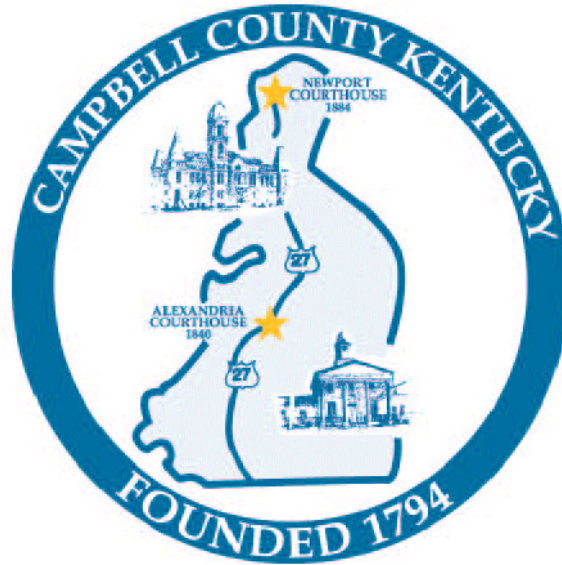


# OFFICIAL ZONING ORDINANCE

UNINCORPORATED  
CAMPBELL COUNTY

# OFFICIAL ZONING ORDINANCE



## CAMPBELL COUNTY COMMONWEALTH OF KENTUCKY

Adopted By:  
Campbell County Fiscal Court  
Ordinance Number 9-11-82

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## ARTICLE I

### A ZONING ORDINANCE

**SECTION 1.0** An ordinance dividing the county of Campbell, Commonwealth Of Kentucky, into zones. Zones of such shape and area as are deemed best suited to carry out these regulations: regulating the location, height, number of stories and size of buildings and other structures: regulating the size of yards and other open spaces and the density and distribution of population and the uses of buildings, structures and land for residential, commercial, industrial, and other purposes: prescribing penalties for the violations: providing for enforcement; a board of adjustment and repealing all regulations, resolutions, orders, ordinances and/or codes in conflict with this ordinance.

BE IT ORDAINED by the Campbell County Fiscal Court, Commonwealth of Kentucky, as follows:



## ARTICLE II

### AUTHORITY AND PURPOSE

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

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

**ARTICLE III**  
**SHORT TITLE**

**SECTION 3.0 SHORT TITLE:** This ordinance shall be effective throughout unincorporated Campbell County, Kentucky and any town or city that may request to be serviced by the County Planning Commission and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF MUNICIPAL CAMPBELL COUNTY."

## ARTICLE IV

### INTERPRETATION

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

**SECTION 4.1 PERMIT OR LICENSE IN VIOLATION:** Notwithstanding any other provisions of this Ordinance or any other ordinances, rules, codes, permits or regulations of the county; if any permit or license is issued in violation of any provision of this ordinance or purports to authorize the doing of any act not permitted by any provision of the Ordinance, said permit or license shall be void.

## ARTICLE V

### CONFLICT

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

**SECTION 5.1 EFFECTIVE DATE:** The effective date of this ordinance November 18, 1982 (Fiscal Court) and May 19, 1982 (City of Melbourne).

## ARTICLE VI

### SEVERABILITY CLAUSE

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

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**ARTICLE VII**  
**DEFINITIONS**

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

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

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

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

**AGRICULTURAL USE:** The use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soy beans, tobacco, timber, or orchard fruits, vegetables, flowers or ornamental plants including provision for dwelling for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or leasing to the public.

**AGRITOURISM:** Seasonal Agricultural related tourism held on a working farm.

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

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

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

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

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

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

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

**BED AND BREAKFAST ESTABLISHMENT:** An owner occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale, typically in an agricultural or small community setting. A bed and breakfast inn shall be limited to a maximum of eight guest rooms or suites on the premises.

**BOARD OF ADJUSTMENTS:** Board of Adjustments of the County.

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

**BOCA CODE:** Building Officials and Code Administrators International, Incorporated. Single family dwellings and modular homes fall under this code. These regulations do not apply to manufactured or mobile homes constructed to the HUD Code specifications.

**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than mining operations such as gold, silver, coal, etc., and that necessary and incidental to grading or to building construction on the premises.

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

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

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

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

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

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

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

**BUILDING INSPECTOR:** The official or officials hired by the county to administer and enforce the building codes and working for the Planning and Zoning Commission

**BUILDING LINE:** A line defining the minimum front, side, and rear yard requirements.

**BUILDING PERMIT:** A permit issued by the County's Planning and Zoning Office authorizing the construction or alteration of a specific building, structure, sign, or fence upon receipt of a deed, plat and set of plans, and at the owners request.

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

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

**CAMPING/VACATION MOBILE UNIT:** Any coach, camper trailer, tent, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle. Trailers must be under 26 feet in length, per KRS 186.650.



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

**CARPORT:** See GARAGE, PRIVATE.

**CELLAR:** That portion of a building between floor and ceiling which is wholly or partly below the average level of the adjoining grade and so located that the vertical distance from the average level of the adjoining grade to the floor below is equal to or greater than the vertical distance from the average level of the adjoining grade to the ceiling.

