of this regulation, “similar in appearance” shall mean a dwelling which is identical, or nearly identical, to another in any four (4) of the following characteristics:

- 1. Roof type (gable, hip, mansard, flat, combination);
- 2. Roof height;
- 3. Approximate dimensions (height and length) of the front wall closest to the front wall closest to the front lot line;
- 4. Shape of the front evaluation silhouette;
- 5. Relative locations and sizes of windows in the front door elevation;
- 6. Relative locations and dimension of garage door(s), if included on the front elevation;
- 7. Type(s) of siding (e.g. brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation.

If adjacent lots as defined herein in this regulation contain different housing styles as herein described, the previously delineated similarity standards do not apply. Housing style is one and of itself a significant enough characteristic to constitute dissimilarity. Housing style shall consist of the following six (6) categories: Ranch, bi-level, tri-level, one and half story, two story and three story.

If the Building Inspector of Dry Ridge or a person acting in that capacity finds that a dwelling for which a building permit is being requested is similar in appearance to a dwelling for which a permit has previously been issued within two (2) lots distance and facing the same street the building officer shall deny the permit request for non-compliance with this ordinance.

An application for a building permit which has been denied a building permit based upon the provision of this regulation may:

- 1. Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling according to the criteria specified herein;
- 2. Appeal the decision to the Board of Adjustments.

## **EXCEPTIONS:**

1. This regulation shall not apply to dwellings for which building permits have been approved before the effective date of this text amendment, including dwellings that are being remodeled, reconstructed or replaced after damage by fire, windstorm or other casualty.
2. Subdivisions already in progress where such amendment would substantially alter the uniform character of the subdivision.
3. Houses not within subdivisions.
4. Cases where the applicant for a permit could not be expected to anticipate the design of a neighboring dwelling for which a permit has already been issued but is not under construction.
5. Apartment complexes, condominiums, residential planned unit developments in which similarity of architectural form and style among dwelling is integral to the success of a unified plan in which the high quality of building materials, building plans, and site plan details overcome the presumed deficiencies of similarity. In such cases, the developer shall request, and the building officer may grant, an exception for the ordinance as a condition of a planning unit development.

In any appeal of the interpretation of this ordinance by the building officer to the Board of Adjustments, the applicant for a permit shall present evidence sufficient to demonstrate compliance with this ordinance, such as architectural drawings, material specifications and similar items.

## **9.29 CONCEPT DEVELOPMENT PLANS:**

The Planning Commission, as a condition to the approval of a zone change for zoning districts of residential, commercial or industrial; requires that a Concept Development Plan be submitted. In accordance with the applicable provisions of Chapter 100 of the Kentucky Revised Statutes, this Concept Development Plan, when submitted and agreed upon, shall be followed and be binding as a requirement of the zone change or map amendment. If an applicant submits a Concept Development Plan and as a further condition to the approval of a zone change involving a Concept Development Plan, where substantial construction as determined by the Grant County Planning Commission is not initiated within two (2) years from the date of final approval by the applicable legislative body, such zoning change may revert to its original designation prior to the zone change after a public hearing and following the required procedure for a map amendment.

When an applicant submits a Concept Development Plan, the Plan shall include the following minimum requirements. With certain types of developments, it may be beneficial to submit a Concept Development Plan that is more detailed or provides more information to the Planning Commission. Other applicable requirements are highly recommended for larger commercial and industrial types of developments, and largescale residential developments to provide further support for approval of a Zone Change request.

### **Minimum Requirements**



1. General Site Characteristics - ownership, topography, soils, drainage, vegetation and other physical characteristics;
2. Transportation Patterns - public and private roads and internal and external circulation patterns;
3. Land Use Characteristics - existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size, area, intensities/densities, and height);
4. Utilities and Infrastructure;
5. Relationship of Proposed Zone Change with Comprehensive Plan – how specifically the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area."
6. An 8.5" by 11" or 8.5" by 14" reduction of the plan that can be copied on a standard photocopier.

### **9.30 COMPATIBILITY STANDARDS FOR QUALIFIED MANUFACTURED HOMES:**

- A. **PURPOSE:** The purpose of compatibility standards for Qualified Manufactured Housing is:
  1. To permit local governments to adopt and enforce, as a part of its zoning regulations, compatibility standards governing the placement of qualified manufactured homes in residential zoning classification, within the local government's jurisdiction, designed to ensure that when a qualified manufactured home is placed in a residential zone, it is compatible, in terms of assessed value, with existing housing located immediately adjacent to (a) either side of the proposed site; (b) adjacent to the front and rear, or (c) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured homes.
- B. **APPLICATIONS:** An application, provided for by the zoning administrator, must be submitted to the zoning administrator demonstrating that the compatibility standards set forth in subsection C. of this section, as well as all other regulations for the particular zoning classification the qualified manufactured home is proposed to be constructed, moved, installed or relocated has met the requirements of all provisions of this Ordinance.
- C. **REQUIREMENTS:** The requirements for a qualified manufactured home to be placed as a permitted use in any residential zone are as follows:
  1. The roof pitch shall be the same or greater than more than fifty (50%) percent of any single family residential structures adjoining the property location. In the absence of such a structure, the roof pitch shall be the same or greater than fifty (50%) percent of the total number of structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have a roof pitch of less than 4:1.
  2. The square footage shall be the same or greater than more than fifty (50%) percent of any single family residential structure adjoining the property location. In the absence of such a structure, the square footage shall be the same or greater than fifty (50%) of those structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified

manufactured home have a square footage of less than nine hundred (900) square feet.

3. The exterior of the qualified manufactured home shall be the same or of higher quality than more than fifty (50%) percent of any of the adjoining single family structures. In the absence of such a structure, the exterior shall be of the same quality or of greater quality than fifty (50%) of those structures within a one-eighth (1/8) mile radius from the center of the proposed location. Under no circumstance shall the qualified manufactured home have an exterior constructed of metal or aluminum.
4. The foundation of a qualified manufactured home shall be placed on a permanent foundation, as defined in the Ordinance.
5. A Qualified Manufactured Homes shall further meet all other requirements of KRS 100.348.

D. **PROCEDURE:** The procedure for the an application for a qualified manufactured homes shall be in the same manner as Zoning Permits as required by Article 16 of this Ordinance. The procedure for the placement of a qualified manufactured home shall also include:

1. The application shall be reviewed for compatibility with architectural appearance and similarity with:
  - a. Adjacent Development or Surrounding developments
  - b. Developments within the same zoning classification or the general area
  - c. Any proposed development permitted in the same zoning classification or general area,
2. The application shall provide information on compatibility with architectural appearance of properties located immediately adjacent to (a) either side of the proposed site; (b) adjacent to the front and rear, or (c) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured homes based on the following criteria:
  - a. Square footage of living space;
  - b. Siding or exterior;
  - c. Roof pitch; and
  - d. Setbacks.
3. The application shall provide information on compatibility with architectural appearance of properties located immediately adjacent to (a) either side of the proposed site; (b) adjacent to the front and rear, or (c) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured homes based on the following criteria:
  - a. Building height;
  - b. Building width; and
  - c. Building depth.

E. **DENIAL:** If any application for the placement of qualified manufactured home is denied, notice of such denial, and the reason for denial, will be given to the applicant in writing within thirty (30) days from the date of the application. All appeals of the zoning administrator shall be done in accordance with Article 18 of this Ordinance.

- F. Nothing in this section shall be construed to affect, modify or abolish restrictions contained in previous deeds, covenants or a developers' subdivision restriction recorded in the Grant County Clerks Office.

### **9.31 PLACEMENT OF LANDFILLS; EXPANSION OF LANDFILLS:**

A. **PROPOSED PLACEMENT OF LANDFILL:**

1. **PURPOSE:** The purpose of establishing criteria for the placement of landfills within the community is to ensure that the placement, establishment, siting or expansion of such a land use does not adversely impact the health, safety and general welfare of citizens within the community.
2. **GENERAL REQUIREMENTS:** Landfills, for the purpose of this Ordinance, shall be governed and adhere to all Federal, State and local Ordinances or Regulations applicable to the placement, establishment or siting of such a land use within the community proposing location within the jurisdiction of any legislative body of Grant County, Kentucky. For the purpose of this Ordinance, Landfills, as herein defined, shall be required to obtain a Conditional Use Permit, as prescribed in Article 18, Section 18.7 of this Ordinance, within the Industrial – Two (I-2) Zoning Classification.
3. **MINIMUM REQUIREMENTS:** For the purpose of this Ordinance, Landfills shall meet the following minimum requirements with respect to area and setbacks as follows: (For the purpose of this Ordinance, all distance and area requirements shall be measured from the nearest point of the all property lines of the proposed location of a Landfill.)
  - a. Area requirements – Twenty-five (25) Acres.
  - b. Distance from the nearest Corporate City Limits – One (1) mile.
  - c. Distance to nearest property line: Two hundred fifty (250) feet.
  - d. Distance to nearest residential structure (not located on the proposed site): Five Hundred (500) feet.
  - e. Distance to nearest Industrial structure (not located on the proposed site): One Thousand (1,000) feet.
  - f. Distance to nearest feature of Karst Terrain: Two Hundred fifty (250) feet.
  - g. Distance to nearest intermittent or perennial stream: Two Hundred Fifty (250) feet; unless quality certification has been issued pursuant to 401 KAR 5:029 through 401 KAR 5:031.
  - h. Distance to nearest water, gas or sewer line: Fifty (50) feet.
  - i. Distance to nearest unplugged well, except monitoring wells used by the proposed site: Five Hundred (500) feet.
4. **APPLICATION AND PERMIT:** Application shall be made to the local jurisdictions Board of Adjustments as prescribed in Article 18, Section 18.7 of this Ordinance. If the Conditional Use Permit is approved, there shall be an annual review of all conditions and requirements for the placement of such a facility by the Zoning Administrator or any duly authorized official of the Grant County 109 Board.

**B. EXPANSION OF EXISTING LANDFILL:**

1. **PURPOSE:** The purpose of establishing criteria for the expansion of existing landfills within the community is to ensure that the expansion of such a land use does not adversely impact the health, safety and general welfare of citizens within the community.
2. **GENERAL REQUIREMENTS:** Landfills, for the purpose of this Ordinance, shall be governed and adhere to all Federal, State and local Ordinances or Regulations applicable to the placement, establishment, siting or expansion of such a land use within the community proposing location within the jurisdiction of any legislative body of Grant County, Kentucky. For the purpose of this Ordinance, Landfills, as herein defined, shall be required to obtain a Conditional Use Permit, as prescribed in Article 18, Section 18.7 of this Ordinance, within the Industrial – Two (I-2) Zoning Classification.
3. **MINIMUM REQUIREMENTS:** For the purpose of this Ordinance, Landfills shall meet the following minimum requirements with respect to area and setbacks as follows: (For the purpose of this Ordinance, all distance and area requirements shall be measured from the nearest point of the all property lines of the proposed location or expanded location of a Landfill.)
  - a. Area requirements – Twenty-five (25) Acres.
  - b. Distance to nearest property line: Two hundred fifty (250) feet.
  - c. Distance to nearest residential structure (not located on the proposed site): Five Hundred (500) feet.
  - d. Distance to nearest Industrial structure (not located on the proposed site): One Thousand (1,000) feet.
  - e. Distance to nearest feature of Karst Terrain: Two Hundred fifty (250) feet.
  - f. Distance to nearest intermittent or perennial stream: Two Hundred Fifty (250) feet; unless quality certification has been issued pursuant to 401 KAR 5:029 through 401 KAR 5:031.
  - g. Distance to nearest water, gas or sewer line: Fifty (50) feet.
  - h. Distance to nearest unplugged well, except monitoring wells used by the proposed site: Five Hundred (500) feet.
4. **APPLICATION AND PERMIT:** Application shall be made to the local jurisdictions Board of Adjustments as prescribed in Article 18, Section 18.7 of this Ordinance. If the Conditional Use Permit is approved to allow for the expansion of an existing Landfill, there shall be an annual review of all conditions and requirements for the placement of such a facility by the Zoning Administrator or any duly authorized official of the Grant County Board.

**SECTION 9.32 PUBLICLY OWNED GOVERNMENT FACILITIES:**

Government facilities such as offices, police and fire stations, parks, pools, water or waste treatment, utility transmission lines or any other government owned property, are not subject to the regulations of this ordinance, other than what are authorized by KRS 100.324.

## Article 10.

### REGULATION FOR ZONE BOUNDARIES

#### **SECTION 10.0 A-1 (AGRICULTURAL-ONE) ZONE:**

**PURPOSE:** The purpose of this district is to preserve and protect the remaining supply of productive agricultural lands and to prevent the indiscriminate infiltration of urbanized commercial and residential development.

**A. PERMITTED USES:**

1. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables or other field crops
2. Farms of no predominate crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture related crops
3. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar poultry or other fowls
4. Animal husbandry services including veterinarian, animal hospital, poultry hatching and other services
5. Fish hatcheries, and other fish culture activities and services
6. Wildlife preserve sanctuaries and habitats and hunting preserve
7. Forestry activities including timber production, tree products production, commercial forestry activities and related services
8. Horticultural, floriculture, viticulture, and other agricultural related uses and services
9. Agriculture related activities including grist milling services, corn shelling, hay baling, threshing, contract sorting, grading and packaging services
10. Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment, excluding vehicles
11. Hunting

**B. ACCESSORY USES:** Accessory uses, buildings and structures customarily incidental and subordinate to any of the Permitted uses

1. One (1) dwelling unit for the family of the farm owner/operator including:
  - a. Single Family Home (site built or manufactured; septic, and building permits must be obtained)
  - b. Accessory Farm Tennant Residences provided that the dwelling is occupied as a permanent residence; one dwelling for a farm of over 10 acres, and one additional residence for each additional 30 acres (Septic, and building permits must be obtained)
  - c. Private garages or other buildings not used as dwellings and accessory to the principle uses
  - d. Structures such as fences and walls (As regulated by Article 13; Fences and Walls)
  - e. Buildings such as storage sheds, greenhouses, gazebos

- f. Storage of recreational vehicle or unit
  - g. Private recreational court, complex or similar recreational activity
  - h. Private stables or other keeping and use of pets and animals
  - i. Sale of agricultural products, produced on the premises
2. Home occupations, subject to the restrictions and limitations established in Section 9.12; Home Occupations, of this ordinance
  3. Signs, as regulated by Article 14; Signs
- C. **CONDITIONAL USES:** The following uses or any customary accessory buildings and uses, subject to the approval by the Board of Adjustment, as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance:
1. Bed and Breakfast Inns
  2. Cemeteries
  3. Churches and other buildings for the purpose of religious worship, including a manufactured home, single or double wide, to be used expressly for a parsonage, providing they are located adjacent to an arterial street.
  4. Home occupations, as regulated by Article 9.12; Home Occupations
  5. Day care centers
  6. Nursery schools
  7. Police and fire stations, provided they are located adjacent to an arterial street
  8. Public and parochial schools, and places of education
  9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
  10. Recreational uses, other than those publicly owned and/or operated, as follows:
    - a. Golf courses
    - b. Country clubs
    - c. Swimming pools
    - d. Tennis courts/clubs
    - e. Fishing lakes
    - f. Gun clubs and ranges
    - g. Public recreational court, complex or similar recreational activity; including but not limited to commercial riding arenas.
  11. Contractors' offices and storage of machinery and equipment only provided all such storage is Entirely within an enclosed fence or wall, meeting the requirements of Section 13; Fences and Walls, or properly screened according to the requirements of Section 9.17; Screening Area
  12. Funeral homes, providing they are located adjacent to an arterial street
  13. Kennels. Each kennel must be licensed by the city and limited to ten animals per acre. A site plan must be submitted for construction of any building or outdoor animal runs. Screening, where required, must be provided as described in Section 9.17; Screening Area. Minimum acreage for a kennel is five (5) acres
  14. Repair and sales of agricultural equipment and supplies, and small engine repair, not to allow for repair or recycling of automobiles or heavy construction equipment, repair activities should be conducted within an enclosed building
  15. Self-Storage Units
  16. Environmental Recreation: An activity stemming from interaction with the natural environment, recreation, education or tourism based, that may include:
    - a. Walking, horseback riding, or hiking trails

- b. Bike paths
- c. Primitive camping grounds
- d. Paintball fields

But not to include motorized racing, or activities that have a harmful impact upon the environment.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES:

- 1. Minimum Lot Area– Five (5) acres;
- 2. Minimum Lot Width at Building Setback Line - Two hundred fifty (250) feet
- 3. Minimum Front Yard Depth - Fifty (50) feet
- 4. Minimum Side Yard Width on Each Side of Lot - Twenty (20) feet
- 5. Minimum One Hundred Foot (100') frontage on a publicly maintained road.

E. OTHER DEVELOPMENT CONTROLS:

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and 12; Off Street Loading
- 2. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone
- 3. All buildable lots must abut a publicly maintained right-of-way. An off the road lot must abut a dedicated publicly maintained right-of-way a minimum of at least fifty feet except for those that pre-existed prior to the adoption or amendment of this ordinance
- 4. Land used solely for agricultural purposes shall have no regulations imposed as to building permits for agricultural buildings except a front yard depth of fifty (50) feet or greater and side yards of twenty (20) feet but shall require building permits for any building intended for use as a residence or non-agricultural activities
- 5. The Board of Adjustment may grant variances to the setbacks provided in D. 2-5 as provided for in Section 20.4; Dimensional Variances

## **SECTION 10.1 R-1A (RESIDENTIAL-ONE) ZONE:**

**PURPOSE:** The purpose of this district is to permit the establishment of single-family detached residential units. The lots in this district must have an adequate public water supply for both household and fire protection, and must be served by a centralized sewage disposal system.

**A. PERMITTED USES:**

1. Single-family residential dwelling (detached)
2. Short-term vacation/ housing rentals, not to exceed 10 consecutive days

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13
3. Signs, as regulated by Article 14 of this ordinance

**C. CONDITIONAL USES:** The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance.

1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
2. Institutions for higher education providing they are located adjacent to an arterial street
3. Institutions for human medical care - hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
4. Home occupations, as regulated by Article 9.12
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 users other than those publicly owned and/or operated, as follows:
  - a. Golf courses.
  - b. Country clubs.
  - c. Swimming pools.

