

ARTICLE IX

GENERAL REGULATIONS

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

SECTION 9.1 REDUCTION IN BUILDING SITE AREA: Except as herein provided, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein for the zone within which said lot is located, except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street. If however, by some means (e.g., misinterpretation of law, erroneous lot descriptions etc.) the lot area is reduced below the minimum required area as specified herein for the zone, All of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner may seek relief from the Board of Adjustment as provided for in Section 18.2 of this ordinance.

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

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

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS: On lots having frontage on more than one street, the minimum front yard depth shall be provided for at least one street frontage, with the other frontage having a minimum of one half (1/2) of the required minimum front yard depth, except that when such lots abut an arterial street, as defined herein, the minimum front yard depth shall be provided for each street frontage.

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

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

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

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

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

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

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

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

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

SECTION 9.10 APPLICATION ON ZONING REGULATION

- A. Except as herein provided, no part of any yard, or open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure or use.

- B. Every public or private 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 at least twenty-five (25) feet on a deeded and accepted public right-of-way, except for mobile homes on individual mobile home sites which are required to abut at least one hundred fifty (150) feet on a deeded and accepted public right-of-way, as required by Section 9.28 of this Ordinance. In no case shall more than two (2) flag lots be contiguous to each other at the publicly dedicated street. Flag lots shall only be used in those locations where due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas and in no case shall the required lot width of a flag lot be located further than two hundred fifty (250) feet from the publicly dedicated right-of-way from which the flag lot originates. The narrow portion of the lot extending from the right-of-way shall be physically capable of providing reasonable access to the flag lot. The minimum lot area and setback requirements for flag lots shall be two and one-half (2 - 1/2) times the requirements for residential zones.
- C. Accessory structures and uses shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all zones, provided that such structures are set back from the rear lot line, and required minimum side yard clearances are maintained. Location of off-street parking, loading, and/or unloading areas, fences, and signs are governed by their respective sections, as herein provided.
- D. Except as herein provided, accessory structures and uses shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all zones, provided that such structures are set back from the rear lot line, and required minimum side yard clearances are maintained. Location of off-street parking, loading, and/or unloading areas, fences, and signs are governed by their respective sections, as provided herein.
- E. 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 ten (10) feet into the minimum required yards which are necessary for access to a lot from a street or alley, arbors and trellises; flag poles; bird baths; trees; plants; shrubbery's; ornaments utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in Article XIII of this ordinance.

2. In Minimum Front Yard Depths - Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; air conditioning equipment extending not more two (2) 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.
4. In Minimum Side Yard Width - Air conditioning equipment, excluding compressor for central air conditioning unit; overhanging eaves and gutters projecting not more than eighteen (18) inches into the minimum required side yard.

SECTION 9.11 HOME- BASED BUSINESS

Home occupations or a Home-Based Business is a business, profession or other economic activity conducted full- or part-time at the principal residence of the person conducting the business. Home-Based Businesses are frequently used as incubators during the start-up phase of the operation. Existing or new businesses which exceed the regulations of this ordinance may be deemed as ready to transition to a professional environment and are subject to action by the Planning Commission or their duly authorized representative regarding non-conformance with this Section 9.11.

The use of property for agricultural purposes is not considered a Home-Based Business and shall not be governed by the Home-Based Business regulations of this Section 9.11.

- A. **GENERAL REQUIREMENTS:** The following requirements shall apply to a Home-Based Business:
1. No more than one (1) employee other than those residing on the premises shall be engaged in a Home-Based Businesses on the premises at any one point in time.
 2. The use of a structure for the Home-Based Business shall be clearly incidental and subordinate to its use for residential purposes. The Home-Based Business shall be conducted indoors.
 3. There shall be no outdoor operations or storage of materials, products or equipment for a Home-Based Business in a residential zone. Accessory structures may be used for a Home-Based Business in the R-RE and A-1 zones but shall be limited to one (1) accessory structure per lot.

4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a Home-Based Business that will indicate from the exterior that the building is being utilized in part for any purpose other than its primary permitted use.
 5. Signage is subject to Article XIV.
 6. No unreasonable traffic or parking shall be generated by a Home-Based Business in greater volumes, location or type than would normally be expected in a residential neighborhood.
 7. The use shall not involve the storage or use of hazardous, toxic, flammable or explosive substances, other than types and amounts commonly found in a dwelling.
 8. No equipment or process, which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundary of the property shall be used in such Home-Based Business. Noise shall be limited to those typical to a residential neighborhood.
 9. Based upon the potential nuisances of a proposed Home-Based Business, it may be determined that a particular type, intensity, or use is unsuitable.
- B. **LIGHT HOME-BASED BUSINESS:** Light Home-Based Businesses shall be limited to the following types of activities and shall not require a zoning permit provided that they meet the General Requirements (listed above):
- Office-type work,
 - Custom sewing and fabric crafts,
 - Creation of visual or musical arts,
 - Sales and surveys over the phone or computer,
 - Off-site sales or work, where the premises are used only for office and/or storage,
 - Instruction or tutoring limited to a maximum of two (2) students on the premises at any one time, or
 - Trucking Owner/Operator limited to one (1) motorized vehicle without trailer.
- C. **GENERAL HOME-BASED BUSINESS:** In addition to the General Requirements (listed above), General Home-Based Businesses are subject to the additional requirements:
1. Include a minimum of one (1) off-street parking space (which may include a space for the dwelling). The front yard should not be used as a parking space in order to retain the residential character of the property.

2. Hours of operation, including delivery and receiving, shall be conducted in a way that is not perceptible from beyond the lot line between the hours of 10:00 p.m. and 7:00 a.m.

General Home-Based Businesses are limited to the following types of activities and shall require a zoning permit:

- At-home childcare with a maximum child care capacity of ten (10) at any one (1) time,
- Auto detailing excluding body shop,
- Beauty/cosmetology,
- Catering for off-site consumption,
- Craftsmanship including woodworking/metalworking,
- Electronic repair,
- Gun/archery repair,
- Landscaping/mowing,
- Pet grooming excluding kennels and pet daycares,
- Printing/engraving,
- Small engine repair,
- Taxidermy, or
- Upholstery

D. OTHER HOME-BASED BUSINESS: In addition to the General Requirements, Other Home-Based Businesses are commonly subject to additional requirements. No zoning or building permit shall be issued for Other Home-Based Businesses or any customary accessory buildings until and unless the location of said use shall have been applied for and approved as part of a conditional use permit by the Board of Adjustment as set forth in Section 9.14. Other Home-Based Businesses are those not specifically identified by Light or General Home-Based Businesses.