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

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

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

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

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

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

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

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

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

**CONDITIONAL USE:** A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on locations, size extend and character of performance are imposed in addition to those imposed within this ordinance. They shall be approved by the Board of Adjustments.

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

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

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

**COUNTY:** The County of Campbell, State of Kentucky.

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

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

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

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

**DORMITORY:** A residence hall providing residences for individuals or groups of whom all are exclusively associated with an institution for higher education.

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

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

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

DWELLING, GROUP HOUSE: A building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being completely separated from any other building by space on all sides and such space shall be at least the required minimum yard setbacks as so specified in this Ordinance.

DWELLING, MULTI-FAMILY: A residential building having three (3) or more dwelling units, as separate housekeeping units. This type of dwelling shall be inclusive of apartment buildings and group house dwellings.

DWELLING, TRAILER: See MOBILE HOME.

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

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

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

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

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

**ELECTRO-MECHANICAL GAMES CENTER:** A business that provides electro-mechanical pinball machines and video game specifically designed constructed, set up, and kept to be played for amusement only.

**ENCOMPASSMENT:** The purchase of two or more partials of land which adjoin each other to form one continuous partial or both sides of a road's right-of-way. Partials can be purchased at different times, this is still encompassment.

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

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

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

**FILLING STATION:** See SERVICE STATION.

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

**FLOOD-100 YEAR FREQUENCY:** The highest level of flooding that, on the average, is likely to occur once every 100 years, not including the 1937 flood which is in the 400 year frequency.

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

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

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

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

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

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

**FRATERNITY OR SORORITY:** A club or social activity officially associated with and recognized and supervised by a state or national institution.

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

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

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

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

**GARAGE, PUBLIC:** A building or portion thereof designed, intended and used exclusively for the care, repair, or equipment of self-propelled motor vehicles or other vehicles. This definition shall not include private garage.

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

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

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

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

**HOUSE TRAILER:** See MOBILE HOME

**HUD CODE:** Federal construction standards for manufactured homes, enforced by the Department of Housing and Urban Development (HUD). The HUD Code specifically preempts local building codes as they relate to construction codes for manufactured houses.

**JUNK YARD:** An open area where any waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes an auto wrecking yard or the storage or keeping of five (5) or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed buildings, owner must be holder of State License, per KRS 771.905.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MANUFACTURED HOME (formerly called "Mobile Homes"):** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured homes shall meet or exceed all the requirements of Sections 9.27 and 9.28 of this Ordinance, KRS 227.550-660, KRS 227.990, and 815 KAR 25:010-040. The types of manufactured homes are: 1. Multi-Section manufactured homes are delivered to the homesite in two or three sections. 2. SINGLE-SECTION manufactured homes are delivered to the homesite in one intact section.

**MANUFACTURED HOUSING:** Manufactured homes, mobile homes, recreational vehicles, or mobile office.

**MARINA:** A facility designed and used for storing, fueling, berthing, and launching of watercraft.

**MEZZANINE:** An immediate or fractional story between the floor and ceiling of a main story, used for the purpose accessory to the principal use. A mezzanine is usually just above the ground floor and extending over only part of the main floor.

**MINIMUM BUILDING SETBACK LINE:** A line parallel to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space, as specified in this ordinance.

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

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

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

**MINI WAREHOUSING:** A structure containing multiple, separate, self-contained storage units, that are leased or rented on an individual or collective basis.

**MOBILE HOME:** A structure fabricated prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976 and transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Mobile homes may consist of one (1) or more units that can be attached or joined together to comprise an integral unit and shall meet or exceed all the requirements of Sections 9.27 and 9.28 of this Ordinance.

**MOBILE HOME PARK:** Any lot, parcel, or two (2) premises, subdivided, designed, maintained, intended, and/or used to accommodate more mobile homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

**MODULAR HOUSING:** Housing fabricated in an off-site manufacturing facility under standards enforced the BOCA Code. Delivered to the homesite in several sections, the home's interior amenities may be installed at the manufacturing facility or at the site. This definition shall not include mobile homes or manufactured homes.



NKAPC: Northern Kentucky Area Planning Commission.

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

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

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

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

NURSERY SCHOOL: Any building used for the daytime care of education of preschool age children with or without compensation, and including all accessory buildings and play areas. Those establishments must be approved by the appropriate State departments.

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

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

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

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

PARKING AREA, OFF-STREET: An open, surfaced area other than the rights-of-way of a street, alley, or place, used for temporary parking of motor vehicles. This definition shall not include private or public garages.

PARKING BUILDING OR GARAGE: A building or portion thereof designed, intended, and used exclusively for the temporary parking of motor vehicles which may be publicly or privately owned and/or operated. This definition shall not include private garages.

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

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

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

**PUBLIC BUILDING:** Any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a City, County, State or Federal Government or by a public utility corporation or municipal district or authority.

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

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

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

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

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

**SCHOOLS, BUSINESS:** An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this ordinance, business colleges shall be included in this definition.

**SCHOOLS, TRADE:** An institution or place for instruction or education, specifically in one or more of the general trades such as: welding, carpentry, electrical, etc.

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

**SERVICE STATION:** Any building, structure, or land used for the dispensing, sale or offering for sale at retail, any automobile fuels, oils, or accessories and in connection may include general automobile servicing of a minor nature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STABLE, PRIVATE:** A separate accessory building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not kept for compensation, hire or sale.