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:**

1. Minimum Lot Area – One acre; Forty three thousand five hundred sixty (43,560) square feet
2. Minimum Lot Width at Building Setback Line – One hundred twenty (120) feet
3. Minimum Front Yard Depth - Forty (40) feet
4. Minimum Side Yard Width - Twenty (20) feet
5. Minimum Rear Yard Depth - Twenty-Five (25) feet
6. Maximum Building Height - Thirty-five (35) feet
7. Maximum Lot Coverage by all buildings– Forty (40) %

**E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:**  
(Home occupations excepted)

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet



3. Minimum Front, Side (on each side of lot) and Rear Yards - Thirty-five (35) feet
4. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11 and 12
2. No outdoor storage of any material shall be permitted in this zone
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
4. All buildable lots must abut a publicly maintained right-of-way. An off the road lot must abut a dedicated publicly maintained right-of-way a minimum of at least fifty feet except for those that pre-existed prior to the adoption or amendment of this ordinance
5. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide bufferyard, as regulated by Section 9.17; Screening Areas, of this ordinance, shall be required
6. The Board of Adjustment may grant variances to the setbacks provided in D. 2-7 & E. 2-4, as provided for in Section 20.4; Dimensional Variances

**SECTION 10.2 R-1B (RESIDENTIAL-ONE) ZONE:**

PURPOSE: The purpose of this district is to permit the establishment of single-family detached residential units. The lots in this district must have an adequate public water supply for both household and fire protection, and must be served by a centralized sewage disposal system.

A. PERMITTED USES:

1. Single-family residential dwelling (detached)
2. Short-term vacation/housing rentals, not to exceed 10 consecutive days

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13; Fences and Walls
3. Signs, as regulated by Article 14; Signs, of this ordinance

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.15; Conditional Uses and 20.5; Conditional Use Permits, of this ordinance.

1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
2. Institutions for higher education providing they are located adjacent to an arterial street
3. Institutions for human medical care - hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
4. Home occupations, as regulated by Article 9.12; Home Occupations
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 users other than those publicly owned and/or operated, as follows:

- a. Golf courses.
- b. Country clubs.
- c. Swimming pools.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

- 1. Minimum Lot Area – One half acre; Twenty one thousand seven hundred eighty (21,780) square feet
- 2. Minimum Lot Width at Building Setback Line – One hundred (100) feet
- 3. Minimum Front Yard Depth – Thirty-five (35) feet
- 4. Minimum Side Yard Width - Twenty (20) feet
- 5. Minimum Rear Yard Depth -. Twenty-five (25) feet
- 6. Maximum Building Height - Thirty-five (35) feet
- 7. Maximum Lot Coverage by all buildings– Forty (40)

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

(Home occupations excepted)

- 1. Minimum Lot Area - One (1) acre
- 2. Minimum Lot Width at Building Setback Line - One hundred (100) feet
- 3. Minimum Front, Side (on each side of lot) and Rear Yards - Thirty-five (35) feet
- 4. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off-Street Parking, and 12; Off-Street Loading
- 2. No outdoor storage of any material shall be permitted in this zone
- 3. All buildable lots must abut a publicly maintained right-of-way. An off the road lot must abut a dedicated publicly maintained right-of-way a minimum of at least fifty feet except for those that pre-existed prior to the adoption or amendment of this ordinance
- 4. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
- 5. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide bufferyard, as regulated by Section 9.17; Screening Area, of this ordinance, shall be required
- 6. The Board of Adjustment may grant variances to the setbacks provided in D. 2-7 & E. 2-4, as provided for in Section 20.4; Dimensional Variances

**SECTION 10.3 R-1C (RESIDENTIAL-ONE) ZONE:**

PURPOSE: The purpose of this district is to permit the establishment of single-family detached residential units. The lots in this district must have an adequate public water supply for both household and fire protection, and must be served by a centralized sewage disposal system.

A. PERMITTED USES:

- 1. Single-family residential dwelling (detached)
- 2. Short-term vacation/housing rentals, not to exceed 10 consecutive days

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13; Fences and Walls
3. Signs, as regulated by Article 14; Signs, of this ordinance

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance.

1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
2. Institutions for higher education providing they are located adjacent to an arterial street
3. Institutions for human medical care - hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
4. Home occupations, as regulated by Article 9.12; Home Occupations
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 users other than those publicly owned and/or operated, as follows:
  - a. Golf courses.
  - b. Country clubs.
  - c. Swimming pools.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area – Fifteen Thousand (15,000) square feet
2. Minimum Lot Width at Building Setback Line – Eighty (80) feet
3. Minimum Front Yard Depth - Thirty (30) feet
4. Minimum Side Yard Width - Fifteen (15) feet
5. Minimum Rear Yard Depth -. Fifteen (15) feet
6. Maximum Building Height - Thirty-five (35) feet.
7. Maximum Lot Coverage by all buildings– Forty (40) %

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

(Home occupations excepted)

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet
3. Minimum Front, Side (on each side of lot) and Rear Yards - Thirty-five (35) feet
4. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11: Off Street Parking, and 12; Off Street Loading
2. No outdoor storage of any material shall be permitted in this zone
3. All buildable lots must abut a publicly maintained right-of-way. An off the road lot must abut a dedicated publicly maintained right-of-way a minimum of at least fifty feet except for those that pre-existed prior to the adoption or amendment of this ordinance

4. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
5. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide bufferyard, as regulated by Section 9.17; Screening Area, of this ordinance, shall be required
6. The Board of Adjustment may grant variances to the setbacks provided in D. 2-7 & E. 2-4, as provided for in Section 20.4; Dimensional Variances

## **SECTION 10.4 R-1D (RESIDENTIAL-ONE) ZONE:**

**PURPOSE:** The purpose of this district is to permit the establishment of single-family detached residential units. The lots in this district must have an adequate public water supply for both household and fire protection, and must be served by a centralized sewage disposal system.

### **A. PERMITTED USES:**

1. Single-family residential dwelling (detached)
2. Short-term vacation/housing rentals, not to exceed 10 consecutive days

### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13; Fences and Walls
3. Signs, as regulated by Article 14; Signs, of this ordinance

### **C. CONDITIONAL USES:** The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustment as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance.

1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
2. Institutions for higher education providing they are located adjacent to an arterial street
3. Institutions for human medical care - hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
4. Home occupations, as regulated by Article 9.12; Home Occupations
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 users other than those publicly owned and/or operated, as follows:
  - d. Golf courses.
  - e. Country clubs.
  - f. Swimming pools.

### **C. 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 (30) feet
4. Minimum Side Yard Width - Ten (10) feet
5. Minimum Rear Yard Depth -. Fifteen (15) feet

6. Maximum Building Height - Thirty-five (35) feet.
7. Maximum Lot Coverage by all buildings– Forty (40)

D. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:  
(Home occupations excepted)

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet
3. Minimum Front, Side (on each side of lot) and Rear Yards - Thirty-five (35) feet
4. Maximum Building Height - Thirty-five (35) feet

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11: Off Street Parking, and 12; Off Street Loading
2. No outdoor storage of any material shall be permitted in this zone
3. All buildable lots must abut a publicly maintained right-of-way. An off the road lot must abut a dedicated publicly maintained right-of-way a minimum of at least fifty feet except for those that pre-existed prior to the adoption or amendment of this ordinance
4. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
5. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide bufferyard, as regulated by Section 9.17; Screening Area, of this ordinance, shall be required
6. The Board of Adjustment may grant variances to the setbacks provided in D. 2-7 & E. 2-4, as provided for in Section 20.4; Dimensional Variances

**SECTION 10.5 R-2 (RESIDENTIAL-TWO) ZONE:**

PURPOSE: The purpose of this district is to provide for the establishment of medium density single-family and two-family residential dwellings. Adequate infrastructure (central water and sewer owned and/or operated by an agency of government) must be available to the site.

A. PERMITTED USES:

1. Single-family residential dwellings (detached)
2. Two-family dwellings.
3. Short-term vacation/housing rentals, not to exceed 10 consecutive days

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
3. Signs, as regulated by Article 14; Signs. of this ordinance

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Sections 9.15 and 18.7 of this ordinance:

1. Institutions for higher education, providing they are located adjacent to an arterial street

2. Institutions for human medical care - hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
3. Day Care Centers or Nursery schools
4. Public and parochial schools
5. Home occupations, as regulated by Article 9.12; Home Occupations
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. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area – Eight thousand (8,000) square feet for a single family dwelling; Ten Thousand (10,000) square feet for a two-family dwelling
2. Minimum Lot Width at Building Setback Line – Seventy five (75) feet for a single family dwelling; One Hundred (100) feet for a two family dwelling.
3. Minimum Front Yard Depth – Thirty (30) feet
4. Minimum Side Yard Width - Fifteen (15) feet
5. Minimum Rear Yard Depth - Twenty (20) feet
6. Maximum Building Height - Thirty-five (35) feet
7. Maximum Lot Coverage – Fifty (50) percent

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

(Home occupations excepted)

1. Minimum Lot Area – One (1) acre
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet
3. Minimum Front, Side (on each side of lot) and Rear Yards - Twenty (20) feet
4. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and 12; Off Street Loading
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide bufferyard, as regulated by Section 9.17; Screening Area, of this ordinance, shall be required
5. The Board of Adjustment may grant variances to the setbacks provided in D. 2-7 & E. 2-4, as provided for in Section 20.4; Dimensional Variances, Minimum lot size may not be reduced

## **SECTION 10.6 R-3 (RESIDENTIAL-THREE) ZONE:**

**PURPOSE:** The purpose of this zone is to permit a mixture of higher density residential uses which includes attached single and multi family dwellings. Adequate infrastructure (central water and sewer owned and/or operated by an agency of government) must be available to the site.

**A. USES PERMITTED:**

1. Attached single-family and two-family dwellings
2. Single family dwellings, attached, not to exceed 8 units per structure
3. Multifamily dwellings
4. Short-term vacation/housing rentals, not to exceed 10 consecutive days

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
3. Signs, as regulated by Article 14; Signs, of this ordinance

**C. CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance:

1. Home occupations, as regulated by Article 9.12; Home Occupations
2. Self-laundry and restaurant facilities where intended for the occupants of multi-family apartment complexes
3. Any other use that is determined by the Board of Adjustment to be of the same general character as the above

**D. REQUIRED LOT AREA AND WIDTH:**

1. Attached single-family dwellings shall be on a lot of not less than 6,000 square feet
2. Two-family dwellings shall be located on a lot of not less than 8,000 square feet
3. Multi-family dwellings shall be located on a lot of not less than 8,000 square feet for the first two units, with 1,000 square feet for each additional dwelling unit
4. The minimum lot width for two family dwellings the minimum width at the setback line shall be 75 feet; for multi-family dwellings the minimum width at the setback line shall be 100 feet
5. Maximum lot coverage 60%
6. Maximum Building Height - Forty (40) feet or three stories

**E. YARDS REQUIRED:**

1. The minimum side yard on each side of any building or structure shall be ten (10) feet; the front yard setback shall be a minimum of thirty (30) feet; the rear yard a minimum of ten (10) feet. When adjoining an R-1 zone the setback shall be forty (40) feet

F. OTHER DEVELOPMENT CONTROLS:

1. A site plan is required for all projects under R-3 zoning.
2. The Board of Adjustment may grant variances to the setbacks in section D. 2-6, and E., as provided for in Section 20.4; Dimensional Variances

**SECTION 10.7 R-4 (RESIDENTIAL-FOUR) ZONE:**

PURPOSE: The purpose of this zone is to permit a mixture of higher density residential uses which includes multi-family dwellings. Adequate infrastructure (central water and sewer owned and/or operated by an agency of government) must be available to the site.

A. USES PERMITTED:

1. Multifamily dwellings
2. Short-term vacation/housing rentals, not to exceed 10 consecutive days

B. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
3. Signs, as regulated by Article 14; Signs, of this ordinance

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, proving they are located adjacent to an arterial street.
3. Fire and police stations providing they are located adjacent to an arterial street.
4. Institutions for higher education providing they are located adjacent to an arterial street.
5. Institutions for human medical care – hospitals, clinic, sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
6. Nursery school and children day care
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf course, community recreational centers, including public swimming pools, and libraries
9. Recreational uses other than those publicly owned and/or operated as follows:
  - a. Golf Courses
  - b. Country Clubs
  - c. Semi-public swimming pools
  - d. Office building
  - e. Any other recreational use compatible to the facility
10. Any other use that is determined by the Board of Adjustment to be of the same general character as the above

D. REQUIRED LOT AREA AND WIDTH FOR PERMITTED USES:

1. Minimum Lot Area – Twenty Thousand (20,000) square feet for the first four (4) dwelling units or less in one building; three thousand five hundred (3,500) square feet shall be provided for every dwelling units thereafter in the same building. In the case



of this zone more than one principal building as defined herein may be permitted on one lot.

2. Minimum Lot Width at Minimum Building Setback Line – One Hundred (100) feet.
3. Minimum Front Yard Depth – Forty (40) feet.
4. Minimum Rear Yard Width – Thirty (30) feet.
5. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet.
6. Maximum Building Height – Three stories or forty (40) feet.
7. Parking shall be permitted within five (5) feet of the lot line for the multi-family use in this zone.

E. **REQUIRED LOT AREA AND WIDTH FOR CONDITIONALLY PERMITTED USES:** No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations.

1. Minimum Lot Area – Twenty two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Minimum Building Setback Line – One Hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet.
4. Maximum Building Height – Three Stories or forty (40) feet.

F. **OTHER DEVELOPMENT CONTROLS:**

1. Off-Street parking and loading or unloading shall be provided in accordance with Articles 11; Off Street Parking, and 12; Off Street Loading
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, and deeded right-of-way or into any adjacent property.
4. Where any yard or any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.18: Screening Area of this ordinance shall be required.
5. A site plan, as regulated by Section 9.20; Site Plan of this ordinance, shall be required for any use permitted in this zone.

## **SECTION 10.8 MHP (MANUFACTURED HOME PARK) ZONE:**

**PURPOSE:** The purpose of the Manufactured Home Park is to provide an alternate type of dwelling within a well-planned and desirable environment for individuals and families who do not prefer conventional, construed dwellings and may not desire private property ownership. Such parks shall be located with adequate infrastructure (central water owned and/or operated by an agency of Government, and a centralized sewage treatment system).

A. **USES PERMITTED:**

1. Manufactured Homes

B. **ACCESSORY USES:**

1. Customary accessory buildings and uses
2. Structures and uses related to and for the exclusive use of residents of the mobile home park as follows, but excluding any commercial operations:
  - a. Recreational facilities and areas
  - b. Rental or sales offices for lots in the mobile home park
  - c. Community center
  - d. Laundry facilities

- e. Storage facilities
  - f. Mobile or manufactured home or trailer sales, rental and service (new and used) provided such activity is conducted on the same site with an existing mobile home park sales office
3. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
  4. Signs, as regulated by Article 14; Signs, of this ordinance
- C. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
5. Minimum Site for a Manufactured Home Park -Two (2) acres
  6. Minimum Lot Area – Must conform to the provisions of the state regulations for manufactured home parks. Individual lots within a manufactured home park are not to be platted for conveyance or separate ownership
- D. **OTHER DEVELOPMENT CONTROLS:**
1. The park shall be approved with a development plan in accordance with the provisions of this section and Grant County Subdivision Regulations. The following information should be included on the development plan;
    - a. A vicinity map showing the proposed location of the park in relation to major streets or highways
    - b. The method for disposal of storm drainage
    - c. The area and dimensions of the tract of land
    - d. The number, location, and size of all mobile home lots with each lot being numbered
    - e. The location and width of roadways and walkways.
    - f. The plan and specifications of all buildings, if any are proposed, constructed or to be constructed within the mobile home park
    - g. The location and details of lighting and electrical system
    - h. Contour lines to indicate slope and drainage
    - i. Location of all utilities and easements
    - j. Public areas such as visitors parking, recreational areas, etc., if such areas are proposed
    - k. Large scale plan of one typical manufactured home lot showing home location, automobile parking space, etc.
    - l. Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition
  2. All Manufactured home parks shall conform to the following standards for development
    - a. Each manufactured home must be placed and anchored on a solid foundation and underpinned
    - b. A road with an impervious hard surface pavement at least twenty (20) feet wide shall provide direct access to each lot. The area occupied by the road shall not fulfill part of the area or parking requirements for any lot. All roads shall be designed to enable manufactured homes entering the park to reverse direction without having to back more than one home length. No street will be within three (3) feet of the property line

- c. An impervious hard surface pavement shall be provided for an automobile parking area of not less than four hundred (400) square feet on every manufactured home lot
- 3. These regulations shall apply to the expansion of any existing manufactured home park either present at the adoption of this regulation or in the future
- 4. The planning commission shall attach any conditions it deems necessary to ensure the proper development of the manufactured home park

**SECTION 10.9 CBD (CENTRAL BUSINESS DISTRICT) ZONE:**

PURPOSE: The CBD Central Business District Zone is established to provide locations for businesses oriented primarily toward a “Main Street” type setting and for those businesses, which due to their nature are best suited to locations along minor streets or byways.