E. WAIVER: A Home-Based Business may apply for a waiver of one or more of the General Requirements through the Board of Adjustments. KRS 100.247 states that a variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

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

A. NONCONFORMING LOTS OF RECORD:

1. Any lot of record, which does not meet the requirements of this ordinance, shall be considered a nonconforming lot of record.

2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance. Except, however, where a subdivision (including preliminary and final plat) has been approved by the Planning and Zoning Commission under prior zoning regulations, and meets existing minimum lot area requirements, but not minimum lot width or other similar requirements, development is permitted on each individual lot as originally approved.
3. Where a single nonconforming lot of record exists having a lot area less than required by the particular zone wherein said lot is located, development may be permitted on the lot, provided the lot is located on an existing and improved public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street rights-of-way precluding acquisition of additional area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance.
4. Where a dimensional variance from any minimum yard, setback, etc. is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the Board of Adjustments in accordance with Article XVIII of this ordinance.

B. NONCONFORMING USES:

1. **CONTINUANCE:** Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance -- it shall become a legal nonconforming use. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. **CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** As regulated by Article XVIII, Section 18.6, D, of this ordinance.
3. **TERMINATION:** In all cases, the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of

this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.

- a. Changing to a conforming use.
 - b. Non-operative, non-used, or abandoned for a period of six (6) consecutive months providing that the Board of Adjustments may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners/ operators control.
 - c. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustments that this structure should not be reconstructed.
 - d. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the County and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty 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.
 - e. Whenever said nonconforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.
4. ZONE CHANGE: The foregoing provisions shall apply to uses which become legally nonconforming due to zone changes which take place thereafter, or were found to be non-conforming thereafter.

C. NONCONFORMING STRUCTURES:

1. CONTINUANCE: Except as herein provided, any lawful nonconforming structure existing at the time of adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended.
2. TERMINATION: Except as otherwise provided, any nonconforming structure may be repaired or reconstructed to its original condition, including structures damaged or substandard under any applicable ordinance for which the cost of reconstructing or repairing said structure

exceeds 50% of the market value of such structure. However, if a nonconforming structure is to be reconstructed on a new foundation, said structure must meet existing zoning requirements (inclusive of the right to request a dimensional variance) and, in such cases, the right to continue the nonconforming structure would be terminated.

3. ZONE CHANGE: The foregoing provisions shall apply to structures which become legally nonconforming due to zone changes which take place thereafter, or were found to be non-conforming.

- D. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement or nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming shall not be increased.

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

- E. NONCONFORMING SIGNS:

1. CONTINUANCE: Except as herein provided, any lawful nonconforming sign existing at the time of adoption of this ordinance, may be continued provided however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
2. TERMINATION: In all cases the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming sign based on any of the following conditions and, if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Not meeting the requirements for sign regulations, as regulated in Article XIV of this ordinance;
 - b. Nonuse or abandonment of said nonconforming sign for a period of six (6) consecutive months.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become legally nonconforming due to zone changes which take place thereafter or were found to be nonconforming thereafter.

SECTION 9.13 EXCEPTIONS AND MODIFICATIONS:

A. EXCEPTIONS TO HEIGHT LIMITS:

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

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

C. FRONT YARD VARIANCE:

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

SECTION 9.14 CONDITIONAL USES:

A. DETERMINATION: Subject to the requirements of Section 18.7, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community;
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.
3. That such use will comply with any regulations and conditions in this Ordinance for such use.

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

1. The Board of Adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations; requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the County clerk and one copy of said permit attached to the deed for the property for which it is issued. The Board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.
2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the County.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in

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

The Board shall hold a hearing on the report within thirty (30) days and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply within the time between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Zoning Administrator, to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use in a nonconforming status.

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

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected, or altered in accordance with the County's housing and building codes.
- B. **WATER AND SANITARY SEWER SERVICE:** Where no sanitary sewer system is available and where soil conditions (as determined by a properly conducted soil percolation test) are unacceptable for a anaerobic (septic tank) sewage treatment system, the record title holder of the real estate may apply to the Campbell County Fiscal Court for a permit for an aerobic type sewage treatment system. The application shall only be granted upon the following conditions and restrictions:
 1. A construction permit must be obtained from the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water as authorized by KRS Chapter 224. All approval conditions must be met, including a written certification by a registered professional engineer that the unit has

- been constructed and tested in accordance with the approved plans and conditions.
2. The aerobic sewage treatment system method provided for in this ordinance is available only when no sanitary sewer system is in place. Within twelve (12) months after the date a sanitary sewer system is in place, no person shall be permitted to continue to discharge any effluent, human waste, grey water, or the like, outside of the sanitary sewer system and the aerobic sewage treatment system must be discontinued and abandoned.
 3. The effluent line (pipe) shall be laid at least ten (10) feet horizontally from any existing or proposed water line.
 4. The effluent from this sewage system must be piped and discharged directly into a blue line stream. Discharge into a "blue line" stream is not acceptable if access is not available by gravity feed, or if there is insufficient flow in the stream to adequately handle the discharge, or if for any reason in the opinion of an expert employed by the county for the purpose of making such determination, the discharge would be unreasonably detrimental to the community or the environment.
 5. In the event no acceptable "blue line" stream exists on the property, the applicant must comply with the following procedures:
 - a. A site plan must be prepared by a registered professional engineer showing the applicants property lines, location of treatment system, discharge point of effluent into the 'blue line' stream, property lines of other tracts of land over which the proposed line is to be placed,
 - b. The applicant must obtain a written perpetual easement from all property owners of land on or under which the pipe is to be placed, and being a minimum of ten (10) feet in width. As a minimum, the perpetual easement must provide for placement of the pipe and for ingress and egress for construction and maintenance of the pipe, and for inspection of same.
 - c. Should a "blue line" stream not be acceptable in the opinion of an expert employed by the county for the purpose of making such determination, the applicant may request that the effluent be discharged into a natural stream or drainage ditch that flows into a "blue line" stream. Such a request must also be included in the applicants' request to the Commonwealth of Kentucky. The applicant must obtain a written perpetual easement from all property owners of land on or under which the natural stream or drainage ditch flows, including easements across all city, county, or state rights-of-way.