**STABLE, PUBLIC:** A main building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area where such stable is located and where such horses or ponies are owned by the owners, occupants of the premises or other and are kept for compensation, hire or sale.

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

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

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

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

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

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

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

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

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

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

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

**SUBDIVISION:** The division of a parcel of land into three (3) or more lots or parcels except in a county containing a city of the first, second, or third class or in an urban-county government where a subdivision means the division of two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

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

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

- A. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
- B. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by

persons who reside or are housed on the same lot or who are regular members of such organizations.

- C. Public: a swimming pool operated by a unit of government for the general public, whether or not an admission fee is charged.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

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

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

VARIANCE: A departure from dimensional terms of the zoning ordinance, pertaining to height, width, or location of structures and size of yards and open spaces (but not population density) where such departure meets the requirements of KRS 100.241 to 100.247.

TENT: Any structure or enclosure, the roof of which and/or one-half (12) or more of the sides are constructed of silk, cotton canvas, fabric, or 4 similar light material.

YARD: An open space on the same lot or building site with a main building, unoccupied and unobstructed from the ground upward, except by trees, plants shrubbery's, ornaments, dog houses, outdoor furniture, and except as otherwise permitted in Section 9.10, D, "Permitted Obstructions in Minimum required Yards."

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

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

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

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

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

**ARTICLE VIII**

**ESTABLISHMENT OF ZONES**

**SECTION 8.0 ZONES:** For the purpose and intent of this ordinance, the county is hereby divided into the following zones:

- R/CO River Recreation/Conservation Zone
- A-1 Agricultural One Zone
- R-RE Residential Rural Estate
- R-1A Residential One-A Zone
- R-1B Residential One-B Zone
- R-1C Residential One-C Zone
- R-1CC Residential One-CC Zone
- R-1D Residential One-D Zone
- R-1DD Residential One-DD Zone
- R-1E Residential One-E Zone
- RMHP Residential Mobile Home Park Zone
- R-2 Residential Two Zone
- R-3 Residential Three Zone
- PUD Planned Unit Development Overlay Zone
- RCD Residential Cluster Development Overlay Zone
- INST Institutional Zone
- MLU Mixed Land Use Zone
- NC Neighborhood Commercial Zone
- HC Highway Commercial Zone
- PO Professional Office Zone
- NSC Neighborhood Shopping Center Zone
- SC Shopping Center Zone
- RC Rural Commercial Zone
- I-1 Light Industrial Zone
- I-2 Heavy Industrial Zone
- IM Industrial Mining Zone
- I-4 Industrial River Zone (Non-urban service area)
- I-5 Industrial River Zone (Urban areas)

**SECTION 8.1 OFFICIAL ZONING MAP:** The zones are bounded and defined as shown on the map entitled "OFFICIAL CAMPBELL COUNTY ZONING MAP" and shall so remain on file in the offices of the Campbell County Planning Commission in the Campbell County Courthouse, Alexandria, Kentucky.

**SECTION 8.2 CHANGES ON ZONING MAP OR MAPS:** If, in accordance with the provisions of this Ordinance and Kentucky Revised Statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map (or maps), such changes shall be made on the Official Zoning Map (or maps) by the Zoning Administrator promptly after the amendment to this Ordinance has been approved of by the County Commissioners and the Planning Commission is officially notified by a

certified copy of said Amendment in ordinance form. Such change shall not become effective until said changes have been made on said map (or maps). In addition, no building, structure, sign or fence permit shall be approved or issued until the OFFICIAL ZONING MAP (or maps) indicate the proper zoning for the use intended as indicated upon the application for a permit.

No changes of any nature shall be made on the Official Zoning Map (or maps) or matter shown thereon which are not in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map (or maps), the OFFICIAL ZONING MAP, which shall be located in the County Office, designated by law, shall be the final authority as to the current zoning status of land, buildings and other structures in the County.

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

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

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



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

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

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

## ARTICLE IX

### GENERAL REGULATIONS

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

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

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**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 fine.
  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.

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## ARTICLE X

### ZONE REGULATIONS

#### SECTION 10.0 RIVER RECREATION/CONSERVATION (R/CO) ZONE:

A. USES PERMITTED:

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

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences are regulated by Article XIII of this Ordinance.
3. Signs as regulated in Article XIV of this Ordinance.

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

1. Riding academies and stables;
2. The following uses are permitted in connection with streams, rivers, lakes, or other bodies of water, providing that the development of all permitted facilities adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection, and such statements of approval or denial shall be submitted to the Board of Adjustment at the time of submittal for a conditional zoning certificate:

a. Boat harbors and marines;

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

- (1) Boat fueling, service and repairs.
- (2) Sale of boat supplies.
- (3) Grocery store.
- (4) Restaurant.
- (5) Club house and lockers, if afloat.
- (6) Single-Family dwelling units including cabins.

b. Public boat landing and launching facilities.