- A. PERMITTED USES: including, but not limited to items listed here. The Zoning Administrator shall have the authority to use this list as an interpretive guide for the purpose of determining if a proposed use is permissible
  - o Retail sales
    - 1. Apparel shop
    - 2. Art supplies
    - 3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
    - 4. Book, stationary or gift shop including printing
    - 5. Candy store, soda fountain, ice cream store, excluding drive-ins
    - 6. Delicatessen
    - 7. Drug store
    - 8. Florist shop
    - 9. Food store and supermarkets
    - 10. Furniture store
    - 11. Garden supplies
    - 12. Glass, china, or pottery store
    - 13. Hardware store and lumber
    - 14. Hobby shop
    - 15. Household and electrical appliance store, including incidental repair
    - 16. Jewelry store, including repair
    - 17. Leather goods and luggage store
    - 18. Music, musical instruments and records, including incidental repair
    - 19. Paint and wallpaper store
    - 20. Pet shop, excluding boarding and outside runs
    - 21. Radio and television store (including repair)
    - 22. Shoe store and shoe repair
    - 23. Sporting goods
    - 24. Toy store
    - 25. Variety store, including notions and "Five and Ten" stores, gift shops and department stores
    - 26. Automobile, motorcycle, RV, ATV & watercraft sales and service
    - 27. Lawn and garden equipment sales and service

- 28. Eclectic merchandizing vending/ eclectic merchandizer
- 29. Seasonal, occasional, periodic, or infrequent vending of merchandise, providing of services, or engaging in activities requisite such as or in the nature of, but not limited to, e.g., sale of Christmas trees and holiday decorations; sale of holiday citrus, nuts and candies; sale of garden produce; sale of gardening and landscaping products and materials; sale of firewood, tinder and coal; sale of fireworks; sale of Halloween costumes, supplies and paraphernalia; sale of holiday/commemorative flowers, tubers, plantings and decorations; walnut and hull collection; paper drive and recycling collection; bailing center; crushing center; ginning center; census taking or center; conducting or holding a Chautauqua, Punch-and-Judy, cotillion, symposium, festival, fete, congress, conclave or powwow; or being engaged in the activity of, or providing services as, or of the character of, or of an abbot, docent, dresser, scribe, second, mimzy, crier, interlocutor, tinker, huckster, minstrel, troubadour, oracle, sage, seer, sphinx, mime, fakir, palmist, paladin, soothsayer, swami, mahout, mannequin, harlequin, factotum, harker, barker, reader, hailer or wavier.
- 30. Carry-Out Convenient Stores
- 31. Packaged Liquor, wine and malt beverage store to include drive-through and/or drive-up window
- Services
  - 1. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows
  - 2. Barber and beauty shops
  - 3. Interior decorating studio
  - 4. Locksmith shop
  - 5. Opticians and optical goods
  - 6. Studios for professional work or teaching of any form of fine arts
  - 7. Tailor shop
  - 8. Dry cleaners and laundries
  - 9. Offices for professional services
  - 10. Child/Adult Day Care Center
  - 11. Fitness center
  - 12. The tattoo and/or tattooing, all had, done, or made by the provider in accordance with the provisions of KRS 211.760.
- Restaurants and Entertainment
  - 1. Eating and drinking places, including drive-ins
  - 2. Recreation and entertainment facilities
  - 3. Theaters, excluding drive-ins
  - 4. Bars and taverns
- Miscellaneous
  - 1. Offices including publishing and distribution of newspapers
  - 2. Dwelling over business establishment

**B. ACCESSORY USES:**

- 1. Customary accessory uses
- 2. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
- 3. Signs, as regulated by Article 14; Signs, of this ordinance

- C. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment as set forth in Section 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance
1. Service stations (including auto repairing, providing all repair 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 and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan)
  2. Veterinarian offices, no outside runs or kennel services
  3. Residential uses on the first floor
  4. Any other uses that the Board of Adjustment finds to be complementary and adaptable to the CBD zone
- D. **AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations.
1. Minimum Lot Area - none
  2. Minimum Lot Width at Building Setback Line - none
  3. Minimum Front Yard Depth - none
  4. Minimum Side Yard Width - none
  5. Minimum Rear Yard Depth - none
  6. Maximum Building Height – 5 stories
  7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot
- E. **OTHER DEVELOPMENT CONTROLS:**
1. No off-street parking facilities are required for commercial establishments within the B-1 Central Business District Commercial Zone. All other uses and structures including public and semi-public uses and structures shall comply with the parking requirements established in Article 11; Off Street Parking, of this ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.

**SECTION 10.10 NC (NEIGHBORHOOD-COMMERCIAL) ZONE:**

**PURPOSE:** The Neighborhood Commercial Zone is established to provide locations for businesses oriented primarily toward a residential neighborhood type setting and for those businesses, which due to their nature are best suited to locations along or near residential streets.

- A. **PERMITTED USES:** including, but not limited to items listed here. The Zoning Administrator shall have the authority to use this list as an interpretive guide for the purpose of determining if a proposed use is permissible

- Retail sales
  1. Apparel shop
  2. Bakery and bakery goods store, provided the products are sold exclusively on the premises
  3. Book, stationary or gift shop including printing
  4. Candy store, soda fountain, ice cream store, excluding drive-ins
  5. Delicatessen
  6. Drug store
  7. Florist shop
  8. Furniture store
  9. Garden supplies
  10. Haberdashery
  11. Hardware store
  12. Hobby shop
  13. Household and electrical appliance store, including incidental repair
  14. Jewelry store, including repair
  15. Leather goods and luggage store
  16. Music, musical instruments and records, including incidental repair
  17. Paint and wallpaper store
  18. Pet shop, excluding boarding and outside runs
  19. Radio and television store (including repair)
  20. Shoe store and shoe repair
  21. Sporting goods
  22. Toy store
  23. Variety store, including notions and "Five and Ten" stores
  24. Seasonal, occasional, periodic, or infrequent vending of merchandise, providing of services, or engaging in activities requisite such as or in the nature of, but not limited to, e.g., sale of Christmas trees and holiday decorations; sale of holiday citrus, nuts and candies; sale of garden produce; sale of gardening and landscaping products and materials; sale of firewood, tinder and coal; sale of fireworks; sale of Halloween costumes, supplies and paraphernalia; sale of holiday/commemorative flowers, tubers, plantings and decorations; walnut and hull collection; paper drive and recycling collection; bailing center; crushing center; ginning center; census taking or center; conducting or holding a Chautauqua, Punch-and-Judy, cotillion, symposium, festival, fete, congress, conclave or powwow; or being engaged in the activity of, or providing services as, or of the character of, or of an abbot, docent, dresser, scribe, second, mimzy, crier, interlocutor, tinker, huckster, minstrel, troubadour, oracle, sage, seer, sphinx, mime, fakir, palmist, paladin, soothsayer, swami, mahout, mannequin, harlequin, factotum, harker, barker, reader, hailer or wavier.
  25. Carry-Out Convenient Stores
  26. Packaged Liquor, wine and malt beverage store to include drive-through and/or drive-up window
  27. Gas and service stations, providing all repair is conducted within an enclosed structure
  28. Grocery stores, food stores and supermarkets
  29. Sales, service, and rental of automobile, motorcycle, truck, ATV, RV, heavy equipment, lawn equipment, boat and other marine equipment, new or used

- Service
  1. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows
  2. Barber and beauty shops
  3. Interior decorating studio
  4. Locksmith shop
  5. Opticians and optical goods
  6. Dry cleaners and laundries
  7. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
  8. Tailor shop
  9. Child Day Care Center
  10. Offices for professional services
  11. The tattoo and/or tattooing, all had, done, or made by the provider in accordance with the provisions of KRS 211.760.
  12. Automobile, truck and heavy equipment service, repair and washing, providing all repairs are conducted within an enclosed structure
- Restaurants and Entertainment
  1. Eating and drinking places, excluding drive-ins
  2. Hotels & motels, tourist centers
  3. Skating rinks, golf driving ranges, miniature and par-3 golf courses
  4. Movie house, including drive in theaters
  5. Bowling alleys

**B. ACCESSORY USES:**

1. Customary accessory uses
2. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
3. Signs, as regulated by Article 14; Signs, of this ordinance
4. Swimming pools, indoor and outdoor, in connection with motel or hotel

**C. CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance:

1. Service stations (including auto repairing, providing all repair 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 and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan
2. Any use which the Board of Adjustment finds to be complementary and adaptable to the NC zone, which would provide services to the residents of the neighborhood; Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
3. Bars and taverns

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

1. Minimum Lot Area - Ten thousand (10,000) square feet
2. Minimum Lot Width at Building Setback Line - Seventy (70) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum Rear Yard Depth - Fifteen (15) feet
6. Maximum Building Height - Thirty-five (35) feet

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and 12; Off Street Loading, of this ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed ordinance
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of forty (40) feet for each side and/or rear yard, which abuts, said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17; Screening Area, of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading
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. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot
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
8. A site plan, as regulated by Section 9.19; Site Plans, of this ordinance, shall be required for any use permitted in this zone
9. The Board of Adjustment may grant variances to the setbacks provided in C. 2-6, as provided for in Section 20.4; Dimensional Variances



## **SECTION 10.11 HC (HIGHWAY-COMMERCIAL) ZONE:**

**PURPOSE:** The Highway Commercial Zone is established to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways.

- A. **PERMITTED USES:** including, but not limited to items listed here. The Zoning Administrator shall have the authority to use this list as an interpretive guide for the purpose of determining if a proposed use is permissible
- Retail sales
    1. General retail, clothes, shoes, books, gifts, variety stores
    2. Sales, service, and rental of automobile, motorcycle, truck, ATV, RV, heavy equipment, lawn equipment, boat and other marine equipment, new or used
    3. Gas and service stations, providing all repair is conducted within an enclosed structure
    4. Sporting equipment sales, including bait shops
    5. Lumber and hardware
    6. Sales of machinery and parts
    7. Carry-out Convenience Stores
    8. Grocery stores, food stores and supermarkets
    9. Manufactured home and trailer sales, rental and service (new and used)
    10. Eclectic merchandize vending/ eclectic merchandizer
    11. Packaged Liquor, wine and malt beverage store to include drive-through and/or drive-up window
  - Services
    1. Automobile, truck and heavy equipment service, repair and washing, providing all repair is conducted within an enclosed structure
    2. General offices and office buildings
    3. Warehousing and general distribution
    4. Police & Fire Stations
    5. Dry cleaners and laundries
    6. Banks and other financial institutions including savings, loan, and finance companies, with or without drive-in windows
    7. Beauty shops and Barber shops
    8. Veterinarian offices with outside runs
    9. Day care and kindergarten
    10. Fitness center
    11. The tattoo and/or tattooing, all had, done, or made by the provider in accordance with the provisions of KRS 211.760.
    12. Seasonal, occasional, periodic, or infrequent vending of merchandise, providing of services, or engaging in activities requisite such as or in the nature of, but not limited to, e.g., sale of Christmas trees and holiday decorations; sale of holiday citrus, nuts and candies; sale of garden produce; sale of gardening and landscaping products and materials; sale of firewood, tinder and coal; sale of fireworks; sale of Halloween costumes, supplies and paraphernalia; sale of holiday/commemorative flowers, tubers, plantings and decorations; walnut and hull collection; paper drive and recycling collection; bailing center; crushing center; ginning center; census taking or center; conducting or holding a

Chautauqua, Punch-and-Judy, cotillion, symposium, festival, fete, congress, conclave or powwow; or being engaged in the activity of, or providing services as, or of the character of, or of an abbot, docent, dresser, scribe, second, mimzy, crier, interlocutor, tinker, huckster, minstrel, troubadour, oracle, sage, seer, sphinx, mime, fakir, palmist, paladin, soothsayer, swami, mahout, mannequin, harlequin, factotum, harker, barker, reader, hailer or wavier.

o Restaurants, Lodging and Entertainment

1. Eating and drinking places, including drive-ins
2. Hotels and motels, tourist centers
3. Skating rinks, golf driving ranges, miniature and par-3 golf courses
4. Movie houses, including drive in theaters
5. Bowling alleys

B. ACCESSORY USES:

1. Customary accessory buildings and related uses both for permitted and conditioned uses
2. Off site parking, parking garages
3. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
4. Signs, as regulated by Article; Signs, of this ordinance
5. Swimming pools, indoor and outdoor, in connection with motel or hotels.

C. CONDITIONAL USES: The following uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance:

1. Manufactured homes (in conformance with Article 15) or dwellings when used in conjunction with business
2. Bulk storage - no dispensing of bottle gas and petroleum products
3. Bars and taverns
4. Churches and other buildings for the purpose of religious worship
5. Any other use adaptable to HC zone

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

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 - Thirty-five (35) feet
4. Minimum Side Yard Width on Each Side of Lot - A minimum side yard of fifteen (15) feet is required for all highway commercial uses as measured from the property line to the nearest building or structure
5. Minimum Rear Yard Depth - A minimum rear yard of fifteen (15) feet shall be required for all structures in the B-1 Highway Commercial zone as measured from the rear property line to the nearest building or structures
6. Maximum Building Height – Six (6) stories
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and 12; Off Street Loading, of this ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet for each side and/or rear yard which abuts said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17; Screening Area, of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading
5. A site plan, as regulated by Section 9.19; Site Plans, of this ordinance shall be required for any use in this zone
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone
7. The Board of Adjustment may grant variances to the setbacks provided in D. 2-6, as provided for in Section 20.4; Dimensional Variances

**SECTION 10.12 M-P (MEDICAL/OFFICE PROFESSIONAL) ZONE:**

PURPOSE: The purpose of this district is to provide for a mixture of medical and office medical type land uses that are essential to maintain the quality of life in a community. The lots in this district must have municipally supplied water system and municipally supplied wastewater disposal system.

A. PERMITTED USES:

1. Offices
2. Assisted Living Facilities
3. Convalescent, nursing and rest homes
4. Day care centers (child or adult)
5. Drug stores; Pharmacy
6. Health spas.
7. Hospitals
8. Mental health facilities
9. Offices and clinics of physicians, dentists and other health care practitioners
10. Opticians and optical goods.
11. Outpatient care facilities
12. Rehabilitative facilities
13. Residential care homes for developmentally disabled individuals; limited to two (2) residents
14. Residential care homes for mentally ill individuals; limited to three (3) residents
15. Residential care homes for up to five individuals other than those described above

- B. ACCESSORY USES:
1. Customary accessory uses.
  2. Fences and walls, as regulated by Article 13 of this ordinance.
  3. Signs, as regulated by Article 14 of this ordinance.
  4. Off-street parking lots and/or garages, as Regulated by Article 11 of this Ordinance.
- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.15 and 18.7 of this ordinance:
1. Churches
  2. Emergency shelter facilities
  3. Fire stations
  4. Government Offices
  5. Historic adaptive reuse
  6. Parking garages as principal use
  7. Police stations
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Tract Area - Five (5) acres shall be the minimum tract area considered for a M-P Zoning District.
  2. Minimum Lot Size – Twenty-one thousand seven hundred eighty (21,780) square feet for each individual lot within the M-P Zoning District.
  3. Minimum Front Yard Requirements – Thirty - Five (35) feet;
  4. Minimum Side Yard Requirements – Twenty (20) feet;
  5. Minimum Rear Yard Requirements – Twenty-five (25) feet;
  6. Maximum Building Height – Six (6) stories.
  7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- E. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11 and 12 of this ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone.
  3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
  4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard, which abuts said zone, shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.18 of this ordinance. This area shall remain open and not permit off- street parking and loading and/or unloading.
  5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential or agricultural zone.
  6. A site plan, as regulated by Section 9.20 of this ordinance, shall be required for any use permitted in this zone.

## **SECTION 10.13 I-1 (INDUSTRIAL-ONE) ZONE:**

**PURPOSE:** The purpose of this district is to encourage the development of major manufacturing, processing, packaging, assembling and warehousing which meets the standards specified in this ordinance.

- A. **PERMITTED USES:** The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article 17; Performance Standards for Zones, in this ordinance:
1. The manufacturing, compounding, processing, packaging, or assembling of the following uses:
    - a. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing
    - b. Cigars and cigarettes
    - c. Cosmetics, pharmaceuticals and toiletries
    - d. Animated and/or illuminated billboards and other commercial advertising structures
    - e. Electric appliances, television sets, phonographs, household appliances
    - f. Electrical machinery, equipment and supplies
    - g. Fountain and beverage dispensing equipment
    - h. Furniture
    - i. Instruments for professional, scientific, photographic and optical use
    - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forges
    - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - l. Office equipment
    - m. Pottery and figurines
    - n. 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
    - o. Textile products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine, excluding asbestos products
  2. Bottling and canning works
  3. Brewing or distilling of liquors
  4. Sales yards for building materials, manufactured homes, farming and construction equipment
  5. Bus line shops and storage
  6. Carting, express, hauling or storage yards
  7. Coal, coke or wood yards
  8. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles
  9. Crating services
  10. Fire Stations
  11. Freight terminals
  12. Governmentally owned and/or operated city, county and state garages

13. Industrial engineering consultant offices
14. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private
15. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
16. Machine shops
17. Offices
18. Printing, engraving and related reproduction processes
19. Public utilities' rights-of-way and pertinent structures
20. Publishing and distribution of books, newspapers, and other printed material
21. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities
22. Schools for industrial or business training
23. Truck terminals
24. Warehousing or wholesaling
25. Recycling Plant
26. Self-storage units

B. **CONDITIONAL USES:**

1. Any industrial use not listed under the I-1 permitted uses, which the Board of Adjustments finds to be adaptable to the district, and which would provide a needed service to the community. The Board of Adjustments may consider applying any conditions, restrictions, time limitations or performance standards that they find necessary to bring the use into conformance with standards established within the Comprehensive Plan
2. A single residence for use as housing for an onsite caretaker/custodian/security person

C. **ACCESSORY USES:**

1. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. A single residence for use as housing for an onsite caretaker/custodian/security person
3. Fences and walls as regulated by Article 13; Fences and Walls, of this ordinance
4. Signs, as regulated by Article 14; Signs, of this ordinance
5. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building
  - a. Cafeterias
  - b. Coffee shops or refreshment stands
  - c. Soda or dairy bars
  - d. Day Care Centers
  - e. Gym

D. AREA AND HEIGHT REGULATIONS:

1. Minimum Tract for Industrial Development - Five (5) 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. Maximum percentage of lot coverage by all buildings - Fifty Percent (50%)
4. Minimum Front Yard Depth - Fifty (50) feet
5. Minimum Side Yard Width on Each Side of Lot – Twenty-Five (25) feet
6. Minimum Rear Yard Depth – Twenty-Five (25) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum Building Height - Fifty (50) feet

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and Article 12; Off Street Loading, of this ordinance
2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
3. Where a yard of any use permitted in this zone abuts a residential or agricultural zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17; Screening Area, of this ordinance
4. A site plan, as regulated by Section 9.20; Site Plans, of this ordinance, shall be required for any use in this zone
5. The Board of Adjustment may grant variances to the setbacks provided in C. 4-7, as provided for in Section 20.4; Dimensional Variances, Minimum lot size may not be reduced

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

**PURPOSE:** The purpose of this district is to encourage the development of major manufacturing, processing, and packaging, assembling and warehousing which meets the standards specified in this ordinance.