- d. If the discharge of effluent, human waste, grey water, or the like, flows into or upon, any property or right of way owned by Campbell County, Campbell County, Kentucky Public Properties, Inc., or Campbell County, Kentucky, Public Parks, Inc., a written perpetual easement shall be required. To request such easement, the applicant shall submit the site plan, as required above, a legal description of the real estate with a description of the requested easement, and any other requested documentation, to the county engineer, for approval. The county engineer shall review the request and other documents and then make a recommendation to the fiscal court. Nothing in this ordinance shall require the county or any other entity to grant an easement to any person, corporation, or other entity. The county or any other property owner may, in its discretion, require payment of fair market value for the grant of easement under this ordinance.
- e. All easements granted by the county under this ordinance shall state that the easement is temporary and may be terminated by the county twelve (12) months after a sanitary sewer is in place. All improvements, structures, or other objects located within said easement by applicant, may be altered or removed at the request of the Fiscal Court at the expense of the applicant.
- f. In the event pollution of the receiving stream, ditch Or "blue line" stream results from the discharge of the treated effluent, additional treatment and/or extension of the effluent line shall be required- The enforcement of this requirement shall be made by the Commonwealth of Kentucky, the local health department, or the Campbell County Fiscal Court.

SECTION 9.16 MOVE AND SET:

- A. **REQUIREMENTS:** No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the County, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.
- B. **COMPLIANCE;** All buildings, structures, and improvements shall comply with the County'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 County 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 County and determine if the proposed development will comply with all applicable codes, regulations, and zoning ordinances.
5. The move and set shall be referred to the zoning office for approval or denial of compliance with this ordinance.
6. Upon approval by the zoning office and building inspector, a building permit to move and set shall be issued. The County Engineer shall then be notified of same and shall issue a transport permit. The County Engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permits. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the building inspector. The transport permit provided for in this section shall not be in lieu of any other permits, which may be required by the County.
7. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the Kentucky Department of Transportation, and the County road supervisor, whichever are applicable.

D. FEES

1. There will be a building investigation fee as established by the County 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 County's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or

structure in its completed condition in the new location. This fee is in addition to the building investigation fee.

2. No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the County until and unless such person, corporation, or company shall post with the building inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the County. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

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

- A. **SCREENING AREA REQUIREMENTS:** All screening areas shall be approved by the Zoning Administrator (or Planning and Zoning Commission, where required by this ordinance) according to a submitted site plan as regulated by the applicable requirements of Section 9.19 of this ordinance. Screening areas shall be designed, provided, and maintained according to the following:
 1. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the County.
 2. Wherever screening is required in this ordinance, all trees shall be evergreen.
 3. All trees shall be a minimum of six (6) feet in height one year after growing seasons, 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 Northern Kentucky Area and the specific conditions of the site in question, such as but not limited to soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The County may require review of the proposed screening plan from the U.S. Soil Conservation Service, the Campbell County Agricultural Extension Service.
 6. Screening areas are to be provided within the required minimum yard setbacks as required in each district's regulation.

7. In the case where a zoning map change occurs resulting in adjacency to a different zoning district that was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change occurred.
- B. **PROVISION AND MAINTENANCE:** Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.
- C. **INCLUSION OF SITE PLAN AND/OR SUBDIVISION IMPROVEMENT DRAWINGS:** Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in Section 9.19, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the County may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

SECTION 9.18 OUTDOOR SWIMMING POOLS

- A. **PRIVATE SWIMMING POOLS:** All private swimming pools shall be regulated according to the following requirements:
1. Except as herein provided, no swimming pool or associated equipment shall be permitted within any public utility right-of-way easement.
 2. Swimming pools, which are constructed in-ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in Article XIII of this ordinance); such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
 3. Swimming pools, which are located above ground, shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located. Such fence or wall shall be at least four (4) feet, but not more than seven (7) feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by Article XIII of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or

door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level.

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

4. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
5. All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the County. Water used in the swimming pool, which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.
6. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this ordinance section within (60) days after its adoption.

B. PUBLIC, SEMI-PUBLIC AND COMMERCIAL SWIMMING POOLS: All public, semipublic, and commercial swimming pools shall be regulated according to the following requirements:

1. Except as herein provided, no swimming pool and associated equipment shall be permitted within the limits of any public utility right-of-way easement.
2. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1,3,4, and 5 fences are permitted, as regulated by Article XIII of this ordinance). Such fence or wall shall be at least five (5) feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.
3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the County. Water used in the operation of

the swimming pool, which is obtained from other than a public source, shall be approved of by the Northern Kentucky District Health Department.

5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties.

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

- A. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning and Zoning Commission.
- B. All housing units on the subject property:
 1. Detached housing - Location, height, arrangement and number of all lots, including exact 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 and arrangement of all lots with exact lot dimensions.
- C. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.
- D. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.
- E. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
- F. Locations of signs indicating their orientation, size and height.
- G. All utility lines and easements:
 1. Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;

2. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, 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 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 stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.
 4. Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- H. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
- I. Circulation System
1. Pedestrian walkways, including alignment, grades, type of surfacing and width;
 2. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typing cross sections.
- J. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;
- K. A schedule of development, including the staging and phasing of:
1. Residential areas, in order of priority, by types of dwelling units;
 2. Streets, utilities, and other public facility improvements, in order of priority;
 3. Dedication of land to public use or set aside for common ownership'; and
 4. Nonresidential buildings and uses, in order of priority.

The information required by items A through K of this section, may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

All such site plans shall be reviewed by the Planning and Zoning Commission and factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this Ordinance, and the Comprehensive Plan for the 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 stages, provided all of the procedures required by the Planning and Zoning Commission have been complied with.

SECTION 9.20 REGULATIONS CONCERNING AIR RIGHTS: Any proposed use of air rights, as defined herein, shall be in the form of a site plans (as regulated in Section 9.19 of this Ordinance) submitted to the Planning and Zoning Commission, for its review.

SECTION 9.21 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS: Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations.

SECTION 9.22 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPMENT

- A. No motor vehicle, which is inoperable, shall be stored on any lot in any zone or parcel of ground unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of a resident family and their guests.
- B. It shall be unlawful for any person or persons to live in any automobile, camper, bus, boat, or truck, within the limits of the County, except mobile homes may be permitted as provided herein and houseboats along the Licking and Ohio Rivers providing they are in accordance with state requirements.

- C. The outside storage of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard of all lots within the County, 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 Planning and Zoning Commission may permit such storage on another part of the lot.