- c. Dockage facilities.
  - d. Off-street parking facilities and temporary parking of boat trailers including spaces large enough to accommodate automobiles pulling boats.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
  - a. Minimum Lot Area - One (1) acre
  - b. Minimum Lot Width - One hundred fifty (150) feet
  - c. Minimum Front Yard Depth - Fifty (50) feet
  - d. Minimum Side Yard Width - Twenty five (25) feet
  - e. Minimum Rear Yard Depth - Fifty (50) feet
  - f. Maximum Building Height - Twenty five (25) feet
- E. OTHER DEVELOPMENT CONTROLS:
  - 1. All "Uses Permitted and Conditional Uses" permitted in this zone shall require a certificate of approval from the County Engineer, certifying his approval of the type of and manner of construction to be built (insuring that such construction shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses or unnecessary destruction of natural features)'. It shall be submitted to the Planning and Zoning Commission along with the description and/or site plan or the proposed use, at time of request.
  - 2. Temporary camping units, tents, and recreational vehicles as defined in KRS 219.320 (8) shall be permitted; however, no such units shall be used for year-round habitation, and not more than two units may occupy any lot at one time.
  - 3. Temporary camping units, tents, and recreational vehicles--as defined in KRS 219.320 (8) shall be permitted; however, no such units shall be used for year round habitation and not more than two (2) units may occupy any lot at one time.
  - 4. Off-street parking shall be provided for any use within this zone, according to the provisions of Section XI of this ordinance.
  - 5. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  - 6. No motor vehicle which is inoperable, mobile home, or trailer which is usable or unusable, shall be stored or used for storage of any items therein on any lot or parcel in this zone.
  - 7. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

**SECTION 10.1 A-1 AGRICULTURE ZONE:**

**A. USES PERMITTED:**

1. Agricultural uses.
2. Single family dwellings (detached).
3. Mobile homes subject to the requirements of Section 9.28 of this ordinance and KRS 100.203 (4).
4. Stands for sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street.
5. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises.
6. Stables and riding academies both public and private.
7. Taxidermy and other related wildlife resources and service, with sales portion not to exceed 10% of the gross floor area of the operations.
8. Animal Hospitals and Veterinary Clinics.
9. Agritourism uses.
10. Butcher/meat processing in connection with other agricultural activities.

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Home-Based Businesses subject to the restrictions and limitations established in Section 9.11 of this ordinance.
4. Signs as regulated by Article XIV of this ordinance.
5. The keeping of not more than four (4) roomers or boarders by a resident family.
6. Living quarters for persons employed on a farm.

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

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Nursery school.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.

6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
  7. Recreational uses, other than those publicly owned and/or operated as follows:
    - a. golf courses
    - b. country clubs
    - c. semi-public swimming pools
    - d. tennis courts/clubs
    - e. fishing lakes
    - f. gun clubs and ranges
    - g. boat harbors and marinas
  8. Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least two (200) hundred feet from every adjoining lot in any Residence Zone, and that the area of the parcel of land so occupied shall be no less than ten (10) acres.
  9. Essential services and public utility stations.
  10. Sanitary landfills as regulated by Section 9.25 of this ordinance.
  11. Commercial confined animal feed operations provided that any lot or tract of land in such use shall be not less than ten (10) acres and that any building or enclosure in which animals are kept shall be distant at least four hundred (400) feet from any lot in any Residence Zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care.
  12. Sawmills.
  13. Plants for the processing and storage of agricultural products.
  14. Boat harbors, and marinas, for the use and transport of products that are raised, produced, and processed on the premises.
  15. Kennels.
  16. Bed and breakfast establishments.
  17. Event facilities.
  18. Restaurants.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - One (1) acre
  2. Minimum Lot Width - One hundred (100) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width
    - a. Total - Twenty five (25) feet

- b. One Side - Ten (10) feet
  - 5. Minimum Rear Yard Depth - Thirty-five (35) feet
  - 6. Maximum Building Height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USE:  
No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
- 1. Minimum Lot Area - Three (3) acres
  - 2. Minimum Lot Width - One hundred (100) feet
  - 3. Minimum Front Yard Depth - Fifty (50) feet
  - 4. Minimum Side Yard Width
    - a. Total - Twenty five (25) feet
    - b. One Side - Ten (10) feet
  - 5. Minimum Rear Yard Depth - Thirty-five (35) feet
  - 6. Maximum Building Height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
- 1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  - 2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.
  - 3. Storage of manure shall not be permitted within one hundred (100) feet of a public or private street, or within fifty (50) feet of a side or rear lot line.
  - 4. All permitted uses shall site a single-family dwelling which meets the applicable area and height regulations for all structures.

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**SECTION 10.2 R-RE RESIDENTIAL RURAL ESTATE**

**A. USES PERMITTED:**

1. Single family dwellings, detached.
2. Horse related uses, including riding and boarding stables for personal use with minimum lot area of 4 acres.
3. Greenhouse, nurseries or gazebo for personal use with minimum lot area of 4 acres.

**B. ACCESSORY USES:**

Accessory uses applicable to Permitted Use A. 1. only.

1. Customary accessory buildings and uses.
2. Home-Based Businesses subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. The keeping of not more than two (2) roomers or boarders.