**A. PERMITTED USES:** The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article 17; Performance Standards for Zones, of this ordinance

1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing or assembling of the following uses:
  - a. Acetylene, butane and bottles gas including bulk storage
  - b. Asphalt and asphalt products
  - c. Brick, tile or terra cotta
  - d. Cement, concrete and concrete products
  - e. Electric appliances, television sets, phonographs, household appliances
  - f. Electric machinery, equipment and supplies
  - g. Furniture
  - h. Instruments of professional, scientific, photographic and optical
  - i. Lumber Mills and storage yards
  - j. Metal, metal finishing and metal products, excluding blast furnaces or drop forges
  - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
  - l. Office equipment
  - m. Oil cloth or linoleum
  - n. Plastic and plastic products
  - o. Rubber and rubber products
  - p. Stone and monument works employing power driven tools
  - q. Vinegar and yeast
  - r. Sand and gravel including storage
2. Bag, carpet and rug cleaning
3. Bulk storage stations
4. Flour mills
5. Laboratories, offices, and their facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private
6. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
7. Machine shops
8. Plating plants
9. Public utilities' rights-of-way and pertinent structures
10. Printing, engraving and related reproduction processes
11. Public utilities rights-of-way and pertinent structures
12. Publishing and distribution of books, newspapers, and other printed materials
13. Railroad facilities including passengers and freight terminals, marshaling yard, maintenance shops, and round house
14. Schools for industrial or business training
15. Trucking terminals



- 16. Warehousing or wholesaling
- 17. Self storage units
- B. CONDITIONAL USES:
  - 1. Any industrial use not listed under the I-1 or I-2 permitted uses, or uses that would not be appropriate within any listed zone. The Board of Adjustments may consider applying any conditions, restrictions, time limitations or performance standards that they find necessary to bring the use into conformance with standards established within the Comprehensive Plan
  - 2. A single residence for use as housing for an onsite caretaker/custodian/security person
- C. ACCESSORY USES:
  - 1. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
  - 2. Fences and walls as regulated by Article 13; Fences and Walls, of this Ordinance
  - 3. Signs, as regulated by Article 14; Signs, of this Ordinance
  - 4. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building
    - a. Cafeterias
    - b. Coffee shops or refreshment stands
    - c. Soda or dairy bars.
    - d. Day Care Centers.
- D. AREA AND HEIGHT REGULATIONS:
  - 1. Minimum Tract for Industrial Development - Five (5) 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 (forty-three thousand five hundred sixty (43,560) square feet)
  - 3. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet
  - 4. Minimum Front Yard Depth - Thirty Five (35) feet
  - 5. Minimum Side Yard Width on Each Side of Lot - Twenty-Five (25) feet
  - 6. Minimum Rear Yard Depth - None
  - 7. Maximum Building Height - Fifty (50) feet
- E. OTHER DEVELOPMENT CONTROLS:
  - 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and Article 12; Off Street Loading, of this Ordinance
  - 2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
  - 3. Where any yard of any use permitted in this zone abuts a residential zone or agricultural zone, a minimum yard requirement of seventy-five (75) 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; Screening Area, of this Ordinance

4. A site plan, as regulated by Section 9.19; Site Plans, of this ordinance, shall be required for any use in this zone
5. The Board of Adjustment may grant variances to the setbacks provided in D. 3-7, as provided for in Section 20.4; Dimensional Variances

## **SECTION 10.15 PUD (PLANNED UNIT DEVELOPMENT) ZONE:**

**PURPOSE:** The purpose of this district is to provide large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, as well as a mixture of commercial/retail development that would be consistent with surrounding land uses and through the use of flexible regulations creative design to preserve the natural features of the site would be encouraged. The lots in this district must have municipally supplied water system and municipally supplied wastewater disposal system.

- A. **PERMITTED USES AND AREA & HEIGHT REQUIREMENTS:** The following uses are permitted:
  1. Single-family dwellings (Detached); Area requirements shall be the same as the R-1-D Zoning District;
  2. Multi-family dwellings, provided that no more than twenty-five percent (25 %) of the total PUD shall be utilized for this type of housing and that the area requirements shall be the same as the R-3 Zoning District
  3. Public and privately owned and operated parks and playgrounds
  4. Commercial development, provided that the development:
    - a. Shall be limited to used and area requirements of the Neighborhood Commercial (NC) Zoning District
    - b. Shall be limited to no more than fifteen percent (15%) of the total area in the PUD
    - c. Shall file a Site Plan, as required by Section 9.20 of this Ordinance, for each commercial development area within the PUD
- B. **ACCESSORY USES:** Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses.
  1. Private parking and garage;
  2. Structures such as fences and walls (As regulated by Article 13);
  3. Buildings such as storage sheds, private greenhouses and gazebos;
  4. Storage of recreational vehicle or unit;
  5. Private swimming pools, sauna, or bathhouse as regulated by Section 9.19 of this ordinance.
  6. Signs, as regulated by Article 14.
  7. Home occupations, subject to the restrictions and limitations established in Section 9.12 of this ordinance.
- C. **CONDITIONAL USES:** The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments.
  1. Churches and other buildings of worship, providing they are located on an arterial street;

2. Day care center;
3. Funeral homes provided that they are located adjacent to an arterial street;
4. Government offices;
5. Nursery schools;
6. Police and fire stations, provided that they are located on an arterial street;

D. REQUIRED COMMON OPEN SPACE:

There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area ranging from ten (10%) percent to twenty (20%) percent of the entire tract depending upon the location and character of the land to be set aside as open space. This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as: pedestrian walkways, park land, open areas, drainage ways, swimming pools, club houses, tennis courts, and other land of essentially open character, exclusive of off-street parking areas. Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to the appropriate legislative body for use as a public park. The proper legal document necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the appropriate legislative body.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles 11 and 12.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any other zone.
3. All lots must abut onto a public right-of-way (minimum frontage 40').
4. A zoning and building permit must be obtained for each structure.
5. No outside storage of any kind is permitted.
6. A site plan, as required by Section 9.20 of this Ordinance, shall be submitted for preliminary and final approval by the Grant County Planning Commission.

## Article 11.

### OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

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

#### SECTION 11.0 GENERAL REQUIREMENTS:

- A. Computation of Parking Spaces - In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- B. 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 parking space is inadequate to serve such increase in intensity of use.
- C. Location of Off-Street Parking Facilities:
  - 1. Except as provided for in the zones, off-street parking facilities shall be located as follows:
    - a. Single-Family Residential - (A-1, R-1, PUD, MHP): 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 twenty (20) feet from the rear lot line. No off-street parking area, located in the front yard in a single- family residential zone, may exceed 800 square feet (four 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.
    - b. Multi-Family Residential - (R-2, R-3, PUD): Off-street parking may be permitted in side or rear yards of permitted uses in these zones, provided that off-street parking facilities shall be set a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards, only if approved according to an approved development plan.
    - c. Commercial and Industrial Zones - (CBD, NC, HC, MP, I-1, I-2): Except as herein provided, off-street parking may be permitted in minimum required front, side, and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines.

2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
  - a. Permitted uses locating within multi-family and industrial zones may supply off-street parking within three hundred (300) feet from such lot served, upon approval of the zoning administrator, providing that such off-street parking facilities are unable to be provided on the same lot or contiguous to the same lot as the building being served. In addition, said off-street parking shall be located in the same zone as the use being served.
  - b. Existing single, two, or multi-family dwellings, which are permitted uses herein and occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served.
  - c. Off-street parking, as required for “conditional uses” may be permitted to locate on another lot than the building or use being served is located, when approved by the Board of Adjustment, provided that said parking is located within reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.
- D. Collective Parking Provision - Collective off-street parking facilities may be provided; however, the area for such parking facilities shall not be less than would otherwise be individually required.
- E. Driveways Not Computed As Part of Required Parking Area - Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family residential zones, where access driveways may be used for parking.
- F. Off-Street Parking Space To Be Used For Parking Only - Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- G. No Building To Be Erected in Off-Street Parking Space - No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.
- H. Parking Plan Approval Required - Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, 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 subbase, 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 11.2.

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

- A. Size of Off-Street Parking Spaces - For the purposes of this ordinance, one (1) parking space shall be a minimum of one hundred sixty two (162) square feet in area, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. Such parking space shall have a vertical clearance of at least seven (7) feet.
- B. Width of Access Drives - All off-street parking areas shall be laid out with the following minimum aisle or access drive widths:
  - 1. Ninety (90) degree (perpendicular) parking—Twenty-two (22) feet (either one or two way circulation);
  - 2. Sixty (60) degree (angle) parking—Fifteen (15) feet (one way circulation only);
  - 3. Forty-five (45) degree (angle) parking—Thirteen (13) feet (one way circulation only);
  - 4. Thirty (30) degree (angle) parking—Eleven (11) feet (one way circulation only);
  - 5. Zero (0) degree (parallel) parking—Twelve (12) feet (one way circulation).

When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail.

- C. Access to Off-Street Parking Spaces - Each required parking space shall be connected with a deeded public right-of-way by means of aisles or access drives as required by Section 11.1, B. The parking area shall be so designed to ensure that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas.
- D. Off-Street Parking Areas in Multi-Family, Commercial, or Industrial Zones - All such parking areas shall have a protective wall and/or bumper blocks around the perimeter of said parking area and shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. All parking shall be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential development, by a solid wall, fence, or densely planted compact hedge as regulated by Section 9.18 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 Area - All new off-street parking areas shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with Appendix A.

**SECTION 11.2 SPECIFIC OFF-STREET PARKING REQUIREMENTS:**

The amount of off-street parking space required for uses, 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.

TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
A. Airport, railroad passenger stations and bus terminals	One (1) parking space per each four (4) seating accommodations for waiting passengers, Plus one (1) parking space per each two (2) employees on shift of largest employment.
B. Automobile laundries	One (1) parking space for each employee, plus one (1) space per owner or manager and reservoir space equal to five (5) times the capacity of laundry.
C. Automobile service stations	One (1) space for each gas pump island, plus two (2) spaces for each working bay, plus one (1) parking space for each employee on largest shift.
D. Beauty parlors and/or barber shops	Two (2) parking spaces per barber and/or beauty parlor operator.
E. Bowling establishments	Five (5) parking spaces for each lane; plus one (1) space for each two (2) employees on shift of largest employment.
F. Commercial or trade schools	One (1) parking space for each two (2) students based on design capacity of school, plus one (1) parking space for each employee.
G. Convalescent homes, nursing homes, rest homes, homes for the aged, and orphanages	One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) 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) space for each four (4) persons based on design capacity, whichever is greater, plus one (1) space for each two (2) employees on shift or largest employment.

I. Dormitories, Fraternities, Sorority Houses and other group housing	One (1) parking space per each two residents, plus one (1) parking space per owner or operator; plus one (1) parking space per employee; or one (1) parking space for each two seats for membership meetings, whichever is greater, based on design capacity.
J. Dwellings: One-Family----- Two-Family-----	Three (3) parking spaces. Six (6) parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted in the access drive.
K. Dwellings: Multi-Family	Three (3) parking spaces for every dwelling unit.
L. Establishments for sale and consumption on the premises of food and refreshments, or for take home food services.	One (1) parking space per each: A. 30 square feet of gross floor area in a drive-in restaurant; B. 140 square feet of gross floor area in a carry-out restaurant; C. 40 square feet of gross floor area or two seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; D. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each (2) employees on shift of largest employment in any type restaurant.
M. Fire Stations	One (1) parking space per each person on duty on largest shift.
N. Hospitals	One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees, or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.
O. Laundromats	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) space for each two (2) employees on shift or largest employment.

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Q. Medical offices and/or clinics	Five (5) parking spaces per each practitioner, plus one (1) parking space for each two hundred (200) square feet of gross floor area in the building, plus One (1) parking space for each two (2) employees, whichever is greater.
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 designed capacity of building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee.
S. Offices for professional, business and financial, real Estate and business purposes other than medical offices and/or clinics.	One (1) parking space for each two hundred (200) square feet of gross floor area.
T. Private clubs, boarding houses, and lodge halls	One (1) parking space for each guest sleeping room, or one (1) parking space per each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.
U. Retail and personal service	5.5 spaces per 1000 square feet of gross leasable area.
V. Shopping Centers	5.5 parking spaces per 1000 feet of gross leasable area.
W. Stadium and sports arenas	One (1) parking space for each four (4) seats, based on a maximum seating capacity, plus one (1) space for each two (2) employees on shift of largest employment.

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X. Theaters	One (1) parking space for each four (4) seats, based on a maximum seating capacity, plus one (1) additional space for each two (2) employees on shift of largest employment.
Y. Theaters, auditoriums, and places of Assembly without fixed seats	One (1) parking space per four (4) people in design capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
Z. Tourist homes, cabins, motels or hotels, excluding areas for meeting rooms and places of assembly.	One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.
AA. 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.
BB. 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.
CC. All other uses not listed herein above, but not including, covering, concerning, or being germane to those types of permitted uses as to the vending of merchandise, services providing, or the engaging in activities requisite categorized or deemed to be “seasonal”, or “occasional”, or “infrequent”, or “periodic” as provided for within D.D. below.	Based on study to be prepared by owner or operator; number of spaces to be required determined according to: (a) Type of use and estimated number of total trips generated during peak condition (inbound and outbound) (b) Estimated parking duration per vehicle trip (turn-over rates) (c) Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required

(d) Estimated number of employees –  
(one(1) space to be provided for each

two (2) employees based on shift  
maximum employment)

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DD. For those permitted uses within the  
CBD, NC, and HC Zones being or  
categorized as “seasonal”, “occasional”,  
“infrequent”, or “periodic”

The number of required parking spaces shall  
be as stated for commercial uses within the  
CBD (Central Business District) Zone, at  
Section 10.7(E)(1) of this ordinance.

### **SECTION 11.3 ACCESS MANAGEMENT:**

- A. Approval of new access points onto a public roadway shall be the responsibility of the Legislative Body that provides maintenance to the roadway.
- B. Planning Commission review of proposed access points shall be performed on the preliminary plat.
- C. Sight distance for a new access point must be sufficient for the road based upon the posted speed limit and road class.
- D. The general provisions for spacing access points shall be as follows;
  - 1. Rural Major Arterials - Minimum 300’ between entrance points
  - 2. Rural Minor Arterials – Minimum 200’ between entrance points
  - 3. Rural Major Collectors – Minimum 200’ between entrance points
  - 4. Rural Minor Collectors – Minimum 150’ between entrance points
  - 5. Local – Minimum 100’ between entrance points
  - 6. Interstates (none)
- E. The Planning Commission shall have the authority to grant exceptions to the provisions of 11.3.D based upon the review of the preliminary plat and the specific situation presented.

## Article 12.

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

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.

#### SECTION 12.0 GENERAL REQUIREMENTS

##### A. Spaces Required -

1. Every building or part thereof, erected and occupied for uses permitted in commercial and industrial zones, including “conditional uses” permitted in residential zones, involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one loading and/or unloading space. A study shall be prepared by the company or operator to determine the additional loading and/or unloading space needs over and above the first space required for the specific use proposed. In determining the number of spaces needed, the study shall take into consideration the following:
  - a. Estimated and projected arrival and departure rates for scheduled and unscheduled (random) trucks;
  - b. Estimated and projected length of truck stop duration for loading and/or unloading of each truck;
  - c. Estimated number of trips by vehicle type (i.e., two axle vehicles, semi-tractor trailers, etc.) and size.

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

- b. Require necessary additional loading and/or unloading spaces, or require that adequate parking areas be provided for the storage of trucks waiting to be loaded and/or unloaded.
- B. Additional Loading and/or Unloading Spaces to be Provided - When ever the intensity of any use of a building or premises is increased through addition of gross floor area, change of use or increased activity, additional loading and/or unloading spaces shall be provided in accordance with the requirements of Section 12.0, A, above, if it is determined by the zoning administrator that the existing spaces are not adequate to serve such increase in intensity.
- C. Location of Off-Street Loading and/or Unloading Area - All loading and/or unloading spaces shall be located on the same lot as the use served. However, permitted uses located in industrial zones may provide parking areas for the storage of trucks waiting to be loaded and/or unloaded within three hundred (300) feet from each lot served, upon the approval of the zoning administrator, providing that said off-street storage of trucks are unable to be provided on the same lot or contiguous to the same lot as the use being served and further provided that said storage of trucks are located in the same zone as the use being served. Loading and/or unloading areas may be located in the side and minimum required rear yards, provided that all loading and/or unloading facilities shall be set back a minimum of ten (10) feet from the rear lot line and minimum side yard clearances are maintained.
- D. Driveways not computed as Part of Required Loading and/or Unloading Area - Entrances, exits, or driveways shall not be computed as any part of a required loading and/or unloading space.
- E. Off-Street Loading and/or Unloading Space to be used for Loading and/or Unloading Only – Any loading and/or unloading space shall be used for loading and/or unloading only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be in violation of the provisions of this ordinance.
- F. No Building to be erected in Off-Street Loading and/or Unloading Space - No building of any kind shall be erected in any off- street loading and/or unloading space.
- G. Off-Street Loading and/or Unloading Space Shall not be Reduced -The required parking spaces as set forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.
- H. Loading and/or Unloading Plan Approval Required - Plans for all loading and/or unloading facilities shall be submitted to the zoning administrator for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the legislative body. Such plans shall show the number and location of loading and/or unloading spaces, including necessary maneuvering of trucks and dock and apron approach, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross-sections of pavement, including base and 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 11.2; Specific Parking Requirements.

## **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 and shall have a vertical clearance of at least fifteen (15) feet; provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, as provided for in Section 12.0, A, 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 should be 44 inches for light pickup and delivery trucks and 48-52 inches for heavy trucks and trailers. The dock area should be at least twice the total body floor area of the largest number of trucks that can be docked at one time. Minimum dock overhead clearance (including pipes, lights, etc.) should be twelve (12) feet.
- D. Paving of Off-Street Loading and/or Unloading Areas - All off- street loading and/or unloading areas, including spaces, maneuvering, storage areas for truck parking and any access drives used for trucks, shall be paved with asphalt concrete or portland cement concrete and shall be designed and constructed in accordance with the standards adopted by the legislative body (see Appendix A). Activities conducted under the Agricultural zone may use gravel surfaced parking areas.
- 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 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 or fronting on a public street as regulated by Section 9.17; Screening Area, 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 13.**

### **FENCES, WALLS AND OBSTRUCTION TO VIEW REGULATIONS**

#### **SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:**

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

#### **SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS:**

- A. The following shall be the classification of fences and walls for this ordinance:
1. Masonry walls;
  2. Ornamental iron [eighty percent (80%) open];
  3. Woven wire [eighty percent (80%) open], and chain link;
  4. Wood or other materials [more than fifty percent (50%) open];
  5. Solid fences - wood or other materials [less than fifty percent (50%) open];
  6. Hedges;
  7. Barbed wire or sharp pointed fences;
  8. Earthen or concrete walls intended to contain or redirect flooding waters.

#### **SECTION 13.2 CONSERVATION & AGRICULTURAL ZONES:**

- A. Fences and/or walls within the agricultural zone, or any conservation areas shall conform to the following requirements:
1. Except as provided for in Section 13.0, class 2 or 3 fences may be erected in front yards up to a maximum height of eight feet, or ninety-six (96) inches.
  2. Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
  3. Class 8 walls shall be permitted, but shall conform to requirements of the Corps of Engineers and/or county engineer, whichever is applicable.

### **SECTION 13.3 RESIDENTIAL ZONES:**

- A. Fences and/or walls within all Residential (R) Zones including their applicable overlay zone, shall conform to the following requirements:
1. The requirements for the Residential (R) Zones for residential uses only, are as set forth and depicted on Figure 1 of this ordinance.
  2. The location, height, and type of all fences and/or walls within any area zoned PUD, or MHP, shall be as approved by the planning commission.
  3. For all nonresidential uses conditionally permitted in any residential zone herein, the requirements are as follows:
    - a. Fences of class 2 or 3 only shall be permitted in front yards, including the front yard of corner lots as governed by Section 13.0. Said fences may be erected up to a maximum height of three feet, or thirty-six (36) inches.
    - b. Classes 1, 2, 3, 4, 5, 6 fences and/or walls may be erected in side or rear yards up to a maximum height of six feet, or seventy-two (72) inches, provided, however, for the following exceptions:
      - (1) General-purpose recreational areas may be enclosed with fences or walls of class 1, 2, 3, 4, 5, 6, or 7, up to a maximum height of ninety-six (96) inches.
      - (2) Class 3 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and/or softball fields up to a maximum height of one hundred and forty-four (144) inches; and
      - (3) In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only may be erected, as regulated by the applicable provisions of this section.