SECTION 9.23 HILLSIDE DEVELOPMENT CONTROLS

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20 percent or greater) that said development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this or any other ordinance adopted by the County:
 - 1. All land areas located within the County and identified on the Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas, which have slopes of 20 percent, or greater shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as "Physically Restrictive Development Areas" and containing slopes less than percent, the requirements contained herein may be waived; if, after review of the proposed site plan by the Engineer it is determined that said development will not result in hillside slippage or soil erosion.
 - 2. No excavation, removal or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified in (1) above, may occur until plan specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this Ordinance. In addition to site plan requirements, the following shall also be submitted.
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion ponds, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis should be made by a qualified Registered Civil Engineer and a geologist, indicating that the building and physical changes

proposed in the area will be completed in manner which will minimize hillside slippage or soil erosion.

3. The site plan and other information required in Section 9.23 B.2 of this section of the ordinance shall be reviewed by the County Engineer who will recommend to the Planning and Zoning Commission what effect the proposed development will have on hillside slippage and soil erosion.

After consideration of the recommendation, the Planning and Zoning Commission may grant a permit for use of the site in accordance with the submitted plans.

4. If, after review of the plans required by this section of the Ordinance, the Planning and Zoning Commission determines that said proposed plans will not minimize hillside slippage, the Planning and Zoning Commission shall deny a permit for the development of said land, and the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Conservation Zone.

SECTION 9.24 FLOOD PROTECTION DEVELOPMENT CONTROLS:

- A. PURPOSE: The purpose of the flood protection development controls is:
 1. To encourage only that development of flood prone areas which (a) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (b) is an acceptable social and economic use of the land in relation to the hazards involved, and (c) does not increase the damage to human life; and
 2. To discourage all other development in flood prone areas not identified in Subsection A, 1, above.
- B. Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of this ordinance or any other ordinance adopted by the County.
 1. The limits of the floodplain are shown on the Official Zoning Map of the County in screen pattern, designated as a Flood Protection Control Area (which pattern may overlap and include one or more zoning districts). The limits of the floodway are contained within the flood protection control area and also identified on the Official Zoning Map.
 2. Areas designated as susceptible to flooding shall be controlled by both the zoning district in which the area is located and the requirements of this section of the ordinance.

3. No person, city, county or other political subdivision of the state shall commence filling of any area with earth, debris, or any other material or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area located within the floodway which would result in any increase in flood heights during the recurrence of a 100-year flood discharge. Plans and specifications for such work shall be submitted to the Campbell County Municipal Planning and Zoning Commission for review and approval to determine if said encroachment will meet the requirements of this Ordinance, also the approval by the Division of Water, Kentucky Department for Natural Resources and Environmental Protection and the Corps of Engineers are required.
4. All land outside the floodway of the Ohio and Licking Rivers and their tributaries, but located within the floodplain may be used for any purpose for which it is zoned; provided that any new residential construction including any expansion or substantial improvements of existing residential structures as herein defined within said floodplain shall have the lowest floor which is used for living quarters elevated to or above the level of the 100-year flood.

In the case of construction of new nonresidential structures including any expansion or substantial improvements of nonresidential structures within the floodplain area, the lowest floor shall be elevated to or above the level of the 100-year flood or together with attendant utility and sanitary facilities, flood proofed up to the level of the 100-year flood.

See Appendix S for elevation of the 100-year flood along the Ohio and Licking Rivers. In the case of any proposed activity along the tributaries of the Ohio and Licking Rivers, a survey shall be made by a qualified Registered Civil Engineer establishing the elevation of the 100-year flood for said area along the tributary prior to the issuance of a building permit.

All roadway accesses and utilities to structures located within the floodplain shall be flood protection of the land filled, or any combination thereof, to the level of not less than the elevation of a flood with a recurrence interval of 100 years. In constructing an earth fill either partially or entirely within the floodplain, said design shall provide assurance from the Corps of Engineers that the fill does not restrict or obstruct the flow of flood waters or reduce the hydraulic efficiency of the channel, which in turn could cause flood water backup and resultant higher flood water elevation upstream of the filled site. Where the fill is partially within the floodplain, roadway access and utilities shall be provided from the "dry" side. If the fill is entirely in the floodplain, roadway access and utilities shall be provided by constructing an access road or bridge to an elevation above the 100-year flood.

For purposes of this section of the Ordinance "Substantial Improvement" means any repair, reconstruction, or improvement as a result of damage to the structure, the cost of which equals or exceeds 50 percent of the actual market value of the structure before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

5. All construction or modification of Buildings and Structures including flood proofing measures and techniques in the floodplain area shall be in accordance with the applicable design standards of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations", June, 1972 GPO 19730-505-026 Edition, or as amended.
6. An existing structure or use which is regulated by this section of the Ordinance and which does not conform to the requirements herein shall be nonconforming by reason of noncompliance and subject to the requirements of Section 9.12 of this Ordinance, providing however, any existing permitted use and structure may be modified, altered, or repaired to incorporate flood proofing measures, where such measures do not raise the level of the 100-year flood, subject to the conditions of Section B, 4, above.
7. All land above the elevation of a flood with a recurrence interval of 100 years may be used for any purpose for which it is zoned without further flood protection.
8. A survey of the site in question will be required prior to the issuance of any building permit or construction activity that would alter the site in any manner, to firmly establish the existing elevation of the land.
9. A site plan, as regulated by Section 9.19 of this Ordinance, shall be required for any land below the elevation of a flood with a recurrence interval of 100 years.

SECTION 9.25 SANITARY LANDFILL REGULATIONS: Sanitary landfill operations may be permitted to locate in the zone, as permitted herein A-1 Zone provided the following requirements are met:

- A. Minimum area: fifty (50) acres;
- B. Distance from adjacent uses:
 1. From residences and other structures: 500 feet;
 2. From rivers, streams, and lakes: 150 feet;