Accessory uses applicable to all permitted uses

1. Fences and walls as regulated by Article XIII of this ordinance

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

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for higher education providing they are located adjacent an arterial street.
4. Nursery schools.
5. Public and parochial schools.
6. Publicly owner and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools
  - d. tennis courts/clubs
  - e. fishing lakes and clubs

- f. gun clubs and ranges
    - g. riding stables and saddle clubs
  - 8. Institutions for human medical care-hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located on arterial streets.
  - 9. Police and fire stations provided they are located adjacent to an arterial street.
  - 10. Essential services and public utility stations.
  - 11. Noncommercial structure without a detached single-family dwelling provided that the location for a detached single-family has been sited meeting all applicable area and height regulations for all structures.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations.
  - 1. Minimum Lot Area - One (1) acre
  - 2. Minimum Lot Width - One hundred (100) feet
  - 3. Minimum Front Yard Depth - Fifty (50) feet
  - 4. Minimum Side Yard Width
    - a. Total - Twenty five (25) feet
    - b. One Side - Ten (10) feet
  - 5. Minimum Rear Yard Depth - Twenty-five (25) feet
  - 6. Maximum Building Height - Thirty-five (35) feet
- E. OTHER DEVELOPMENT CONTROLS:
  - 1. Off street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  - 2. No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way or into any residential zone.
  - 3. All buildings for the storage of animals and/or manure shall be located a minimum of two hundred (200) feet from all front, side, and rear property lines.
  - 4. All permitted uses shall site a single-family dwelling which meets the applicable area and height regulations for all structures.

**SECTION 10.3 R-1A RESIDENTIAL ONE-A ZONE:**

**A. USES PERMITTED:**

1. Single family dwellings.

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
5. Police and Fire Stations
6. Public Utility Stations, after the approval of the Commission.

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

1. Cemeteries
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
4. Nursery schools
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - Seventy-five (75) feet
3. Minimum Front Yard Depth - Fifty (50) feet



4. Minimum Side Yard Width - Ten (10) feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - One (1) acre
  2. Minimum Lot Width - One Hundred (100) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width - Twenty-five (25) feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
  4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10.4 R-IB RESIDENTIAL ONE-B ZONE:**

**A. USES PERMITTED:**

1. Single family dwellings, with or without a central sewage system, in the county, or within the city limits

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this ordinance
4. Home occupations subject to the restriction and limitations established in Section 9.11 of this Ordinance.
5. Public Utility Stations, after the approval of the Commission.

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

1. Cemeteries
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for human medical care- hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
4. Nursery school.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools
8. Police and Fire Stations.

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

1. Minimum Lot Area - One-half (1/2) acre or One (1) acre if central sewage is not adjacent to the lot
2. Minimum Lot Width - Seventy-five (75) feet
3. Minimum Front Yard Depth - Thirty (30) feet
4. Minimum Side Yard Width - Ten (10) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

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

1. Minimum Lot Area - One-half (1/2) acre or One (1) acre if central sewage is not adjacent to the lot
2. Minimum Lot Width - Seventy-five (75) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - Twenty-five (25) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

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

**SECTION 10.5 R-IC RESIDENTIAL ONE-C ZONE:**

**A. USES PERMITTED:**

1. Single family dwellings, with a central sewage system, in the county; or within the city limits.

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
5. Public Utility Stations, after the approval of the Commission.

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

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for human medical care hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
4. Nursery school.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools
8. Police and fire stations.

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

1. Minimum Lot Area - Twelve thousand five hundred (12,500) square feet.

- 
2. Minimum Lot Width - Seventy (70) feet
  3. Minimum Front Yard Depth - Thirty-five (35) feet
  4. Minimum Side Yard Width
    - a. Total - 20 feet
    - b. One side - 7 feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
  2. Minimum Lot Width - One hundred (100) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width - Twenty-five (25) feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

**SECTION 10.6 R-1CC (RESIDENTIAL ONE-CC) ZONE:**

**A. PERMITTED USES:**

1. Single-family residential dwellings (detached).
2. Two-Family residential dwellings.

**B. ACCESSORY USES:**

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

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

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

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

1. Minimum Lot Area

- a. Single Family - Twelve thousand five hundred (12,500) square feet
    - b. Two-Family - Eighteen thousand seven hundred fifty (18,750) square feet
  - 2. Minimum Lot Width at Building Setback Line
    - a. Single Family - Seventy (70) feet
    - b. Two-Family - Eighty (80) feet
  - 3. Minimum Front Yard Depth - Thirty-five (35) feet
  - 4. Minimum Side Yard Width
    - a. Total - 20 feet
    - b. One Side - 7 feet
  - 5. Minimum Rear Yard Depth - Twenty-five (25) feet
  - 6. Maximum Building Height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:
- 1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
  - 2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet
  - 3. Minimum Front, Side (on each side of lot) and Yard Depths - Fifty (50) feet
  - 4. Maximum Building Height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  - 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  - 3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
  - 4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

**SECTION 10.7 R-ID RESIDENTIAL ONE-D ZONE:**

**A. USES PERMITTED**

1. Single family dwellings with a central sewage system, in the county; or within the city limits

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
5. Public Utility Stations, after the approval of the Commission.

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

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for human medical care--hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
4. Nursery school.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools
8. Police and Fire Stations.