### **SECTION 13.4 COMMERCIAL AND INDUSTRIAL ZONES:**

Fences and/or walls within all commercial and industrial zones, including those permitted with all conditionally permitted uses in this zone shall conform to the following requirements:

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



**SECTION 13.5 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 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES:**

In all zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of five feet, or sixty (60) inches above ground level, except that said fences may be located in areas used for agricultural purposes without any restrictions to height.

**SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS:**

A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.

**SECTION 13.8 ELECTRIFIED FENCES:**

No fence carrying an electrical charge shall be permitted in any zone except when such fence is used in conjunction with an agricultural use and provided the fence is not located along the perimeter with adjacent property or street.

**SECTION 13.9 PERMIT REQUIRED FOR ERECTION OF FENCES:**

No fence shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and a permit has been issued for such by the building department.

- A. If any fence is removed and any new fence is erected in its place, a permit shall be obtained the same as if a new fence were erected at a new location subject to all requirements enumerated herein.
- B. If any fence is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of fence has not changed.
- C. If any fence is removed from one location and erected at a new location, a new permit shall be obtained.
- D. Alteration or enlargement of any fence shall require a permit the same as for a new fence.
- E. No permit shall be granted until and after an application has been filed with the planning office showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure detailing that all provisions herein have been met.

**SECTION 13.10 APPLICATION FOR A FENCE PERMIT:**

- A. Application for a fence permit shall be made and submitted at the office of the zoning administrator on the appropriate forms furnished by said administrator.
- B. If any required information is left off of the application or if any of the submitted information is misrepresented on the application, the permit shall be denied or shall become null and void if already issued, regardless of actual construction being started or completed.
- C. Any fence 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 13.11 FENCE PERMIT FEES:**

The fee for a fence permit shall be the sum and amount greater or larger of Twenty-Five Dollar (\$25.00) or the verified cost of the sign and the signing project times 0.0125 (1.25%)(Ordinance 665-2005). Signs permitted by conditional use shall be subject to a sign permit fee only after approval by the Board of Adjustment.

**SECTION 13.12 STRUCTURAL ELEMENTS OF FENCES:**

Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side which faces the property owned by the person building the fence, but not applicable to agricultural zones.

Fence Class

1. Masonry walls
2. Ornamental iron (80% open)
3. Woven wire & chain link (80%open)
4. Wood or other material (more than 50% open)
5. Wood or other material (less than 50% open)
6. Hedges
7. Barbed wire or sharp fencing
8. Earthen or concrete walls

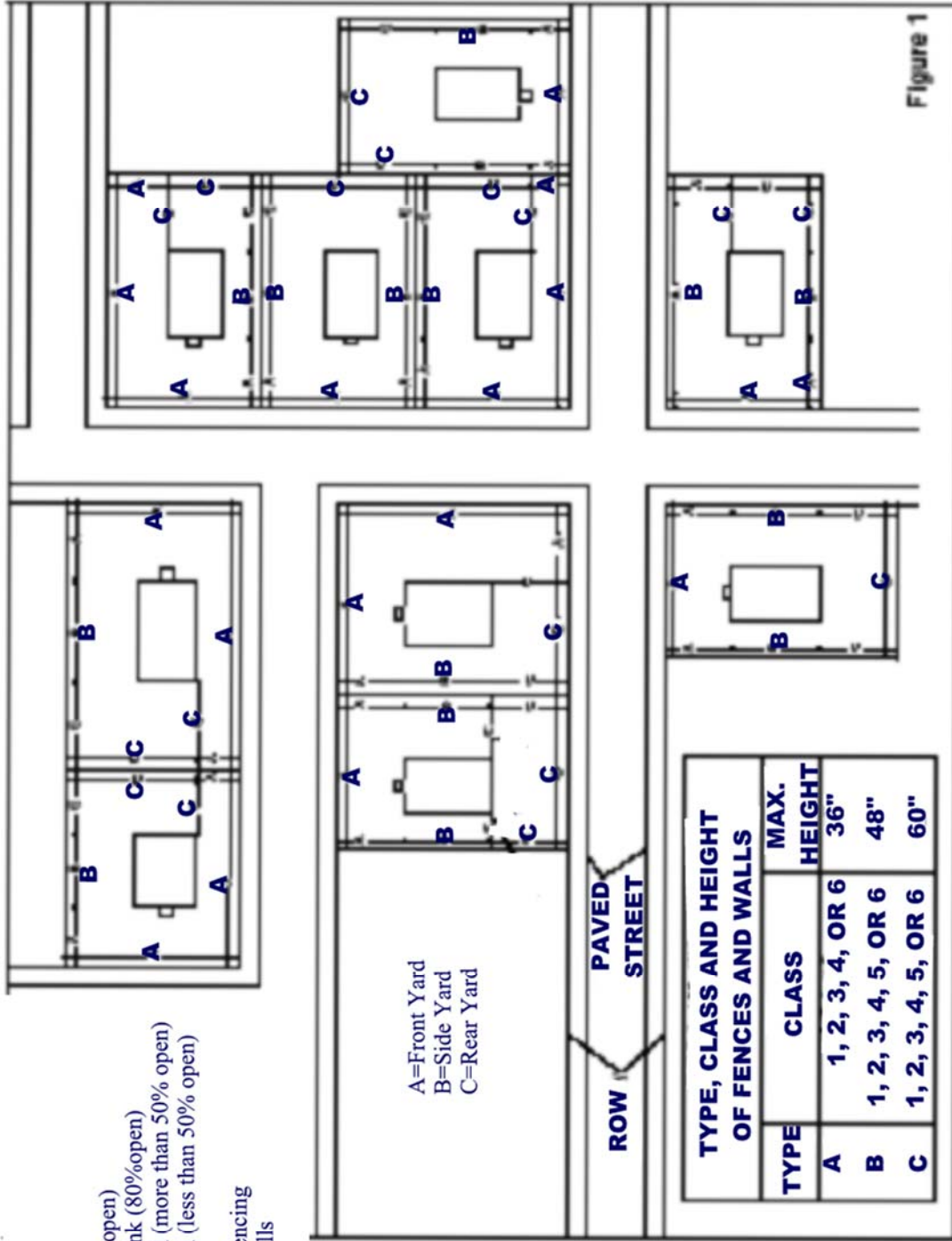


Figure 1

# Guideline to residential fencing

## **Article 14.**

### **SIGN REGULATIONS**

#### **SECTION 14.0 SCOPE OF REGULATIONS:**

The regulations set forth herein shall apply and govern signs in all zones except as otherwise specifically provided within this ordinance.

#### **SECTION 14.1 GENERAL RULES, REGULATIONS AND LIMITATIONS:**

- A. All business and identification signs, shall be deemed accessory uses and all advertising signs shall be deemed non-accessory uses.
- B. No sign shall be erected, maintained, or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the legislative body. The zoning administrator shall have the duty and authority to remove or cause to have removed, any sign not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the legislative body when the owner or agent has failed to comply within the time specified by the zoning administrator to make said sign comply. Said owner or agent shall bear full costs of such removal and shall be billed accordingly.
- C. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830-177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.
- D. **TIME SCHEDULE FOR COMPLIANCE OF SIGN REGULATIONS:** 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. Advertising signs, as defined herein, which become non-conforming after the effective date of this ordinance, and located in any residential zone, shall be required to conform to the requirements of this ordinance within twelve (12) consecutive calendar months after the effective date of this ordinance.
  - 3. Advertising signs, as defined herein, which become non-conforming after the effective date of this ordinance, and located in any zone other than a residential zone, shall be required to conform to the requirements of this ordinance within thirty-six (36) consecutive calendar months after the effective date of this ordinance.
  - 4. Business and identification signs, as defined herein, which become non-conforming after the effective date of this ordinance, shall be required to conform to the requirements of this ordinance within sixty (60) consecutive calendar months after the effective date of this ordinance.

All signs becoming non-conforming due to this ordinance shall be registered by owner or agent with the zoning administrator within six (6) consecutive calendar months of the effective date of this ordinance.

- E. No sign constituting a nuisance, because of light, glare, focus, noise, animation, flashing, intensity of illumination as to unduly disturb the use of surrounding properties, as determined by the zoning administrator, or causing a traffic hazard, shall be erected, maintained, or continued in any zone.
- F. No radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise-making or transmitting device or instrument shall be allowed, permitted, or continued in connection with any sign or may it be used separately for advertising purposes in any zone.
- G. No sign shall be erected, maintained, or continued which constricts the flow of air through any window or door.
- H. No sign shall be erected, maintained, or continued which is misleading, fraudulent, obscene, immoral, indecent, or unsightly in character, as determined by the zoning administrator.
- I. No advertising sign, except those of a governmental entity, shall be erected, maintained, or continued unless the following provision is complied with; and said provision shall go into effect ninety (90) consecutive calendar days after the effective date of this ordinance:
  - 1. The name of the company or person owning, maintaining, or erecting said sign is plainly displayed thereon.
- J. No sign shall be erected, maintained, or continued over or into any street, public way, or alley right-of-way, unless specifically provided for within this ordinance.
- K. It shall be unlawful and 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 curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted within this ordinance.
- L. No sign shall be erected, maintained, or continued upon the inside of a curve of a street which causes any interference to sight distance in the opinion of the zoning administrator.
- M. No sign shall be erected, maintained, or continued displaying flashing or intermittent lights, or lights of changing degrees of intensity, with changes alternating on not less than a five second cycle.
- N. No sign shall be erected, maintained, or continued in any zone which does not comply fully with Section 13.0; Vision Clearance at Corners and Railroad Crossings, of this ordinance, except as specifically permitted within this ordinance.
- O. Except for temporary type signs, all signs shall be permanently attached to the ground or on the building which the sign is to serve. Signs located on portable type vehicles shall not be permitted, or continued in any zone.
- P. No sign shall be erected, maintained, or continued in any zone except as provided for in Section 14.1, D, unless the sign complies with all of the following regulations:
  - 1. Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located, or for a non-conforming use subject to the limitations contained in Section 9.13 of this ordinance, regarding non-conforming uses;
  - 2. Is clearly incidental, customary to and commonly associated with the operation of the use being advertised;

3. Is established and controlled under and by the same ownership as the use being advertised;
  4. Is limited in location to the premises on which the use being advertised is located;
  5. Is limited in subject matter to the name, design, picture or phone number and address of owner, operator, builder, sales agent, managing agent, lessor, lessee, of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degrees beyond the specifically permitted subject; and
  6. Compliance with the exemptions listed in Section 14.2 of this article of the ordinance.
- Q. When any sign becomes defective or dangerous, as determined by the building department, the zoning administrator shall have the power and the authority to remove or cause to have removed such sign when the owner or agent has failed to comply within the time specified by the zoning administrator to repair or make said sign safe or has failed to satisfy the building department that the sign is not defective or dangerous. The owner or agent of said sign shall bear the full costs of such removal and shall be billed accordingly. If the building department determines that said sign is of possible immediate danger to persons or vehicles, which may be passing nearby, the zoning administrator shall place or cause to have placed, signs or barriers indicating such danger.
- R. Whenever any sign which does not comply with the provisions and regulations of this ordinance, collapses, burns, or if said sign is removed from its location, except for normal maintenance, said sign shall not be replaced or reconstructed, except in full compliance with all of the provisions and regulations of this ordinance.
- S. The zoning administrator shall have the power and authority to remove or cause to have removed any and all signs which have been determined to be a traffic hazard, when the owner or agent responsible for the maintenance of said sign has failed to eliminate such traffic hazards within two (2) weeks from the date that the written notice is mailed by the zoning administrator. Said owner or agent shall bear the full costs of such removal and shall be billed accordingly.
- T. Except as otherwise specified in this ordinance, signs shall be in conformance with the building code, where applicable, and shall be subject to the inspection and approval by the building inspector.

### **SECTION 14.2 SPECIAL SIGNS:**

The following signs may be permitted in any zone without a fee, but will require an application for a sign permit, as provided in Section 14.4.

- A. One (1) real estate sign per acre not exceeding twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 PM. Such signs shall be removed by owners or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.
- B. Professional name plates not exceeding one (1) square foot in outside area; single or double faced. shall not be animated not 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. Signs not over twenty (20) square feet in outside area; single or double faced; maximum height of eight (8) feet, denoting the person/firm, architect, engineer, or contractor, when placed upon the premises where construction work is being performed. Said sign shall be removed by owner or agent within ten (10) consecutive calendar days after completion of project or that person/firm's part of the project.
- E. Memorial signs or tablets, containing the name of the building and the date of erection when built into the walls of the building and constructed of bronze, brass, marble, stone, or other incombustible materials.
- F. Traffic signs, provided that said signs are designed and located in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
- G. Temporary signs, where permitted or required by the zoning administrator, to fulfill requirements of this ordinance or other resolutions or regulations imposed by a governmental entity.
- H. Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.
- I. Signs inside a building, but shall not include signs within open malls or open courts.
- J. Political Signs - Temporary political signs may be permitted in all zones in accordance with the following regulations:
  - 1. On each lot there may be located one (1) political sign per candidate supporting the candidacy of any person for local, state, or national office, or any local or state issue.
  - 2. Permission to install the sign must be obtained from the occupant of the premises.
  - 3. Political signs shall be permitted not more than sixty (60) days prior to the date of the election and not more than ten (10) days after the date of the election.
  - 4. No political sign shall exceed twelve (12) square feet in size.

### **SECTION 14.3 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS:**

No sign shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and a permit has been issued for such by the building department.

- F. 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.
- G. If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.
- H. If any sign is removed from one location and erected at a new location, a new permit shall be obtained.
- I. Alteration or enlargement of any sign shall require a permit the same as for a new sign.
- J. No permit shall be granted until and after an application has been filed with the planning office showing the plans and specifications, including dimensions, materials, and details of construction of proposed structure detailing that all provisions herein have been met.

## **SECTION 14.4 APPLICATION FOR A SIGN PERMIT:**

- D. Application for a sign permit shall be made and submitted at the office of the zoning administrator on the appropriate forms furnished by said administrator.
- E. 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.
- F. 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 the sum and amount greater or larger of Twenty-Five Dollar (\$25.00) or the verified cost of the sign and the signing project times 0.0125 (1.25%)(Ordinance 665-2005). Signs permitted by conditional use shall be subject to a sign permit fee only after approval by the Board of Adjustment.

## **SECTION 14.6 CLASSIFICATION OF SIGNS:**

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

- A. Class 1: The following signs meeting the following specifications shall constitute Class 1 and shall be only business or identification signs, as defined herein:
  - 1. STRUCTURAL TYPE - Flat or window sign; single faced only
  - 2. MAXIMUM SIZE OF SIGN - One (1) square foot
  - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Attached directly to building parallel to wall face
  - 4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each separate use that is a permitted use
  - 5. OTHER LIMITATIONS - Shall be neither animated nor illuminated.
- B. Class 2: The following signs meeting the following specifications shall constitute Class 2 and shall be only business or identification signs, as defined herein:
  - 1. STRUCTURAL TYPE - Only one of the following type signs are permitted in Class 2 per each individual use: flat, window, or projecting sign; single or double faced
  - 2. MAXIMUM SIZE OF SINGLE SIGN - Two (2) square feet
  - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Attached to building and projecting no more than eighteen (18) inches from the wall face of the building
  - 4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each separate use that is a permitted use
  - 5. OTHER LIMITATIONS - Shall be neither animated nor illuminated
- C. Class 3: The following signs meeting the following specifications shall constitute Class 3 and shall be only business or identification signs, as defined herein:
  - 1. STRUCTURAL TYPE - Flat, ground or pole sign; single or double faced
  - 2. MAXIMUM SIZE OF SINGLE SIGN - Six (6) square feet in outside area
  - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Twelve (12) feet



4. LIMITATIONS ON NUMBER OF SIGNS - One (1) sign for each curb cut plus any number within the off-street parking areas
  5. OTHER LIMITATIONS -
    - a. May be illuminated but only from a concealed light source and shall not be flashing, glaring nor animated.
    - b. Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
    - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
- D. Class 4: The following signs meeting the following specifications shall constitute Class 4 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE - Only one (1) of the following signs are permitted in this class per each individual use: Flat, window, or ground sign; single or double faced.
  2. MAXIMUM SIZE OF SINGLE SIGN - Twelve (12) square feet in outside area, except as specified in Subsection D (4) of this section.
  3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Twenty (20) feet.
  4. LIMITATIONS ON NUMBER OF TOTAL AREA OF SIGNS - The total area of all signs in a single designated land area shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by twenty-five (25), provided, however, that the aggregate area of any such sign or signs may have an area of at least six (6) square feet, and provided further, that no single sign shall have an area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed.
  5. OTHER LIMITATIONS -
    - a. Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
    - b. Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling and rebuilding of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two (182) consecutive calendar days, but are renewable one (1) time only for an additional one hundred eighty-two (182) consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
    - c. Shall be located only on the premises of the property being referred to.
    - d. No part of any ground sign shall be closer than five (5) feet from any property line.
- E. Class 5: The following signs meeting the following specifications shall constitute Class 5 and shall be only business or identification signs, as defined herein.
1. STRUCTURAL TYPE - Individual letters only; single faced only.
  2. MAXIMUM SIZE OF INDIVIDUAL SIGN -
    - a. One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
    - b. Maximum size of letters shall be thirty-six (36) inches in height.

- c. The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign.
  - 3. **MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN** - Attached flat to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
  - 4. **LIMITATION ON NUMBER OF SIGNS** - One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (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 within said office building.
  - 5. **OTHER LIMITATIONS** –
    - a. Shall be neither flashing, nor animated.
    - b. May be illuminated, but only from a concealed light source.
    - c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.
- F. **Class 6:** The following signs meeting the following specifications shall constitute Class 6 and shall be only business or identification signs, as defined herein:
  - 1. **STRUCTURAL TYPE** - Flat sign; single faced only.
  - 2. **MAXIMUM SIZE OF SINGLE SIGN** - One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
  - 3. **MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN** - Attached to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
  - 4. **LIMITATION ON NUMBER OF SIGNS** - One (1) sign for each street frontage of the lot on which the primary permitted use is located except that where a complex of buildings are so constructed and maintained that said complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate 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 within said office building.

5. OTHER LIMITATIONS -

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

G. Class 7: The following signs meeting the following specifications shall constitute Class 7 and shall be only business and identification signs, as defined herein.