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- C. Landfill operations shall not be conducted within one hundred (100) feet from any dedicated right-of-way or property line which is the exterior boundary of the landfill;
 - D. A dense belt of evergreen trees and/or shrubs, not less than six (6) feet after one (1) full growing season, and at maturity not less than ten (10) feet high shall be provided along all boundary lines not protected by comparable vegetative screening;
 - E. The applicable regulations promulgated by the Kentucky Department of Natural Resources and Environmental Protection pertaining to landfills operations shall be strictly adhered to and are made a part of the Zoning ordinance of Campbell County (see appendices);
 - F. Site Development Plan - Development Plan Requirements: Before a permit is issued, one copy of the development plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed with the Zoning Administrator setting forth, identifying and locating the following:
 - 1. Total area in the development project including legal description;
 - 2. Present zoning of property in question and adjacent properties;
 - 3. All public and private right-of-ways and easement lines located on or adjacent to the property which are proposed to be continued, created, relocated or abandoned;
 - 4. Existing topography with a maximum of two foot contour intervals, Where existing ground is one a slope of less than two (2) percent either one-foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in both directions;
 - 5. The proposed finish grade of the development area shown by contours with intervals not larger than two (2) feet, supplemental where necessary by spot elevations;
 - 6. The location of every existing and proposed building in the described parcel of parcels, the use of uses to be contained, therein, the number of buildings including dimensions and heights, the gross floor area and number of floors;
 - 7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas including number of spaces, angle of stalls, grades and illumination facilities;
 - 8. All walks, malls, and other open areas;

9. Location of all walls, fences and screen planting;
10. Location, size, height and orientation of all signs;
11. Types of surfacing proposed on the various off-street parking and driveways including cross section and drainage plans;
12. Location of all existing and proposed streets, highways, and alleys;
13. All existing and proposed water and sanitary sewer lines, indicating pipe sizes, types and grades;
14. A drainage plan of the area showing size and location of each existing and proposed structure. The approximate volume of water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for the 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;
15. Such other information with regard to development area as may be required by the Planning and Zoning Commission to determine conformance with this order;
16. No landfills shall be located within a two (2) mile radius of any city or town limits in the unincorporated area of this County, unless all municipalities whose boundary line is within two (2) miles of the landfill site, by proper resolution and ordinance agree that said landfill site may be established;

All such development plans shall be reviewed by the Planning and Zoning Commission and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this resolution, and the adopted Comprehensive Plan for the County.

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

Amendments to plans may be made by the Planning and Zoning Commission after a hearing on same, subject to the same limitations and requirements as those under which such plans were originally approved.

After a final approval the subject area may be developed in stages, provided all of the procedures required by the Planning and Zoning Commission have been complied with.

SECTION 9.26 PHASED ZONING REGULATIONS:

- A. Phased zoning is an overlay type regulation to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted comprehensive plan. The intent of the phased zoning regulations is to encourage development or redevelopment of a specified area for the use and/or density designated on the comprehensive plan when the necessary conditions for such development are realized (e.g., demolition of existing deteriorated areas; provision of urban services, such as public water and centralized sanitary sewer systems). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development identified by the comprehensive plan is premature; such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future re-zoning, which would be in compliance with the adopted comprehensive plan.
- B. The phased zoning regulations may be overlaid over any zoning classification by means of a conventional zone change process. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based upon the general existing land use, but on attainment of all the requirements of the zone which corresponds to the adopted comprehensive plan for type of use and/or density and other requirements of this ordinance, the area could be rezoned in direct compliance with the plan.
- C. Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter "P" as a suffix enclosed in parentheses. For example, in order to properly phase its change to an urban development, an area zoned "R-RE" in a rural area which is identified for future single family residential urban development at 3.5 dwelling units per net acre on the locally adopted comprehensive plan could be temporarily zoned "R-RE" (P), indicating the present development on the site would be in conformance with the regulations of the overlaid R-RE Zone, but that, upon the attainment of certain conditions (e.g., provision of adequate public water and centralized sanitary sewer facilities) required for single family urban development at 3.5 dwelling units per net acre as indicated on the comprehensive plan, the area could be rezoned through a conventional zone change procedure. At the time of the zone change, the temporary R-RE (P) Zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted comprehensive plan.
- D. The minimum size of any area to be rezoned as regulated by this section of the ordinance is ten acres, provided that all other provisions of this Ordinance and the County Subdivision Regulations are adhered to. Development of a smaller tract adjacent to an existing zone being requested may be permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development and provided further that the zone is in conformance with the comprehensive plan.

SECTION 9.27 GENERAL MOBILE HOME REGULATIONS: Mobile homes shall be permitted in mobile home parks in RHMP Zone, as provided for in this Ordinance. In addition, all mobile home park installations shall comply with the following regulations.

- A. The mobile home shall, at a minimum, be equipped with a flush toilet, a tub or shower bath, kitchen facilities, and 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 proper authorities) and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.
- C. Off street parking shall be provided subject to the requirements of Article XI of this Ordinance.
- D. In all mobile home parks, all outdoor storage of boats, trailers, trucks over 3/4 tons, inoperable vehicles or other large items shall be permitted only in an enclosed building or a portion of the park designated for such storage and enclosed by a fence and screen plantings.
- E. Any mobile home, mobile home site or mobile home park shall conform to the "Kentucky Home and Recreational Vehicle Park Law and Mobile Home Park Regulations."
- F. The mobile home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the "Kentucky Mobile Home and Recreational Vehicle Park Regulations" and the open space between the ground and the floor of the mobile home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and suitable material.
- G. Any person, firm, or corporation desiring to install a mobile *home* in the County shall apply for a zoning/building permit, and an occupancy permit from the County. Said permits must be approved prior to the installation and occupancy of any mobile home. Mobile home parks shall be developed in accordance with the Campbell County Subdivision Regulations and all other pertinent regulations of this ordinance. Each mobile home must display the proper building/occupancy permit decal, signifying that all permits have been approved by the building inspector and zoning administrator.
- H. Any mobile home placed in Campbell County shall display the Housing and Urban Development Seal or NFPA 501B Seal certifying that the home was manufactured according to Housing and Urban Development Standards for mobile homes.

1. A mobile home shall be fitted to use propane, natural gas and/or electric for energy. Fuel oil and other liquid petroleum products shall not be stored or used in the mobile home site.