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

1. Minimum Lot Area - Nine thousand (9,000) square feet



- 
2. Minimum Lot Width - Seventy (70) feet
  3. Minimum Front Yard Depth - Thirty (30) feet
  4. Minimum Side Yard Width
    - a. Total - 18 feet
    - b. One side - 6 feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
  2. Minimum Lot Width - One hundred (100) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width - Twenty-five (25) feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
  4. Where any yard of any conditional use permitted in this zone property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this Ordinance shall be required.

**SECTION 10.8 R-1DD (RESIDENTIAL ONE-DD) ZONE:**

**A. PERMITTED USES:**

1. Single-family residential dwellings(detached).
2. Two-family residential dwellings(detached).

**B. ACCESSORY USES:**

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

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

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

**D. SPECIAL PERMITTED ACCESSORY USES:** When authorized by the County Planning and Zoning Commission:

1. Clubs, fraternities, sororities, lodges, and meeting places for similar organizations of a non-commercial nature.
2. Sororities, fraternities and dormitories may be establish live-in quarters near an institution for higher education; providing the following requirements are complied with:
  - a. Each structure must have a counselor who will reside in the house with the students and assume control of the students.
  - b. No normal room shall contain more than two (2) students per room. Dormitory type rooms may contain additional students, but only after the plans, for such rooms, have been approved of by the Commission.
  - c. Prior to the issuance of a occupancy permit, by the zoning office, the institution responsible for the operation, management, and supervision of such facilities, shall submit any other pertinent information that my be deemed appropriate.

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum Lot Area
  - a. Single Family - Nine thousand (9,000) square feet
  - b. Two-Family - Thirteen thousand five hundred (13,500) square feet
2. Minimum Lot Width at Building Setback Line
  - a. Single Family - Seventy (70) feet
  - b. Two-Family - Eighty (80) feet
3. Minimum Front Yard Depth - Thirty (30) feet
4. Minimum Side Yard Width
  - a. Total - 18 feet
  - b. One Side - 6 feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet
3. Minimum Front, Side (on each side of lot) and Yard Depths - Fifty (50) feet
4. Maximum Building Height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS:

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

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**SECTION 10.9 R-IE RESIDENTIAL ONE-E ZONE:**

**A. USES PERMITTED:**

1. Single family dwellings with a central sewage system, in the county; or within the city limits

**B. ACCESSORY USES:**

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

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

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
4. Nursery schools.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses other than those publicly owned and/or operated as follows:
  - a. golf courses.
  - b. country clubs.
  - c. semi-public swimming pools.
8. Police and Fire Stations.

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

1. Minimum Lot Area - Seven thousand five hundred (7,500) square feet

- 
2. Minimum Lot Width - Fifty (50) feet
  3. Minimum Front Yard Depth - Thirty (30) feet
  4. Minimum Side Yard Width
    - a. Total - 15 feet
    - b. One side - 5 feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
  2. Minimum Lot Width - One hundred (100) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width - Twenty-five (25) feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
  4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10.10 RMHP RESIDENTIAL MOBILE HOME PARK ZONE:**

**A. USES PERMITTED:**

1. Mobile homes, only.

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Dwelling unit for the owner, operator or manager on a site 10,000 square feet in area.
3. Structures and uses related to and for the exclusive use of residents of the mobile home park as follows, but excluding any commercial operations:
  - a. Recreational facilities and areas;
  - b. Community center;
  - c. Laundry facilities;
  - d. Accessory use structures;
4. Fences and walls, as regulated by Article XIII of this Ordinance.
5. Signs, as regulated by Article XIV of this Ordinance.

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

1. Minimum Site for a Mobile Home Park - Ten (10) acres
2. The width of said park - A minimum distance of three hundred (300) feet, as measured along a deeded right-of-way. The park shall be a platted subdivision with lots and streets in accordance with the provisions of this section and the Campbell County Subdivision Regulations, approved by the planning commission. The park may be phased to achieve completion of the ten acre minimum area through review of the phasing process by the planning commission.
3. Minimum Lot Area - Six thousand (6,000) square feet provided. In the case of this zone, only one principal building (mobile home) as defined herein may be permitted on one lot
4. Minimum Lot Width - Fifty (50) feet and shall abut a deeded right-of-way
5. Minimum Front Yard Depth - Twenty (20) feet
6. Minimum Side Yard Width - Fifteen (15) feet
7. Minimum Rear Yard Depth - Twenty (20) feet
8. Maximum Building Height - Twenty-five (25) feet
9. Minimum Setback of All Buildings and Structures within Mobile Home Parks at All Park Boundary Lines - Thirty (30) feet, except that the Planning and Zoning Commission may increase or reduce this distance where due to topography, street location, structures on adjacent properties, or shape of this lot, this distance should or may be revised