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

H. Class 8: The following signs meeting the following specifications shall constitute Class 8 and shall be only business or identification signs, as defined herein:

1. STRUCTURAL TYPE - Ground sign; single or double faced.
2. MAXIMUM SIZE OF SINGLE SIGN - Twenty-five (25) square feet.
3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Ten (10) feet.
4. LIMITATIONS -
  - a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - b. One (1) sign may be erected for identification purposes of a residential development for each major entrance.

I. OTHER LIMITATIONS -

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

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

K. STRUCTURAL TYPE - Pole or ground signs; single or double faced.

L. MAXIMUM SIZE OF SINGLE SIGN - Two hundred (200) square feet.

M. MAXIMUM HEIGHT - Thirty (30) feet.

N. LIMITATION -

- a. One (1) sign may be erected on each abutting major street identifying a shopping complex.
- b. One (1) sign may be erected along each abutting arterial street entrance into an Industrial Zone for the purposes of identifying an industrial development.

O. OTHER LIMITATIONS -

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

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

Q. STRUCTURAL TYPE - Ground sign; single or double faced.

R. MAXIMUM SIZE OF SINGLE SIGN - Three hundred (300) square feet.

S. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN - Thirty (30) feet.

T. LIMITATION ON NUMBER OF SIGNS - No sign shall be located closer than two hundred (200) feet from any residential zone as measured along both sides of the street on which the sign abuts.

Only one (1) sign may be erected on any lot, providing that such sign shall meet the minimum requirements of lot area, lot width, front, side, and rear setbacks in the particular zone where such signs are permitted. In addition, advertising signs shall be so located that the entire sign display area is visible at a minimum viewing distance of two hundred and fifty (250) feet, as measured along the centerline of the street on which said sign is facing.

U. OTHER LIMITATIONS -

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

V. Class 11: The following signs meeting the following specifications shall constitute Class 11 and shall be only advertising signs, as defined herein:

W. Painted sign on business – Individual letters; Logo's

X. Maximum size of individual sign

- a. One (1) square foot of area for each linear foot of building wall upon which the sign or logo are to be located.
- b. Maximum size of letters shall be sixty (60) inches in height.
- c. The total size for individual letter sign; logo shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or logo of the sign.

Y. Limitation on number of signs – One sign or logo for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex of an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one firm company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such complex if permitted within the zone under consideration, shall not be considered as containing separate businesses for this

purpose, but shall have only (1) such sign regardless of how many firms, companies, or corporations having separate ownership, rental or lease within said building.

Z. Other Limitations –

- a. May be illuminated, but only from a concealed light source.
- b. Illuminated source must not shine on any streets, highways or other businesses.
- c. Illuminated source shall be neither flashing, nor animated.

AA. Class 12: The following signs meeting the following specifications shall constitute Class 12 and shall be only advertising signs, as defined herein:

BB. Structural type – Large pole sign, double faced.

CC. Maximum size of single sign – 50 square feet, as measured on one side.

DD. Maximum height above grade at top of sign and individual sign – 200 feet.

EE. Limitations on number of signs – One (1) sign per complex.

FF. Other limitations –

- a. May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
- b. No part of sign shall be closer than five (5) feet from any right of way.
- c. Must present engineered design drawings showing footers and anchors.
- d. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830-177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.

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

<u>ZONES</u>	<u>USES</u>	<u>PERMITTED SIGN CLASSES</u>
CBD	(1) Any use permitted in this zone.	1, 2 & 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas:	3
	(b) All the uses permitted or conditionally permitted in this zone.	5 & 8 or 6 & 8
NC	(1) Any use permitted in these zones	1, 2 & 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas:	3
	(b) Signs for conditional uses and identification of a shopping complex (3 or more businesses located in a unified building or attached group or buildings)	7
	(c) All other uses not located in a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	5 or 6*
HC	(1) Any permitted or conditionally permitted use in these zones.	1, 2 & 4, 11
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas;	3
	(b) And all other uses permitted in these zones;	5 or 6*
	(c) Signs for identification of shopping complex.	9
	(d) Signs for identification of a stand alone business, permitted square feet of signage 1.5' per lineal foot of building width, not to exceed 100 square feet	7

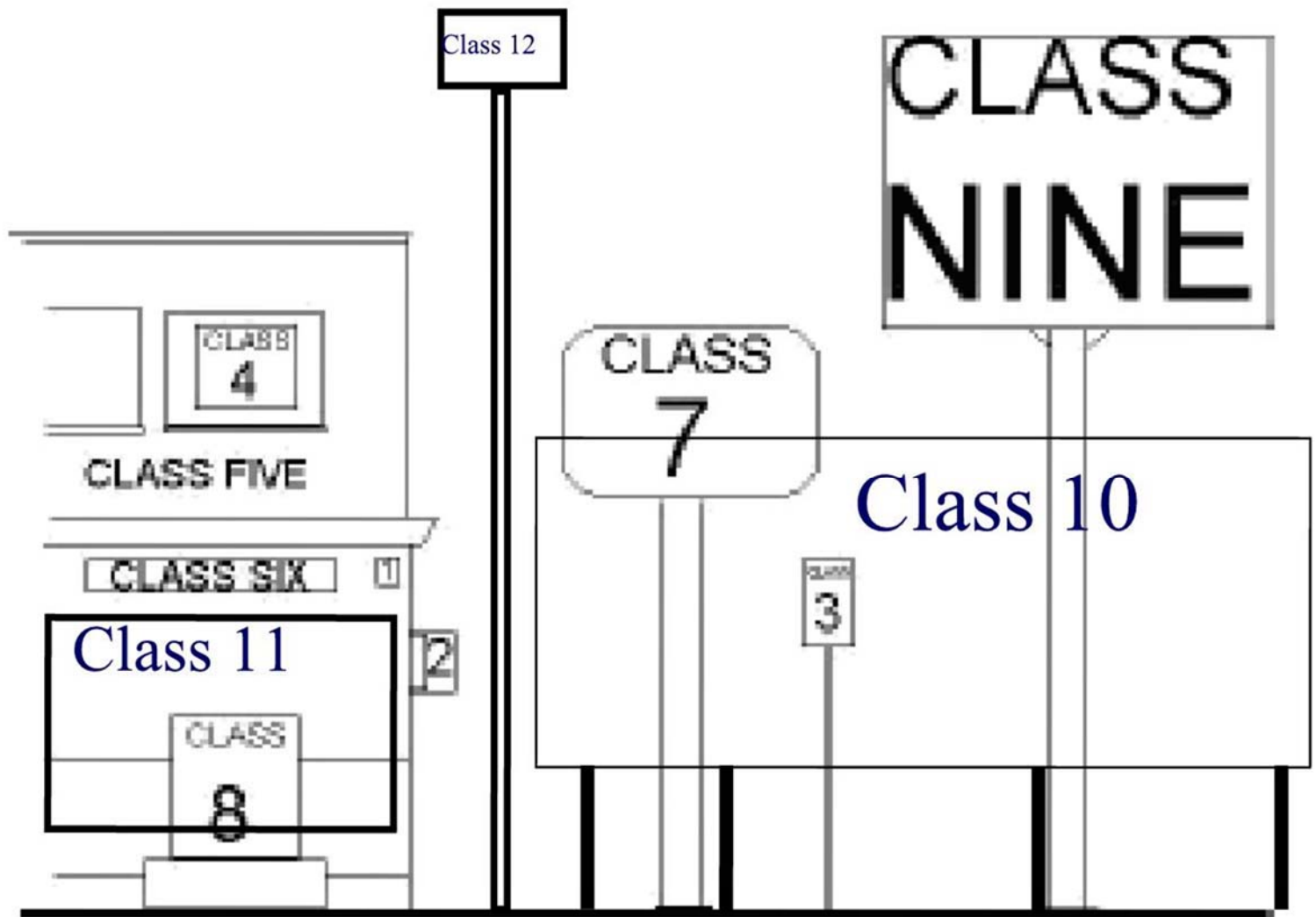
<u>ZONES</u>	<u>USES</u>	<u>PERMITTED SIGN CLASSES</u>
MP	(1) Any use permitted in this zone	1, 2 & 4
	(2) In addition to sign classes permitted in	
	(a) Off-street parking areas	3
	(b) Signs for identification of name of office complex (3 or more office uses located in a unified building or attached group of buildings)	7
	However, each individual office including accessory uses as provided herein in this complex may have	5 or 6*
	(c) All other uses not located in an office complex (3 or more offices located in a	

	unified building or attached group of buildings)	<u>5 &amp; 8 or</u> <u>6 &amp; 8*</u>
R-1	(1) <u>Any use permitted in these zones.</u>	<u>4</u>
	(2) In addition to sign classes permitted in (1):	
	(a) <u>Conditional uses permitted in these zones;</u>	<u>5 &amp; 8 or 6 &amp; 8*</u>
	(c) <u>Off-street parking areas for conditionally permitted uses;</u>	<u>3</u>
	(c) <u>Signs for identification of a residential subdivision.</u>	<u>8</u>
R-2 & R-3	(1) <u>Any use permitted in these zones.</u>	<u>4</u>
	(2) In addition to sign classes permitted in (1):	
	(a) <u>Off-street parking areas;</u>	<u>3</u>
	(b) <u>Conditional uses permitted in these zones;</u>	<u>5 &amp; 8 or</u> <u>6 &amp; 8*</u>
	(c) <u>Signs for identification of a multi-family residential development.</u>	<u>8</u>
A-1,	(1) <u>Any uses permitted in these zones.</u>	<u>4, 10</u>

PUD, & MHP As approved according to the approved Development Plan.

<u>ZONES</u>	<u>USES</u>	<u>PERMITTED SIGN CLASSES</u>
I-1, & I-2	(1) <u>Any use permitted in these zones</u>	<u>1, 2 &amp; 4</u>
	(2) In addition to sign classes permitted in (1):	
	(a) <u>Off-street parking areas</u>	<u>3</u>
	(b) <u>And all other uses permitted in these zones</u>	<u>5 &amp; 8 or 6 &amp; 8*</u>
	(c) <u>Signs for identification of an industrial development or park</u>	<u>9</u>

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





## **Article 15.**

### **MANUFACTURED HOMES AND MOBILE HOMES**

#### **SECTION 15.0 INTENT**

It is the intent of this ordinance to permit the provision of alternative modest income housing in certain zoning districts by permitting use of manufactured housing, subject to the requirements and procedures set forth herein.

#### **SECTION 15.1 DEFINITIONS**

- A. "Manufactured home" means a single family residential dwelling constructed in accordance with the federal act, manufactured after June 15, 1976, and designed to be used as a single family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or condominium structure. Buildings the construction of which is not preempted by the Federal Act are subject to building code requirements of KRS Chapter 198B.
1. Federal Act means the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S.C. sec. 5401 et seq., as amended, and rules and regulations issued hereunder.
- B. Manufactured housing means manufactured homes, mobile homes, recreational vehicles, mobile office or commercial units, add a rooms, or cabanas.
- C. Mobile home, means a structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet of more in width and forty (40) body feet or more in length, or , when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure.

#### **SECTION 15.2 PERMITTED PERMANENT PLACEMENT**

The establishment, location and use of manufactured housing as scattered site residences shall be permitted in the A-1 districts, subject to restrictions as listed in Article 15  
In industrial districts one (1) manufactured home may be authorized for each establishment, to be occupied as sleeping quarters for a caretaker or watchman.

## **SECTION 15.3 TEMPORARY USE**

In all zones, except R-1 and R-2, a manufactured home may be parked and used as a temporary dwelling (if in a residential zone other than R-1 or R-2) or as a temporary construction headquarters (if in a professional commercial or industrial zone) for a period of not more than twelve (12) months provided that the owner/applicant is constructing permanent conforming principal structure on the same lot. Anyone seeking to place or use a manufactured home for such purpose shall make a written request to the Administrative Officer, including proof of intent and financial ability to construct a permanent conforming principal structure. The Administrative Officer may grant a permit for the manufactured home placement and use for up to one (1) year. The Administrative Officer may revoke such permit with thirty (30) days notice if he or she determines that the owner/applicant does not intend to construct a permanent conforming principal structure within the one (1) year period. Any such permitted temporary manufactured home shall be removed within fourteen (14) days after certificate of occupancy is issued for the principal use.

## **SECTION 15.4 CLASSIFICATION OF MANUFACTURED HOMES**

For the purpose of this Ordinance, manufactured homes are divided into two (2) classes as follows

### **Class I Manufactured Home**

A Class I Manufactured home is one which:

- A. Is certified by the Manufactured Housing Association and the Kentucky Department of Housing, Building and Construction as meeting all Federal and Kentucky Construction and Safety Standards. (herein called “construction and safety standards”)
- B. Is installed in accordance with the following requirements (herein called “acceptable installation standards”);
  1. It shall be permanently attached and installed on a permanent foundation in accordance with the manufacturers installation specifications, which installation specification shall have been approved by the U.S. Department of Housing and Urban Development, and in accordance with the local building code applicable to single-family dwellings.
  2. All wheels, trailer tongue and hitch assemblies shall be removed prior to installation.
  3. It shall be permanently connected to an approved water and sewer system and shall comply with all public health requirements governing plumbing installations; and
- C. When installed, meets all of the following standards (herein called “acceptable appearance standards”) designed to achieve acceptable similarity in appearance between the manufactured home and the site built home in this community:
  1. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, even if said wall is not structurally required by the manufacturer’s installation specifications. Foundation vents and access panel shall be provided in accordance with the local code applicable to single-family dwellings;

2. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty-four (24) feet as measured across sixty-five (65) percent of the total length of the home.
3. The roof shall have a pitch of not less than two and one-half (2 ½) feet of rise for each twelve (12) feet of horizontal run, and eaves that shall overhang six (6) inches on the gable and eaves sides, is constructed of roofing materials acceptable under, and installed in accordance with the local code applicable to single-family dwellings;
4. All exterior walls shall be constructed of non-reflecting siding materials which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local code applicable to single-family dwellings;
5. All exterior doors shall have a 3' x 3' landing on the exterior side and shall have handrails and or guardrails in accordance with the local code applicable to single-family dwellings.

### **Class II Manufactured Home**

A Class II Manufactured Home is one which meets the “construction and safety standards” (see above) and the following “acceptable appearance standards”;

- A. Is certified by the Manufactured Homes Association and the Kentucky Department of Housing, Building, and Construction as meeting all Federal and Kentucky Construction and Safety Standards. (herein called “construction and safety standards)
- B. Is installed in accordance with the following requirements (herein called “acceptable installation standards”)
  1. It shall be permanently attached and installed on a permanent foundation in accordance with the manufacturers installation specifications, which installation specification shall have been approved by the U.S. Department of Housing and Urban Development, and in accordance with the local building code applicable to single-family dwellings.
  2. All wheels, trailer tongue and hitch assemblies shall be removed prior to installation.
  3. It shall be permanently connected to an approved water and sewer system and shall comply with all public health requirements governing plumbing installations; and
- C. When installed, meets all of the following standards (herein called “acceptable appearance standards”) designed to achieve acceptable similarity in appearance between the manufactured home and the site built home in this community:
  1. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, even if said wall is not structurally required by the manufacturer’s installation specifications.
  2. The minimum width of the main body of the manufactured home as assembled on the site is less than twenty-four (24) feet as measured across sixty-five (65) percent of the total length of the home.
  3. The roof shall have a pitch of not less than two and one-half (2 ½) feet of rise for each twelve (12) feet of horizontal run, and eaves that shall overhang six (6) inches on the gable and eaves sides, is constructed of roofing materials

acceptable under, and installed in accordance with the local code applicable to single-family dwellings;

4. All exterior walls shall be constructed of non-reflecting siding materials which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local code applicable to residential construction;

## **SECTION 15.5 PERMANENT PLACEMENT OF CLASS I OR II MANUFACTURED HOMES AS A PRINCIPLE RESIDENCE**

- A. A Class I or II manufactured home may be located in the A-1 and A-1U district as a permanent fixed dwelling where single-family detached dwellings are permitted, subject to the minimum lot yard and setback requirements of that zone and to issuance of a permit by the Administrative Officer. No public hearing is required.
- B. A Class I or II manufactured home requires the submission of a complete, certified set of building plans (as prepared by the manufacturer) prior to determination of Class I or II status by the Administrative Officer. The Administrative Officer shall have seven (7) days to review and designate the class of the unit and issue the permit.

## **SECTION 15.6 PERMANENT PLACEMENT OF CLASS I OR II MANUFACTURED HOMES AS A TENNANT RESIDENCE**

A Class I or II manufactured home may be used on a farm as follows;

- A. A farm will be allowed Class I or II manufactured homes in addition and secondary to the principle residence as outlined in this article and section (A-1U zone)
- B. These accessory manufactured home units as tenant residences shall be located;
  1. No closer than 125 feet to any right-of-way; 75 feet to any property line and 100 feet to an existing residence
  2. Outside floodplains
  3. So as no more than one driveway to any or all manufactured or mobile homes on the farm is allowed per 1000' of road frontage.
- C. One or more of the occupants of the Class I or II unit used as a tenant home shall be employed full-time in agricultural activity on the farm on which the unit is located or the unit may be used as an accessory dwelling by the immediate family of the owner/occupant of the principal dwelling unit on the farm.
- D. Shall comply with:
  1. All requirements of the Grant County Health Department standards for adequate water and sewage/septic systems;
  2. Applicable requirements for tie downs, foundation, skirting or underpinning.

## **SECTION 15.7 PLACEMENT OF MOBILE HOME FOR TEMPORARY HOUSING OF FARM WORKERS**

A mobile home may be used on a farm as follows:

- A. A farm will be allowed mobile homes in addition and secondary to the principal residence as outlined in this article and section ( A-1 zone)
- B. These accessory mobile homes as farm worker housing shall be located;

1. No closer than 125 feet to any right-of-way; 75 feet to any property line and 100 feet to an existing residence;
  2. Outside floodplains;
  3. So as no more than one driveway to any or all manufactured or mobile homes on the farm is allowed per 1000' of road frontage;
- C. All of the occupants of the Mobile Home unit used to house farm workers shall be employed full-time in agricultural activity on the farm on which the unit is located.
- D. Shall comply with:
1. All requirements of the Grant County Health Department standards for adequate water and sewage/septic systems;
  2. Applicable requirements for tie downs, foundation, skirting or underpinning.

## **SECTION 15.8 APPLICATION**

Anyone seeking to place a manufactured home as a permanent fixed dwelling must make application, in writing, with the Planning and Zoning Office, setting forth:

- A. Name and address of applicant
- B. The geographical location in the city where the manufactured home is to be located;
- C. The size of the lot or acreage upon which it is to be located. (Lot must have Planning and Zoning approval)
- D. A detailed site plan showing the exact placement of the manufactured home on the property, including
  1. The setback from the road
  2. Location of the utilities
  3. Easements of water and sewage systems
  4. Landscaping
  5. Driveway and parking areas
- E. The distance from any such federal, state, county, or local road, and the means of access to the appropriate road.
- F. Contour lines or indication of slope and drainage.
- G. Provision with respect to parking of vehicles.
- H. Written approval from the Grant County Health Department for the water and sewage systems.