SECTION 9.28 INDIVIDUAL MOBILE HOME SITES

A. No person shall use or locate a trailer or mobile home on any premises outside an approved mobile home park, or in the recreational use trailer zone, or in a mobile home part subdivision, except in A-1, Zones of Campbell County subject to the following regulations:

1. The mobile home shall be so located that no other dwelling or business conventional or mobile, exists within a radius of one hundred twenty-five (125) feet of the mobile home.
2. The mobile home site shall be minimum area of one acre with a minimum road frontage of one hundred fifty (150) feet.
3. The mobile home site shall be owned by the person or persons owning and occupying the mobile home and a legally recorded lot and/or plat of same shall be recorded in the Campbell County Clerk's office, provided always that the plat of said lot shall be approved by the Planning and Zoning Commission or where appropriate by the Zoning Administrator,
4. The mobile home shall be set back at least one hundred (100) feet from the front property line and fifty (50) feet from the side property lines:
5. Any person, firm or corporation desiring to locate a mobile home shall file a written petition with the Zoning Administrator, setting forth in said petition a legal description of the entire area to be used for the mobile home site, together with a plat of said area, showing the real estate immediately adjacent thereto, including the location of any other dwelling or business, conventional or mobile. In addition, said petition shall contain a statement showing the names and addresses of all owners of all properties lying within a radius of 125 feet of the mobile home. Said petition shall be accompanied by a certified check or money order in the sum of twenty-five (25) dollars made payable to the Campbell County Fiscal Court to cover the costs of processing the matter. No part of said twenty-five (25) dollars shall be refunded. If it is permissible under the Zoning Regulations, the Zoning Administrator shall state where permissible. If the area to be used as a mobile home site is a division of property so as to come within the preview of the definition of a subdivision as defined in Chapter 100 of the Kentucky Revised Statutes, the party desiring approval shall in addition to complying, with this Section, shall also comply with the Campbell County Planning and Zoning Regulations;

6. The mobile home shall be the only principal building on the lot except as provided in KRS 100.203 (4);
 7. Because of the inherent ability of a mobile home to be moved from one site to another, no permit granted for the installation of such a unit shall be considered perpetual. If, at any time the Campbell County Planning and Zoning Administrator discovers a violation of any section hereof, he may revoke the permit, subject to a right of appeal to the Zoning Commission.
 8. All mobile homes to be placed in an A-1 Zone shall also conform to all portions of Section 9.27.
- B. TRAILERS USED FOR RECREATION: Trailers used exclusively for recreational purposes, customarily connected with the use of the Ohio and Licking Rivers, may locate in any zone in an area between the Water line of either said rivers in pool state and a point of five hundred (500) feet back therefrom. The minimum requirements shall be set forth in paragraph 28A. Trailers in these areas must comply with the State of Kentucky's Recreation Trailer Laws or they shall be deemed to be unlawful
- C. TRAILERS, TEMPORARY: A temporary trailer may be placed on a lot if approved by the Commission, to be lived in while construction of a house is under way. There must be a definite time limit, established by the requester and Commission, at the time the request is made. Each temporary trailer permit shall be valid for one year subject to extension by the Planning and Zoning Commission.

SECTION 9.29 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS

- A. PURPOSE: The purpose of these regulations is to facilitate the planning and placement of Cellular Antenna Towers and Small Cell System Towers and facilities within the community in accordance with the requirements of the most recent and applicable Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and Federal Communications Commission (FCC). These regulations are intended to:
1. Accommodate the need for Cellular Antenna Towers and Small Cell System Towers and facilities, while regulating their location;
 2. Balance the visual effects of Cellular Antenna Towers and Small Cell System Towers and facilities through proper siting, design, and screening;
 3. Encourage the joint use of any new and existing towers and/or support structures to reduce the number of sites.

These regulations apply to every Utility or company that is engaged in the business of providing the required infrastructure to construct or maintain an antenna tower for Cellular Telecommunications Services or Personal Communications Services.

Except as hereinafter specified, no Cellular Antenna Tower or Small Cell System Tower shall hereafter be modified, placed or constructed except in conformity with these regulations.

- B. **DEFINITIONS:** The following words and phrases are used to supplement the definitions include in the Zoning Ordinance.

ANTENNAS OR RELATED EQUIPMENT: Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Cellular Antenna Towers.

APPLICANT: An Applicant is person or entity who is authorized by the provisions of these regulations to file for approval under these regulations.

APPLICATION: An Application is the completed form or forms and all accompanying documents, exhibits, and fees required of an Applicant by the Planning Commission, Planning Commission's duly authorized representative, or the applicable Legislative Body as part of a submission for review.

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 Communication Services.

CELLULAR TELECOMMUNICATIONS SERVICES: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating two (2) or more transmission Antennas or Related Equipment on the same Cellular Antenna Tower.

COMMUNICATION BASE STATION: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communication between user equipment and a communication network.

MONOPOLE: A tower that consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connected appurtenances.

NON-TOWER WIRELESS COMMUNICATION FACILITIES: Wireless communications facilities other than tower-based wireless communications that are located on buildings, utility poles, and other existing structures.

PERSONAL COMMUNICATION SERVICES: Commercial mobile services unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S.C. sec. 332(c).

RIGHT-OF-WAY: The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, Commonwealth, municipality, or municipal authority.

SMALL CELL SYSTEM: A network of remote antenna nodes that distributes radio frequency signals from a central hub through a high capacity signal transport medium to a specific area. The term includes mini commercial towers, small cells, distributed antenna systems, mini cell, or similar systems.

SMALL CELL TOWER: Any structure under fifty (50) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.

TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power

supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

UTILITY: Has the meaning as defined in KRS 278.010(3) as amended or supplemented from time to time.

UTILITY, OVERHEAD: Utility infrastructure that is located primarily above ground. Overhead Utilities include but are not limited to power lines and communications lines.

UTILITY POLE: A structure originally constructed for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public right-of-way or Utility easements. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.

UTILITY, UNDERGROUND: Utility infrastructure that is located primarily underground. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, and communications lines. This definition does not include electric transformers, switch boxes, telephone pedestals and telephone boxes, traffic boxes, and similar devices which are ground mounted.

WIRELESS COMMUNICATIONS FACILITY: The set of equipment and network components including antennas, transmitters, receivers, Communication Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

- C. PUBLIC NOTIFICATION: At least one Public Hearing on the proposal shall be held by the Planning Commission for the construction of a new or modified Cellular Antenna Tower. As part of this hearing, the Planning Commission shall review the proposal for consistency with the Comprehensive Plan, Zoning Ordinance and other relevant regulations.

Upon holding such hearing, the Planning Commission shall review and take final action on Applications for new Cellular Antenna Towers within sixty (60) days of a completed Application, or within a date otherwise specified in a written agreement between the Planning Commission and the Applicant. This time period will not begin until the filing fee is submitted and the application is deemed complete. The Planning

Commission shall notify the applicant once the application is deemed complete and provide the deadline for the review period. The Planning Commission shall either approve, approve with conditions, or deny the Application. If the Planning Commission does not make a final decision within the required sixty (60) days, or the date specified in the written agreement, the Application shall be deemed to be approved as submitted. The Planning Commission shall submit to the Applicant and the local zoning administrator, along with its action, the bases for the decision.