D. OTHER DEVELOPMENT CONTROLS:

1. In a mobile home park in which lots are to be platted the following conditions shall be used.
  - a. The minimum side yard on each side of the lot shall be fifteen feet.
  - b. The minimum rear yard depth shall be twenty (20) feet.
  - c. Not more than one (1) principal building shall be permitted on any lot.
  - d. The minimum lot width shall be fifty (50) feet.
  - e. Street-All streets within the mobile home park shall be within deeded and accepted public right-of-way and constructed according to the appropriate subdivision regulations, having a minimum width of twenty-eight (28) feet.
    - (1) Streets shall be provided and placed in the site where necessary to furnish principal traffic ways for convenient access to each mobile home and other important facilities in the area.
    - (2) Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile home park.
2. In a mobile home park in which lots will not be platted the following conditions shall be used.
  - a. The minimum side yard distances between mobile homes shall be at least fifteen (15) feet.
  - b. The minimum rear yard distance between mobile homes shall be At least twenty (20) feet.
  - c. More than one principal building may be permitted on a lot.
  - d. The minimum street frontage for each mobile home as measured along a line parallel to and twenty (20) feet from the street shall be fifty (50) feet, except that on cul-de-sacs or irregularly shaped lots. - the Planning and Zoning Commission may vary this required frontage.
  - e. All streets within a mobile home park shall be paved with concrete at least six (6) inches thick or the accepted equivalent of gravel and asphaltic concrete, (as set forth in the Subdivision Regulations) to a width of at least twenty-four (24) feet.
    - (1) Streets shall be provided and placed on the site where necessary to furnish principal traffic ways for convenient access to each mobile home and other important facilities in the area.
    - (2) Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile home park.

- (3) Turning radius on a street twenty-four (24) feet wide shall be a minimum of thirty-five (35) feet.
    - (4) In all other respects, the interior streets shall be built to County specifications regarding curbs, crowns, and drainage as set forth in the Subdivision Regulations.
  3. A mobile home; including accessory structures, decks or patios, shall not cover more than 50% of the mobile home site.
  4. A deck or patio slab of at least one hundred eighty (180) square feet shall be provided on each mobile home site and conveniently located at the entrance of each mobile home'
  5. Fire hydrant location and types shall be approved by the local fire department prior to construction.
  6. All proposed rules and regulations or deed restrictions shall be submitted with the plans prior to approval and shall be included as a condition to approval.
  7. Not less than five (5) percent of the gross area of the mobile home park shall be set aside, designed, constructed, and equipped as a recreational area. A minimum of one-half acre per recreation site shall be provided.
  8. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
  9. Where any yard in this zone abuts another zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this Ordinance shall be required.
  10. A site plan, as regulated by Section 9.1 of this Ordinance shall be required for any use in this zone.
- E. SALE OF MOBILE HOMES: Sale of new mobile homes for on or off site use may be permitted as a conditional use in this zone. The following conditions must be met before consideration of any application will be given:
1. The site must be in a mobile home park meeting all existing requirements in this zone.
  2. The number of mobile homes for sale or show shall not exceed ten (10) percent of the total number, rounded up to the nearest whole number, of available lots in the development.
  3. Each unit for sale must occupy a lot which is equal in size, landscaping and paving to average lot in the development.
  4. No additional outdoor lighting, flags, or pennants shall be permitted to define the units for sale.

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**SECTION 10.11 R-2 RESIDENTIAL TWO ZONE:**

**A. USES PERMITTED:**

1. Two family dwellings.
2. Single family dwellings.

**B. ACCESSORY USES:**

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

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

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

**E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:** No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - Twenty thousand (20,000) square feet for the first four (4) dwelling units or less; four thousand (4,000) square feet shall be provided for every dwelling unit thereafter. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
  2. Minimum Lot Width - One Hundred (100) feet
  3. Minimum Front Yard Depth - Forty (40) feet
  4. Minimum Side Yard Width - Fifteen (15) feet
  5. Minimum Rear Yard Depth - Thirty (30) feet
  6. Maximum Building Height - Forty (40) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
  2. Minimum Lot Width - One Hundred fifty (150) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width - Fifty (50) feet
  5. Minimum Rear Yard Depth - Fifty (50) feet
  6. Maximum Building Height - Forty (40) feet
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
  4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this Ordinance shall be required.
  5. A site plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use Permitted in this zone.

**SECTION 10.12 R-3 RESIDENTIAL THREE ZONE:**

**A. USES PERMITTED:**

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

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Public Utility Stations, after the approval of the Commission.

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

1. Cemeteries.
2. Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.
3. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
4. Nursery school.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, and libraries.
7. Recreational uses other than those publicly owned and/or operated as follows:
  - a. golf courses
  - b. country clubs
  - c. semi-public swimming pools
8. Police and Fire Stations.
9. Clubs, fraternities, and sororities.

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

1. Minimum Lot Area

- a. Two-Family - Twenty two thousand (22,000) square feet; two thousand (2,000) square feet for each additional dwelling unit
  - b. Multi-Family - Twenty two thousand five hundred (22,500) square feet for the first four (4) dwelling units; two thousand (2,000) square feet for each additional dwelling unit
2. Minimum Lot Width - One hundred (100) feet
  3. Minimum Front Yard Depth - Forty (40) feet
  4. Minimum Side Yard Width - Ten (10) feet
  5. Minimum Rear Yard Depth - Thirty (30) feet
  6. Maximum Building Height - Forty (40) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - Twenty two thousand five hundred (22,500) square feet
  2. Minimum Lot Width - One hundred (100) feet
  3. Minimum Front Yard Depth - Fifty (50) feet
  4. Minimum Side Yard Width - Twenty-five (25) feet
  5. Minimum Rear Yard Depth - Twenty-five (25) feet
  6. Maximum Building Height - Same as for a conforming lot
- F. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
  3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
  4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this Ordinance shall be required.
  5. A site plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Planned Unit Development regulations as regulated by Section 9.19 of this Ordinance.