## **SECTION 15.9 UTILITIES**

Utilities shall not be connected to any permanent or temporary manufactured and mobile home outside of approved mobile home parks until the applicant presents a copy of notification issued by the Administrative Official

## **SECTION 15.10 VIOLATIONS**

The Administrative Official may review the placement of the manufactured or mobile home and upon finding any violation, may revoke the manufactured or mobile home permit by issue of a Cease and Desist order giving the owners thirty (30) days, the Administrative Officer will then turn any violation over to the County Attorney and have the manufactured or mobile home removed from the property.

## **Article 16.**

### **REGULATIONS FOR CELLULAR ANTENNA TOWERS AND CELLULAR TELECOMMUNICATIONS SERVICES**

#### **SECTION 16.0 PURPOSE**

The purposes of these regulations are: To provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

#### **SECTION 16.1 DEFINITIONS**

For the purposes of these regulations, the following definitions shall apply:

- A. Cellular Antenna Tower: A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services or personal communications services.
- B. Cellular Telecommunications Services: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
- C. Co-location: Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
- D. Personal communication service: As defined in 47 U.S.C. sec. 332©.
- E. Uniform Application: Means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for any county that contains a city of the first class.
- F. Utility: Any person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with:
  - 1. The generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses;
  - 2. The production, manufacture, storage, distribution, sale, or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power, or other uses;
  - 3. The transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation;
  - 4. The diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation;
  - 5. The transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation; or
  - 6. The treatment of sewage for the public, for compensation, if the facility is a subdivision treatment facility plat, located in a county containing a city of the first class or a sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district.

## **SECTION 16.2 GENERAL**

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after a planning commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the applicable local zoning ordinance, and after being granted a Certificate of Necessity and Convenience by the Public Service Commission.

## **SECTION 16.3 APPLICABILITY**

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a copy of the utility's completed uniform application to the planning commission within five (5) consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience.

## **SECTION 16.4 APPLICATION REQUIREMENTS**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

- A. All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application.
- B. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.
- C. Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower location, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site, according to the following:
  1. No existing towers or facilities are located within a two (2) mile radius of the proposed tower location.
  2. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.
  3. Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.
  4. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
  5. Unwillingness of the owner of the existing tower or facility to entertain a co-location proposal.

- D. Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site for the location of the facility. The applicant's certification shall include a listing of all potential sites within a two (2) mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:
  - 1. Unwillingness of the site owner(s) to entertain such a facility.
  - 2. Topographic limitations of the site.
  - 3. Adjacent impediments that would obstruct adequate transmission.
  - 4. Physical site constraints that would preclude the construction of such a facility.
- E. A statement demonstrating that the proposal is in agreement with the adopted comprehensive plan and is in conformity with these regulations.
- F. A development plan, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
  - 1. The total area of the site in question;
  - 2. 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;
  - 3. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
  - 4. Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;
  - 5. Location and arrangement of all common open space areas and methods of ownership and operation and maintenance of such lands shall be identified.
  - 6. Landscaping features, including identification of planting areas and location, type, and height of walls and fences;
  - 7. Location of signs, indicating their orientation, size, and height.
  - 8. All utility lines and easements:
    - a. Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
    - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
    - c. Storm water 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;
    - d. Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;
  - 9. 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;



10. Circulation System:
  - a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;
  - b. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
11. Provisions for control of erosion and storm drainage, 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.

## **SECTION 16.5 PROCESSING OF APPLICATION**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

- A. New Sites:
  1. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
  2. Notice of the hearing shall be posted conspicuously on the property in question, 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: (Name of utility) proposes to construct a telecommunications (“tower” or “monopole”) on this site” (four (4) 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.
  3. 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 within five hundred (500) feet of the base of the proposed tower or monopole. It shall be the duty of the person(s) proposing the facility to furnish to the planning commission the names and addresses of said property owners. 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;

4. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application. The planning commission shall submit to the Public Service Commission, along with their action, the bases for their decision. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, it is presumed that the planning commission has approved the utility's uniform application.
- B. Previously Approved Sites:
1. For facilities located on previously approved sites, the planning commission's duly authorized representative shall review the application for its conformity with these regulations and the regulations contained within the applicable local zoning ordinance.
  2. If the planning commission's duly authorized representative determines that the application is in conformity with these regulations and the regulations contained within the applicable local zoning ordinance, an administrative approval may be granted.
  3. If the planning commission's duly authorized representative determines that the application is not in conformity with these regulations and the regulation's contained within the applicable local zoning ordinance, a public hearing, pursuant to Section 1460(1). Of these regulations, shall be scheduled.

## **SECTION 16.6 DESIGN STANDARDS**

At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

- A. All structures, except fences, shall be located at least fifty (50) feet from the property line or lease line of any residentially zoned property.
- B. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the

applicant's justification that the additional height meets the criteria identified in Subsection 1450, above.

- C. When any cellular antenna tower, or alternative antenna tower structure, is taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the; planning commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) mile per hour, in accordance with ANSI/EIA/TIA standards.
- D. Cellular antenna towers shall not illuminated, except in accord with other state or federal regulations.
- E. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
- F. A minimum of one (1) off-street parking space, per provider, shall be provided on the site.
- G. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall not be less than four (4) feet in height nor more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may located within the front, side, or rear yard.
- H. Screening shall be required where the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback.
- I. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall comply with the minimum lot size requirements of the zone in which the facility is to be located, provided that such requirements of the zone in which the facility is to be located, provided that such area shall not be required to exceed one-half (1/2) acre
- J. Surfacing of all driveways and off street parking areas shall comply with the requirements of the applicable local zoning ordinance.
- K. There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state or local agency. Such signs shall not exceed five (5) square feet in area.
- L. All new cellular antenna towers hall be designed and constructed to accommodate a minimum of three (3) service providers.
- M. All option and site lease agreements shall contain non-exclusive co-location clauses.

## **SECTION 16.7 CRITERIA**

Evaluation of the proposal shall be based upon the following criteria:

- A. Agreement with the various elements of the adopted comprehensive plan, and where applicable, any other adopted plan.
- B. Extent to which the proposal is consistent with the purposes of these regulations.
- 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. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
- E. Extent to which the proposed cellular antenna tower is camouflaged (i.e., use of “stealth technology”)
- F. Extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs)

## **SECTION 16.8 AMENDMENTS**

Any amendments to plans, except for minor adjustments as determined by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection 1450, above, subject to the same limitations and requirements as those under which such plans were originally approved.

## **SECTION 16.9 GUARANTEE**

To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of submittal, deposit with the planning commission, and to the benefit of the planning commission, a letter of credit, a performance bond, or other security acceptable to the planning commission in the amount equal to the cost of the demolition and removal of the facility. An applicant having multiple telecommunications facilities within the planning commission’s jurisdiction may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one facility it owns which would cost the most to demolish and remove until such time as the number of its multiple facilities exceeds four (4) such facilities. At such time as the approved number of the applicant’s multiple facilities exceeds four (4) such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal plus twenty-five (25) percent of the cost of demolition and removal of the applicant’s other existing facilities. Any guarantee submitted shall be irrevocable and shall provide for the planning commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

## **Article 17.**

### **PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES**

#### **SECTION 17.0 APPLICATION OF PERFORMANCE STANDARDS:**

After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principal or accessory use in all industrial zones (I-1 and I-2) shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

#### **SECTION 17.1 TIME SCHEDULE 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 the ordinance shall be in compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the installation shall have submitted to the zoning administrator a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the person shall comply.

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

#### **SECTION 17.2 PERFORMANCE STANDARDS:**

- A. **BUILDING ENCLOSURES:** In the I-1 and I-2 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest district boundary, according to Section 9.17; Screening Area, and Article 14; Signs, of this ordinance.
- B. **LANDSCAPING:** In all industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the planning commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

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

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, and Specifications for Octave, Half Octave and Third Octave Band Filter Sets S1.11 - 1966, American National Standards Institute, 1430 Broadway, New York, New York 10018, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level.

In the I-1 district the sound pressure of noise radiated from any activity shall not exceed the values given in Table 3 of this section in any octave band frequency at any point on or beyond any lot line. If the I-1 district adjoins a residential district, the maximum sound pressure level at any point on the district boundary shall be reduced by six (6) decibels from the maximum listed in Table 3.

In the I-2 district, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond the nearest district boundary. If said districts adjoin a residential district, the maximum sound pressure shall be reduced by six (6) decibels from the maximum listed in Table 3 of this section.

In all districts, 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.
- E. HUMIDITY, HEAT OR GLARE: In the I-1 district, any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. In the I-2 district, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.

TABLE 1  
Maximum Permissible Sound Pressure Level At Specified Point of  
Measurement for Noise Radiated Continuously From A Facility

OCTAVE BAND (cycles per second)	SOUND PRESSURE LEVEL (decibels*)
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28
10,000 - 20,000	26**
20,000 - 30,000	25**
30,000 - 40,000	24**
40,000 - 50,000	23**

\*According to the following formula, Sound Pressure Level in Decibels equals  $10 \log \frac{P_1}{P_2}$  where  $P_2$  equals 0.0002 dynes/cm<sup>2</sup>

\*\*To avoid possible interference with animal experiments.

TABLE 2  
Correction In Maximum Permitted Sound Pressure Level In Decibels  
To Be Applied to Table 3

Type of Operation of Character of Noise	Correction In Decibels
Noise source operated less than 20% of any one hour period	plus 5*
Noise source operated less than 5% of any one hour period	plus 10*
Noise source operated less than 1% of any 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.

TABLE 3

Maximum Permitted Sound Pressure  
Level In Decibels

Octave Band (Cycles Per Second)	Sound Pressure Level (Decibels*)
0 - 74	79
75 - 149	74
150 - 299	66
300 - 599	59
600 - 1,100	53
1,200 - 2,399	47
2,400 - 4,799	41
4,800 and over	39

\* According to the following formula, Sound Pressure Level in Decibels equals  $10 \log \frac{P_2}{P_1}$  where  $P_2$  equals 0.0002 dynes/cm<sup>2</sup>.

- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in the I-1 districts and at the nearest district boundary in the I-2 districts. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the “safe” range of Table 7, United States Bureau of Mines Bulletin No. 442, “Seismic Efforts of Quarry Blasting”, on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.
- H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution.
- I. RADIATION: In all industrial 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 all industrial 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: In the I-1 Zone, no material, products or supplies shall be stored or permitted to remain on any part of the property outside the building constructed thereon. In the I-2, Zone, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary, in accordance with Section 9.17; Screening Area, and Article 13; Fences and Walls.
- L. FIRE AND EXPLOSIVE HAZARDS: In the I-2 zone only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, providing that said materials or products shall be stored, utilized, or manufactured within complete enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the I-2 zone 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”, Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.
- M. WASTE: Within the I-1 & I-2 zones, no waste material or refuse shall be dumped upon or permitted to remain upon any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the approval of any site plan. In the I-1 and I-2 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, backfilling, 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.
- A. 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).

## **ADMINISTRATION**

### **SECTION 18.0 ENFORCING OFFICER:**

A zoning administrator shall administer and enforce this ordinance whom shall be the Zoning Administrator of the Grant County Joint Planning and Zoning Commission acting and initiating actions of enforcement upon the notice, knowledge, advice and consent of the Mayor and City Council of the City of Dry Ridge, Kentucky, only. Further, the herein said zoning administrator may be provided with assistance of such other persons as the City of Dry Ridge directs; and the fees, costs and charges collected of paid unto the herein zoning administrator for enforcement services shall inure to the member account of the City of Dry Ridge and be an offset and credit against the periodic charges and statements submitted by the Grant County Joint Planning Commission for the City of Dry Ridge's computed share of the expenses and costs to operate and maintain the said Grant County Joint Planning and Zoning Commission pursuant to Interlocal Agreement.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he or she shall take such action as is permitted by law. Moreover, it shall be illegal for any person or entity to interfere with any employee of the Grant County Planning And Zoning Commission in carrying out the duties assigned to him by the Grant County Planning and Zoning Commission. Provided, however, that no agent of the Grant County Planning and Zoning Commission shall enter upon any private lands within Grant County, Kentucky without first obtaining permission of the owner of such property or pursuant to a legally obtained search warrant.

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

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and such questions shall be presented to the board of adjustment 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 law.

Any investigation, charge or complaint which originated with or arises out of a complaint by a person other than the Administrator shall not be commenced until the complaint has been reduced in writing and signed by the complaining witness, provided, however this should not be construed to prohibit the administrator from initiating or investigating a complaint without having first received a complaint by another person.

## **SECTION 18.1 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 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. The deed for the property or an approved plat
  - 2. A completed application form provided by the zoning administrator (in duplicate - see Appendix "A").
  - 3. The required fee for a zoning permit as provided for in Section 16.1 of this ordinance.
  - 4. An approved development plan or site plan, if required by this ordinance; or
  - 5. A plot plan in duplicate drawing at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance.
    - a. The location of every existing and proposed building, including dimensions and height, and the number, size, and type of dwelling units.
    - b. All property lines, shape and dimensions of the lot to be built upon.
    - c. Lot width at building setback line.
    - d. Minimum front and rear yard depths and side yard widths.
    - e. Existing topography with a maximum of five foot contour intervals.
    - f. Total lot area in square feet.
    - g. Location and dimensions of all access points, driveways, off-street parking spaces.
    - h. A drainage plan of the 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 and location of all easements of record.

All existing and proposed water and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.

- C. **ISSUANCE OF ZONING PERMIT:** The zoning administrator shall either approve or disapprove the application (when required by this ordinance—e.g., Development Plan submitted when required—the planning commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be

attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator. All decisions (approved and dis-approved) shall be reported to the legislative body each month.

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

- D. FAILURE TO COMPLY: Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.8 of this ordinance.
- E. EXPIRATION OF ZONING PERMIT: If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

### **SECTION 18.2 CERTIFICATE OF OCCUPANCY:**

It shall be unlawful for an owner to use or permit the use of any building 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 building or land or part thereof and the proposed use thereof are in conformity with the provisions of his ordinance. It shall be the duty of the building inspector to issue a certificate of occupancy, provided that he has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this ordinance and the building code.

### **SECTION 18.3 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING:**

Upon written request from the fee owner, the building inspector shall issue a certificate of occupancy for any building or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this ordinance.

### **SECTION 18.4 CERTIFICATE OF OCCUPANCY FOR LAWFUL NON-CONFORMING USES AND STRUCTURES:**

A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created by this ordinance. A fee as provided for in Section 16.5 of this ordinance shall be charged for said certificate.

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

It shall be the duty of the building inspector to issue a certificate of occupancy for lawful non-conforming uses upon application and such certificate shall identify the extent to which the non-conforming use exists at the time of issuance of such certificate.

**SECTION 18.5 DENIAL OF CERTIFICATE OF OCCUPANCY:**

Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and to plans for which the building permit was issued.

**SECTION 18.6 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 building affected by such certificate of occupancy.

**SECTION 18.7 COMPLAINTS REGARDING VIOLATIONS:**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and bases thereof shall be filed with the zoning administrator. The zoning administrator shall record properly such complaint, investigate same within five (5) working days, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

**SECTION 18.8 PENALTIES:**

Any person or entity who violates any of the provisions of this ordinance shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

**SECTION 18.9 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS:**

It is the intent of this ordinance that:

- A. Where investigation can be made by the zoning administrator or other designated employee, using equipment normally available to the legislative body, such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, non-availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the Zoning Administrator, for the legislative body to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
  - 1. Causing corrections in apparent violations of performance standards;
  - 2. For protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations; and
  - 3. For protecting the general public from unnecessary costs for administration and enforcement.

- C. If the Zoning 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.
- D. Any investigation, charge, or complaint which originates with or arises out of a complaint by a person other than the Administrator shall not be commenced until the complaint has been reduced to writing and signed by the complaining witness, provided, however, this should not be construed to prohibit the administrator from initiating or investigating a complaint without having first received a complaint by another person.

**SECTION 18.10 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS:**

- A. 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:
  - 1. In the event that said violation is of Section 16.1 or 16.2 of this Ordinance the Zoning Administrator shall issue a “Cease and Desist Order” restraining and enjoining all uses in violation of the said zoning regulation and which are directed contrary to the public welfare. Every Order shall be specific in terms and shall describe in reasonable detail the violation for which the said Order is issued, and the act or use to be restrained or enjoined.
  - 2. Every Cease and Desist Order shall be endorsed with the date and hour of issuance, shall be signed by the Zoning Administrator, and shall forthwith be filed in the office of the City of Dry Ridge, and members of the City Council shall be given notification within 48 hours.
  - 3. A copy of the Cease and Desist Order shall forthwith be delivered, by the Zoning Administrator, by hand, upon the owner of the property, which is the subject of the said violation, and upon the resident of the said property, if they are not the same.
  - 4. The Cease and Desist Order shall become effective and binding upon the party served at the time of service or when he is informed of the Order, whichever is earlier. Said Order shall remain in force until, and not after, an appeal is filed with the Board of Adjustment, pursuant to Section 18.2 of this Ordinance, provided, however, that upon a final determination upholding the enforceability of the Cease and Desist Order, the party appealing therefrom shall be subject to the provisions of Section 16.8 of this Ordinance as well as any other penalties of remedies, available to the Planning Commission, as provided by law.
- B. In the event that said violation is one other than that provided for in Subsection A of this Section, the following procedure shall be followed:
  - 1. The Zoning Administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reason 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 fifteen (15) 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 fifteen (15) consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this Ordinance.

2. 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.
3. If there is no reply within fifteen (15) 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 action as may be warranted.
4. If there is no reply within fifteen (15) 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.
5. If a reply is received within fifteen (15) 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.
6. If a reply is received within fifteen (15) consecutive calendar days of receipt of said notice requesting technical determination as provided in this Ordinance, 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 16.8 of the Ordinance.

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

## **AMENDMENT PROCEDURE**

### **SECTION 19.0 AMENDMENT PROCEDURE**

- C. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance text or map shall be filed, in writing, with the Zoning Administrator, to be transmitted to the planning commission on forms furnished by the Zoning Administrator (in duplicate). The fee required for applying for such amendment shall be as provided for by the planning commission.
- D. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal for an amendment to this ordinance text or map may originate with the planning commission, the legislative body, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission for its action before adoption.
- E. **PUBLIC HEARING REQUIRED, NOTICE GIVEN:** The planning commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times in a newspaper of general circulation in the county, provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
- F. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 19.0, C, above, the following notices shall also be given when a proposal is submitted to amend the official zoning map:
  - 1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, 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, to the owners of all 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.