D. APPLICATION PROCESS AND DESIGN STANDARDS: This article defines the application process and basic design standards required by the Planning Commission for:

1. CELLULAR ANTENNA TOWERS
2. SMALL CELL SYSTEM TOWERS

D1. CELLULAR ANTENNA TOWERS

D1A. APPLICATION REQUIREMENT: Application for a *Cellular Antenna Tower* shall conform to the requirements as set forth in KRS 100.9865 and KRS 100.987 on a form prescribed by the Planning Commission.

All information contained in the Application and any updates, except for any map or other information that specifically identifies the proposed location of the Cellular Antenna Tower being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.

D1B. PERMITTED LOCATIONS: *Cellular Antenna Towers* and support facilities are permitted in all zoning districts. Whenever possible, Cellular Antenna Towers, whether temporary or permanent, shall be sited at locations that minimize their adverse effect on adjoining properties and residential uses in the immediate area.

Non-Preferred Locations - The following locations shall be avoided unless no other reasonable site is available:

1. No cellular antenna tower shall be located in a residential zoning district unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

2. No cellular antenna tower shall be located in or within a quarter mile (1,320 feet) of a Historic Landmark/Historic District Overlay District (H) or within a quarter mile of a National Register District or Property unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.
3. No cellular antenna tower shall be located within a Kentucky Scenic Byway as designated by the State of Kentucky or its view shed, so as to have a negative impact on the scenic qualities of the roadway and the views from the roadway unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

D1C. DESIGN GUIDELINES:

1. Tower Design:
 - a. Stealth towers (such as clock towers, church steeples, flagpole towers, etc. with concealed antennas) shall be permitted in all zoning districts.
 - b. Monopole towers shall be permitted in all zoning districts and shall have a grey, or galvanized steel finish. The monopole and foundation shall be designed to accommodate as many co-locators as possible. An alternate color may be approved by the Planning Commission based upon site conditions.
 - c. Lattice towers shall be permitted in non-residential zoning districts and shall have a grey or galvanized steel finish. The lattice tower and foundation shall be designed to accommodate as many co-locators as possible. Lattice towers shall only be permitted when the tower height is greater than 199 feet.
 - d. Guyed towers shall be permitted in agricultural zones only and shall have a grey or galvanized steel finish. The guyed tower and foundations must be designed to accommodate as many co-locators as possible. Guyed Towers shall only be permitted when the tower height is greater than 199 feet.
2. Tower Heights:

- a. The overall height of a Cellular Antenna Tower in a residential zone shall be limited so it does not have to be lit or marked per FAA standards.
 - b. The overall height of a Cellular Antenna Tower in a non-residential zone (except agricultural zones) shall be limited to 199 feet.
 - c. The overall height of a Cellular Antenna Tower in an agricultural zone shall be limited to 315 feet.
3. Setback Requirements:
- a. Cellular Antenna Towers shall be setback a minimum of one (1) times the tower height (tower, antennas and lightning rod) from any public or private street.
 - b. Cellular Antenna Towers shall be setback a minimum of two (2) times the tower height (tower, antennas, and lightning rod) from any residence or residentially zoned property.
 - c. Cellular Antenna Towers shall be setback a minimum of one (1) times the tower height (tower, antennas, lightning rod) from agriculturally zoned property.
 - d. Cellular Antenna Towers shall be setback a minimum of one-fourth ($\frac{1}{4}$) the tower height (tower, antennas, lightning rod) from any non-residentially zoned properties (does not apply to agriculturally zoned properties).
 - e. All accessory structures associated with the Cellular Antenna Tower shall be located as close to the tower base or tower legs as possible. All accessory structures and fences shall be located a minimum of fifty (50) feet from adjoining property lines.
4. Lighting: Cellular Antenna Towers shall not be lit, except as required by the Federal Aviation Administration (FAA).
5. Access and Parking:
- a. If applicable, a proposed access point on a public street shall meet the applicable Zoning Ordinance and Regulations regarding the number of curb cuts

permitted on a property, spacing of driveways, and required sight distance.

- b. The first twenty (20) feet of a proposed driveway (measured from the right-of-way line) that is used exclusively to access a cell tower site shall be paved.
 - c. One (1) parking space and/or turnaround area shall be provided immediately to the side of the cell tower compound.
6. Fencing and Landscaping: A privacy fence, not less than eight (8) feet, shall enclose the base of the Cellular Antenna Tower and associated ground equipment. In addition, the outside perimeter of the fence compound (except the access gate) shall be bound on all sides by a ten (10) foot wide landscaping buffer.
 7. Signage: No signs and/or commercial advertising shall be located on the Cellular Antenna Tower, on the fence surrounding the tower and equipment, or on any buildings accessory to the Cellular Antenna Tower, with the exception of signs providing ownership, safety, and emergency information.
 8. Mitigating Design Standards: The Planning Commission shall consider the following mitigating design standards for Cellular Antenna Towers Proposed in Residential Zoning Districts and other Non-Preferred Locations.
 - a. The Planning Commission shall have the power to require a stealth tower in a residential zone or other non-preferred locations.

Example Considerations:

1. *Is the Cellular Antenna Tower proposed at a location that minimizes adverse impacts on adjoining properties, residential uses, historic properties, or scenic byways?*
2. *Would a stealth tower design help mitigate these impacts and still allow the wireless provider(s) to fulfill their coverage objectives? If so, what type of stealth tower should be used?*

3. *How many wireless providers will be able to locate on the stealth tower? The applicant shall document the co-location opportunities on alternative stealth tower designs and a similarly sized monopole, lattice, or guyed tower.*
 - b. The Planning Commission shall have the power to impose additional landscaping requirements, which may include trees, shrubs, and fencing designed to complement the character of the surrounding area.
 - c. Design and building materials standards may be imposed on accessory buildings.
 - d. Asphalt or other hard surface parking may be required to complement the character of the surrounding area.
- D1D. AMENDMENTS TO APPROVED PLANS: Any amendments to approved plans, except for the minor adjustments as outlined below, shall be made in accordance with the above procedures.

The following activities shall be considered minor adjustments from the original approval of an Application for towers not located in public Rights-of-Way. Changes are measured cumulatively from the original approval of the tower or Communication Base Station.