- 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 original zoning classification given to the property was inappropriate or improper; or
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.

F. **PLANNING COMMISSION ACTION:** Following the public hearing held by the planning commission on the proposed map amendment, the commission shall, within ninety (90) calendar days from the date of its receipt, advise the legislative body whether it approved, approved with conditions, or disapproved of the amendment to the zoning map or text, 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 19.0, E, above. The Planning Commission may impose conditions upon the approval of a requested amendment, including restrictions on the list of permitted or conditional uses, (per KRS 100.3681) as the Commission deems is necessary to integrate a proposed use into the surrounding area.

G. **LEGISLATIVE BODY DISPOSITION:** Within a reasonable time after receipt of the planning commission's recommendations and findings concerning the application the legislative body shall act on such application. A majority of the entire legislative body shall be required to override the recommendation of the planning commission. The Legislative body may exercise the provisions of KRS 100.2111, in order to expedite the legislative action of the map amendment.

H. **SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO ZONING MAP AMENDMENT:** Any request for a zoning map amendment to any single family residential shall be required to submit a site development plan; Any request for a zoning map amendment to any commercial (i.e., CBD, NC, HC, etc.) multi-family residential (i.e., R-2, R-3, etc.) shall be required to submit a site development plan in accordance with all applicable requirements of this ordinance, including the following:

1. **APPLICATION AND PROCESSING:** Application for a zoning map amendment shall be process in two stages:
  - a. Application for a zoning amendment shall be filed with the zoning administrator as required by Section 19.0, A, and shall include a Development Plan in accordance with the applicable requirements of Section 9.20, B; Plan Requirements, of this ordinance. The zoning administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.
  - b. The planning commission shall hold a public hearing on the proposed application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development Plan and the bases for their recommendation.

- c. The legislative body shall, within forty-five (45) consecutive days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and 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 that development be in accordance with the approved Development Plan. Additionally, upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved development plan.
- d. The legislative body shall forward a copy of the approved Development Plan to the zoning administrator or the city's duly authorized representative, for further processing in accordance with the applicable requirements of this ordinance.
- e. If the detailed engineering data required under 9.20, B, had been waived by the zoning administrator in the initial submission of the Development Plan, then such data shall be submitted for review in accordance with the Site Plan requirement of Section 9.20 before a permit may be issued for construction.

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

- 2. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the zoning administrator as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

**EXPIRATION:** The zoning map amendment shall be subject to the time constraint as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated within a period of twelve (12) consecutive months from the date of approval of the Development Plan by the legislative body, provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Development Plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the Development Plan.

## **BOARD OF ADJUSTMENT**

### **SECTION 20.0 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 the Board of Adjustment, subject to the approval of the legislative body.
- D. The term of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years, respectively.
- E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.
- F. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace, within the district or city in which they reside.
- G. Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustment.
- H. Any member of the Board of Adjustment may be removed by the Mayor, subject to the approval by the legislative body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the Board of Adjustment shall submit a written statement to the Planning Commission setting forth the reasons and the statement shall be read at the next meeting of the Board of Adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.
- I. The Board of Adjustment shall elect annually a chairman, vice- chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of this term.

### **SECTION 20.1 MEETINGS OF BOARD; 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.

- 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 of any issue.

## **SECTION 20.2 PROCEDURE FOR ALL APPEALS TO BOARD:**

Appeals to the Board of Adjustment may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of the zoning administrator. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action to be appealed from, by filing with said zoning administrator and with the board, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by Section 18.2 of this ordinance shall also be given to the zoning administrator at this time. Said zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the board, an interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

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

## **SECTION 20.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENT:**

Any appeal from the planning commission or board of adjustment action shall be taken in the following manner:

- A. 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) days after the final action of the board. 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.
- B. 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 authorized by KRS 100.203(5) 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.
- 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 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 chapter, 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 20.4 STAY OF PROCEEDINGS:**

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

## **SECTION 20.5 POWERS OF BOARD OF ADJUSTMENT:**

Upon appeals, the board of adjustment shall have the following powers:

- A. To hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.
- B. To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a zoning administrator in the enforcement of this ordinance. Such appeal shall be taken within sixty (60) consecutive calendar days.
- C. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein, which may be suitable only in specific locations in the zone only if certain conditions are met as specified in Section 9.15 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 non-conforming use to another.

## **SECTION 20.6 DIMENSIONAL VARIANCES; CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES.**

- A. **DIMENSIONAL VARIANCES:** Before any dimensional variance is granted, the board of adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the board of adjustment unless and until:

1. A written application for a dimensional variance (including the required fee as per Section 18.6 of this ordinance) and a site plan, subject to the application requirements of Section 9.20, are submitted demonstrating:
  - a. That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone;
  - b. That the manner in which the strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone;
  - c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequently to the adoption of this ordinance;
  - d. Reasons that the dimensional variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood; and
  - e. That granting the dimensional variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No non-conforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a dimensional variance.
2. Notice of public hearing shall be given in accordance with Section 18.1 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 dimensional variance:
  - a. The Board of adjustment shall make findings that the requirements of this section have been met by the applicant for a dimensional variance.
  - b. The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a dimensional variance and that the dimensional variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and under no circumstances shall the board of adjustment:
    - i. Grant a dimensional variance which would vary by more than fifty (50) percent of the applicable regulation when the development is occurring in newly platted areas; and
    - ii. Grant a dimensional variance which would vary by more than fifty (50) percent of the average height, yard, and setback of existing surrounding development when the proposed construction occurs on lots or parcels of land already platted and where more than fifty-one (51) percent of said lots or parcels of land are improved with structures. If less than fifty-one (51) percent of the surrounding lots or parcels of land are improved with structures, then said development shall be governed by the requirements of Section 18.6.
  - c. The board of adjustment shall further make a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this ordinance as well as the adopted comprehensive plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.

5. In granting any dimensional 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 dimensional variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.8 of this ordinance.
- B. **DIMENSIONAL VARIANCE CANNOT CONTRADICT ZONING REGULATION:** The board of adjustment shall not possess the power to grant a dimensional 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. **DIMENSIONAL VARIANCE RUNS WITH LAND:** A dimensional variance applies to the property for which it is granted and not to the individual who applied for it. A dimensional variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.
- D. **CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER:** A non-conforming use shall not be changed to another non-conforming use without the specific approval of the board of adjustment, as provided herein.
1. The board of adjustment shall have the power to hear and decide on applications to convert or change an existing non-conforming use to another non-conforming use, subject to the following:
  2.
    - a. A written application for a change from one non-conforming use to another (including the required fee as per Section 18.6 of this ordinance) and a site plan, if applicable, subject to the applicable requirements of Section 9.20, 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 non-conforming use to another, the board of adjustment shall find that the new non-conforming use is in the same or more restrictive classification of use as the prior non-conforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the board of adjustment shall find:
      - i. That the new non-conforming use shall generate less vehicular traffic (automobile and truck) than the prior non-conforming use;
      - ii. That the new non-conforming use is of a nature which will emit less noise and air pollution than the prior non-conforming use;
      - iii. That the new non-conforming use will be more in character with the existing neighborhood than the prior non-conforming 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 non-conforming use.



- e. Any change of non-conforming 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 non-conforming use beyond the scope and area of its operation at which time its use became non-conforming.
- g. The board of adjustment, in granting a change of non-conforming uses, may attach such conditions thereto as it may deem necessary and proper; and 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 non-conforming 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 non-conforming use has not occurred within one year after the date of granting thereof, the change of non-conforming use permit shall be null and void and reapplication to the board of adjustment shall have to be made.

**SECTION 20.7 CONDITIONAL USE PERMITS:** Conditional use permits shall not be issued without the specific approval of the board of adjustment, as provided herein.

- A. The board of adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:
  - 1. A written application for a conditional use permit (including the required fee, as per Section 18.7 of this ordinance) and a site plan subject to the applicable requirements of Section 9.20, shall be submitted to the board;
  - 2. Notice of public hearing shall be given in accordance with Section 18.1 of this ordinance;
  - 3. The public hearing shall be held. Any person may appear in person, or by agency, 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 9.15.

**SECTION 20.8 DECISIONS OF THE BOARD OF ADJUSTMENT:**

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

## **Article 21.**

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

#### **SECTION 21.0 GENERAL PROVISIONS FOR STREETLIGHTS**

- A. No street lighting shall be installed on public streets except in compliance with this ordinance,
- B. All developments currently under construction and to be constructed in the future within the city limits shall include the construction of public street lighting according to the ordinance. The location and type light fixtures shall be set forth on the subdivision improvement plans and meet the approval of the Grant County Planning Commission's Engineer and be approved as part of the Grant County Planning Commission's approval of the Improvement Plans per Section 3.6 (or as amended) of the Grant County/ Dry Ridge Subdivision Regulations.
- C. Street light locations shall be on all subdivision plats and development plans as applicable.
- D. Prior to the approval of a final development plan or final subdivision plat, street lighting shall be installed pursuant to the ordinance or bonded in an amount equal to the estimated cost of installation plus twenty-five percent (25%).
- E. In the event street light installation is bonded, the developer shall have one (1) year from the approval of the final development plan or final subdivision plat or until the expiration of the bond for those public improvements in which to install the street lighting.
- F. In developments with underground utilities, the developer shall be responsible for the provisions of appropriate conduit installation; The conduit installation shall be performed according to city's specifications. The developer shall be responsible for pulling the conductors through the conduit, installation and maintenance of the lights, poles, and fixtures.
- G. The city shall accept only two styles of light fixtures for public financial responsibility and maintenance:
  - 1. Examples of styles accepted by the city are colonial post top and cobra head as provided by the servicing utility. The colonial post top is available only for underground installation. The cobra head is available for both underground and overhead installation.
  - 2. Any other style must receive prior written approval from the city. Prior to the approval of style change, street lighting shall be bonded in an amount equal to the estimated cost of installation plus twenty-five percent (25%). Approval of the style shall be within the sole discretion of the city.
  - 3. No entitlement to any other style is granted by the provision. Approval may be denied for any reason.

- H. Light fixtures shall be of the LED type and meet the following requirements:
  - 1. Light fixtures for local streets and sub-collector streets shall be 5800 lumens.
  - 2. Light fixtures for collector streets shall be 9500 lumens.
  - 3. Light fixtures for arterial streets shall be 22,000 lumens.
  - 4. All intersection and within each cul-de-sac, regardless of the category of streets, shall have a minimum of 9500 lumens.
  - 5. These street classifications shall be determined according to the definitions set out in the Subdivision Regulations.
- I. All light fixtures shall be spaced at intervals not to exceed 250 feet. The specific spacing for a particular installation shall be determined by the anticipated coverage of the particular fixture level. This spacing may be varied only with approval of the city. Different spacing maybe required by the city in the event circumstances exist which render the standard spacing inappropriate.

## **SECTION 21.1 PREVIOUSLY APPROVED DEVELOPMENT**

All developments for which a final development plan or final subdivision plat have been approved prior to the effective date of this ordinance, but for which development no street lighting has been installed, shall:

- A. Within forty-five (45) days of the effective date of this ordinance, submit to the city and to the Planning and Zoning Commission a street lighting plan which provides light fixtures locations, wattage levels and fixture style. Any plan which includes a light fixtures style other than permitted about shall also provide documentation required in (G) (1) above. No lighting-related construction shall begin prior to receipt of written approval of a submitted lighting plan. The written approval must be signed by the Planning and Zoning Administrator or its Engineer.
- B. Within sixty (60) days of receipt of approval of the street lighting plan Required in § (A) above, install the light fixture according to that approval plan.
- C. In the event the developer fails to install the approved street lighting plan within the time allotted in § (B), the city may grant an extension of time which to complete installation. No extension of time shall be granted except upon showing of the developer's good-faith effort to complete the installation and the posting of the developer's bond in the Planning and Zoning office, in the amount of the cost of the installation of the approved street lighting plan, plus twenty-five percent (25%). This bond shall secure the cost of the city's installation of the approved street lighting plan in the event the developer's failure to complete installation according to the plan within the extension granted above. The city's election to call the developer's bond and to undertake installation according to the approved plan shall not preclude the filing of charges in Grant District Court seeking the penalties provided below.
- D. Lighting-related construction begun prior to the effective date of this ordinance and completed no later than forty-five (45) days after the effective date of this ordinance shall comply with all applicable provisions of this ordinance.

## **SECTION 21.2 PENALTY**

- A. Each violation and every other failure to comply with the provisions of sections above shall be a misdemeanor, and each day a violation continues to exist shall be a separate and distinct offence for which.
  - 1. Anyone convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.040 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in KRS 532,090 (1), or both; and
  - 2. The offender shall be subject to a civil penalty of one hundred dollars (\$100.00) for each offense, which shall be received by the city in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of this article.
- B. Whoever violates any provision of this section for which there is no penalty specifically set forth shall, upon conviction, be fined not more than \$100.

## **SECTION 21.3 PAVING OF OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS**

As required by the Planning Commission, new off-street parking facilities shall be paved with asphalt or portland cement concrete and shall be designed and constructed in accordance with the standards and procedures herein established.

- A. ASPHALT CONCRETE PAVEMENT:
  - 1. General Design Requirements—
    - a. Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surface course and a base course, or courses, all constructed on prepared subgrade. Pavement thickness required shall be determined from Table 1 of the appropriate subgrade soil and traffic use.
    - b. Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved systems. Transverse and/or longitudinal slopes of not less than 5/8 inch in 10 feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.
    - c. When the pavement includes a granular base, and the pavement is not constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.
    - d. Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished ¼ inch above adjacent flush construction to permit proper compaction.

TABLE A-1

**SECTION 21.4 THICKNESS REQUIREMENTS OF SURFACE AND BASE COURSES FOR AUTOMOBILE AND TRUCK PARKING FACILITY PAVEMENTS (1)**

VEHICLE TYPE	SOIL CLASS.	FULL-DEPTH ASPHALT CONCRETE		ASPHALT CONCRETE WITH GRANULAR BASE	
		SURFACE	BASE	ASPHALT SURF. AND BASE	GRANULAR BASE
Auto	A	1 ½	2	-	-
Parking	B	1 ½	3 ½	3	4
Facilities	C	1 ½	4 ½	3	6
Truck	A	1 ½	3 ½	3	4
Parking	B	1 ½	5 ½	4	6
Facilities	C	1 ½	6 ½	4	8

A.

1. Soils are classified into three groups indicating their relative effectiveness as subgrade:
  - A - Granular soils that drain well; sand, gravel or combination of sand and gravel; generally, soils having a California Bearing Ratio (CBR) greater than 10, or having AASHO Soil Classification of A-1, A-2-6, A-2-5, A-2-4, or A-3, and some A-4 soils.
  - B - Silty clays, or lean clays, that retain considerable strength when wet. These are average subgrade soils; generally soils having a CBR greater than 5 or having an AASHO Soil Classification of A-2-7, A-4, A-7-5, and some A-5 and A-6 soils.
  - C - Heavy clay soils that lose most of their strength when wet; having an AASHO Soil Classification of A-5, A-6, or A-7-6.
2. Construction Materials and Procedures –
  - a. Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.
3. Asphalt Concrete Base Course –
  - a. Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of Highways’ Specifications for Asphalt Concrete Base Course, Class I, except as noted herein.
4. Asphalt Treated Base Course - Materials and construction procedures shall conform to the following requirements:
  - a. Hot-mix sand asphalt base material may be substituted for asphalt concrete base in a ratio of 1.3 inches of sand-asphalt base per inch of asphaltic concrete base.

- b. Liquid and emulsified asphalt bases, designed and mixed in accordance with the Asphalt Institute Asphalt Mixed-In-Place Manual, may be substituted for asphaltic concrete base in a ratio of 1.4 inches of liquid or emulsified asphalt base per inch of asphaltic concrete base.
- 5. Crushed Stone Base Course –Crushed stone base course shall conform to all the current requirements of the Kentucky Bureau of Highways for Dense Graded Aggregate Base Course.
- 6. Asphalt Concrete Surface Course - Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways for Asphalt Concrete Surface, Class I.
- 7. Asphalt Prime and Tack Coat -
  - a. Asphalt Prime shall conform to the Kentucky Bureau of Highways’ requirements for Cutback Asphalt Emulsion Primer Type L. Prime shall be applied to the surface of granular base course, as directed by the legislative body’s engineer.
  - b. Tack Coat shall meet the current requirements of the Kentucky Bureau of Highways. Tack coat shall be applied, upon direction of the legislative body’s engineer, to the surface of asphalt courses that have become dusty or dry.

**B. SOIL-CEMENT BASE COURSE (WITH ASPHALT CONCRETE SURFACE):**

- 1. Description: Soil-cement base course shall consist of soil and cement uniformly mixed, moistened, compacted, finished, and cured in accordance with the specifications herein, and it shall conform to the lines, grades, thickness and typical cross section, shown on the plans. Soil-cement base course, mixed and applied as directed by the legislative body’s engineer, may be substituted for granular base course in the ratio of 1.5 inches of soil-cement base to one inch granular base course.

**C. CONCRETE PARKING AREAS:**

- 1. General Requirements - Thickness of concrete parking shall be:
  - a. A minimum of five (5) inches for passenger cars and panel or pickup truck parking.
  - b. A minimum of six (6) inches for driveways accommodating light trucks and for light truck parking.
  - c. A minimum of seven (7) inches for heavier commercial or industrial needs.
- 2. General Requirements - Concrete mix (for areas subject to freeze/thaw conditions).
  - a. Minimum cement content - 564 lb./cu. yd. (6 U.S. bags)
  - b. Maximum size of aggregate - 1 ½ inches
  - c. Maximum water content - 0.49 lb./1 lb. of cement (5.5 gal./bag)
  - d. Maximum Slump - Four (4) inches
  - e. Air entrainment -

Maximum Size Aggregate (inches)	Entrained Air (Percent)
1-1/4	5 ± 1
¾, 1	6 ± 1
3/8, ½	7-1/2 ± 1

3. Construction Procedures:

- a. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or taped shall be removed and replaced with suitable material, placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHTO-T98).
- b. Longitudinal joint spacing shall not exceed 12.5 feet.
- c. Transverse joint spacings shall be at regular intervals of twenty (20) feet.
- d. All transverse construction joints shall have a depth equal to one-fourth of the pavement thickness.
- e. Form offsets at radius points shall be at least two (2) feet.
- f. Pavement joints must be continuous through the curbs.
- g. Where curbs are required they shall be cast integrally.
- h. The pavement shall be struck-off, consolidated, and finished to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except pre-molded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white membrane curing compound or by seven-day coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic for seven (7) days.