1. Tower height increases of less than ten (10) percent or twenty (20) feet, whichever is less.
2. Support structure height increases of less than ten (10) percent or ten (10) feet, whichever is less.
3. New equipment extensions from a tower horizontally of less than twenty (20) feet or width of tower at elevation of change.
4. Structure or new item extensions on a Non-Tower Wireless Communication Facility horizontally less than six (6) feet from existing structure.
5. The addition of four (4) or fewer new equipment cabinets within the boundaries of the leased/owned site.
6. Any excavation or deployment within the current boundaries of the leased/owned site and any access/Utility easements.
7. Concealment elements of the tower are not defeated.

8. Activities that comply with all other conditions in any prior approval not related to the limits set forth above.

D2. SMALL CELL SYSTEM TOWERS

D2A. APPLICATION SUBMITTAL: All proposed Small Cell Systems, shall be subject to the review and approval of the Planning Commission Duly Authorized Representative. The Planning Commission's Duly Authorized Representative may refer the application to the Planning Commission for action. One (1) Application for multiple proposed towers within the same Small Cell System is encouraged whenever possible. Applications are limited to ten (10) towers per Application. Multiple towers may only be included on a single Application if they are located within the same city or unincorporated area of the County.

All information contained in the Application and any updates except for any map or other information that specifically identifies the proposed location of the Cellular Antenna Tower then being reviewed shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.

Applicants for the construction of Small Cell Systems for Cellular Telecommunications Services or Personal Communications Services may choose to provide either the Uniform Application per KRS.100.9865 or in lieu of the Uniform Application, the following information should be submitted:

1. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the Application.
2. A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
3. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, the Kentucky Public Service Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.

4. A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
5. A full description of the number and dimensions of all Small Cell Towers proposed to be installed.
6. A site development plan, signed and sealed by a professional engineer registered in Kentucky, showing the proposed location of the tower and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple towers are proposed, an overall site development plan showing all proposed locations within a single city or unincorporated area must be provided.
7. A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas and equipment enclosures. Written approval from the property owner stating the Applicant or provider has permission to construct a facility on their property. In the case of public Right-of-Way or public property, written approval must be submitted from the duly-authorized representative of the governing body holding ownership.
8. Photographs of view shed from each proposed tower location, taken in at least four directions.
9. Description of whether other Overhead Utilities exist within five hundred (500) feet of the proposed antenna location.

D2B: PERMITTED LOCATION AND DESIGN: The design criteria required for the new Small Cell Systems is determined by the type of location or zoning district in which the facility is to be located.

1. NON-TOWER SMALL CELL SYSTEM LOCATION: No administrative review is required for antennas locating on existing telecommunications structures, water towers, buildings, or other existing structures. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.
2. NEW SMALL CELL SYSTEM TOWER LOCATION AND DESIGN IN ALL ZONES:
 - a. Temporary, mobile or wheeled cellular antenna towers shall not be permitted.

- b. New Small Cell Towers shall not exceed the maximum building height for the zoning district within which they are located.
 - c. New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
 - d. New Small Cell Towers may be located on public or private non-residential land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
 - e. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
 - f. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the Stealth Technology such as a design which integrates a decorative banner.
 - g. If a new Small Cell Tower is located in an area with primarily Underground Utilities, or where no adjacent Overhead Utility lines exist, it shall not utilize Overhead Utility lines.
3. NEW SMALL CELL SYSTEM TOWER LOCATION AND DESIGN IN RESIDENTIAL ZONES:
- a. Facilities located within, or immediately adjacent to, residential zoning residential areas are strongly encouraged to be Non-Tower Wireless Communication Facilities.
 - b. New Small Cell Towers and Antenna or Related Equipment shall be camouflaged by Stealth Technology. Examples of appropriate Stealth Technology for residential areas includes, at a minimum, towers with all cables, wires, Transmission Equipment, electric meters, power equipment, etc. installed inside the Small Cell Tower. Other types of stealth technology may be

approved by the Planning Commission or its Duly Authorized Representative.

- c. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the Stealth Technology as approved by the Planning Commission or its Duly Authorized Representative.
- d. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
- e. New Small Cell Towers should avoid areas without Overhead Utilities. If a Small Cell Tower is located in an area with primarily Underground Utilities it must adhere to Stealth Technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, street light or other approved design. In areas with Overhead Utilities, cylindrical antennas are required.
- f. In residential areas, a Small Cell Tower shall not be located closer than the height of the proposed tower to an existing or proposed residential structure, or no closer than thirty (30) feet, whichever is greater.
- g. Efforts should be made to locate new Small Cell Towers in the yard location where other Overhead Utilities are located.
- h. New Small Cell Towers within residential areas should be located to avoid obstructing the view of building facades by placing the tower at a corner, intersection or along a lot line.
- i. New Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell System Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.
- j. Reasonable efforts shall be made to locate new Small Cell Towers in the order of hierarchy below, based on the following functional roadway classification:
 - Interstate
 - Arterial
 - Collector
 - Local

4. NEW SMALL CELL SYSTEM TOWER LOCATION AND DESIGN IN NON-RESIDENTIAL ZONES:

- a. In instances where a facility is proposed to be constructed in the right of way within one hundred (100) feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations for a residential zone shall be followed.
- b. In instances where an antenna is proposed to be constructed within a historic or commercial district with established public or private design control measures, regulations for a residential zone shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district.
- c. Antennas in commercial, institutional, or park areas are encouraged to be installed as Non-Tower Wireless Communication Facilities.
- d. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses:
 - Co-locate on an existing structure whenever possible.
 - Institutional.
 - Industrial.
 - Commercial.
 - Public parks.
 - Agricultural.
- e. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible. Ground mounted equipment boxes should be screened from view with shrubs or other appropriate screening as approved by the Planning and Zoning Commission or its Duly Authorized Representative.
- f. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.
- g. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by the Planning and Zoning Commission or its Duly Authorized Representative.
- h. Cylindrical antennas shall be required, unless another antenna style is integral to the Stealth Technology as approved by the Planning and Zoning Commission or its Duly Authorized Representative.

- i. There shall be no more than a four (4) inch offset between the pole and pole mounted equipment enclosures.

D2C. AMENDMENTS TO APPROVED PLANS: Any amendments to approved plans, except for the minor adjustments as outlined below, shall be made in accordance with the above procedures subject to the same limitations and requirements as those under which such plans were originally approved.

The following activities shall be considered minor adjustments from the original approval of an Application for towers located in public rights of way. Changes are measured cumulatively from the original approval of the tower or Communication Base Station.

- 1. Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
- 2. Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.

E. WAIVER OF REQUIREMENTS: The Planning Commission can modify or waive the design guidelines if there are special circumstances or conditions as determined by the Planning Commission.