**SECTION 10-13 PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE:**

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land facilitating a more economic arrangement of building , circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
  
- B. **GENERAL:** A Planned Unit Development overlay Zone may be permitted only to be superimposed over any of the Residential (R) zones, provided that all conditions or provisions of this section of the Ordinance, t applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding developments are met; and a public hearing is held on the PUD Application
  
- C. **APPLICATION AND PROCESSING:** Application for Planned Unit Development Overlay Zone shall be processed as follows in two stages:
  - 1. **Stage I Development Plan and zoning map amendment:** Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Subsection D.
    - a. The Planning Commission shall hold a public hearing on the proposed application, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Development Plan and other applicable requirements of this Section. Upon holding such hearing the Planning Commission shall make one of the following recommendations to the legislation body: approval, approval with conditions or disapproval. The Planning Commission shall submit along with their recommendations a copy of the Stage I Development Plan and the bases for their recommendation.
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve, or disapprove said PUD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed



and considered by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission, for further review and recommendation in accordance with Section 10.13.C, 1, a. Approval of the PUD Overlay Zone shall require that development be in conformance with the Stage I approval Development Plan.

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

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

2. STAGE II DEVELOPMENT PLAN AND RECORD PLAT: A Stage II development plan and Record Plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of Subsection E, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing the subdivision regulations may be waived, where applicable, and the requirements of Subsection E shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform with the subdivision regulations.
  - a. The Planning Commission shall review the submitted Stage II development plan with regard to its compliance with the required elements of Subsection E. 1, for Stage II development plans, other applicable elements of this ordinance, other applicable regulations, and its conformity with the Stage I approved development plan. The Planning Commission, in approving the Stage II development plan, may authorize minor adjustments from the Stage I approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas of affect other applicable requirements of this ordinance. Upon Planning Commission approval of the Stage II development plan, a copy of said plan, shall be forwarded to the local zoning administrator, who shall grant permits only in accordance with the Stage II approved development-plan and other plans as may be required by this ordinance.
  - b. Upon approval of the Stage II development plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with the required elements of Subsection E.2, for

Record Plats, the applicable requirements of the Subdivision Regulations, and its conformity with the Stage II approved development plan. Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

D. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I development plan shall identify and provide the following information:

1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals two hundred (200) feet showing:
  - a. The total area in the project: by aerial photograph.
  - b. The present zoning of the subject property and all adjacent properties.
  - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
  - d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet;
  - e. All existing and proposed housing units on the subject property;
    - (1) Detached housing - location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings.
    - (2) Attached housing - location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable.
  - f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property;
  - g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas;
  - h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimensions;
  - i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades;
  - j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions;
  - k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric

and telephone service which shall be required to be installed underground;

E. STAGE II DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS: The Stage II development plan and record plat shall conform to the following requirements:

1. Stage II Development Plan: The applicant shall submit a Stage II Development Plan, in conformance with the Stage I approved Development Plan, at a scale not smaller than one (1) inch equals Fifty (50) feet, that identifies and provides the following information:
  - 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 Commission.
  - b. All housing units on the subject property:
    - (1) Detached housing - Location, 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. Location of signs indicating their orientation and size and height.
  - g. All utility lines and easements:
    - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
    - (2) Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location,, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
    - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses,

- width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.
- (4) Other utilities (e.g.; electric, telephone, etc.) including the type of service and the width of easements, revealing the underground installation of the wiring.
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
  - i. Circulation System:
    - (1) Pedestrian walkways, including alignment, grades, type of surfacing and width;
    - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
  - j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;
  - k. The schedule of development staging and phasing-in accordance with the requirement in Subsection D.3, and as approved in the Stage I Approved Development Plan.

The Information required by Section E, items a through k, may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- 2. Record Plat: The applicant shall submit a Record Plat, in conformance with the Stage II approved Development Plan, at a scale not smaller than one (1) inch equals fifty (50) feet. If the Record Plat is submitted in sections, an index shall be developed showing the entire PUD. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission, and in addition thereto, the following.

- a. All areas reserved for common ownership with an indication of the properties the owners will share in common;
  - b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval of the Planning Commission)
  - c. Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses.
- F. RESIDENTIAL USES AND DENSITIES: All types of residential housing units (attached or detached) may be permitted within a PUD Overlay zone, including single-family, two-family, and multi-family units. The density of dwelling units in a PUD, shall be determined by the density (dwelling units per acre) as calculated from the existing residential (R) zone superimposed by the PUD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private). Not more than sixty (60) percent of the total acreage shall be utilized.
- G. COMMERCIAL USES: Commercial uses intended primarily for the service and convenience of residents of the PUD may be permitted within the project area provided a market analysis is made justifying the need for said uses.

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

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

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

- H. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the Stage I development plan and shall be limited to one or more of the following uses;
  - 1. Schools (nursery, elementary and secondary)
  - 2. Churches (parish houses included)
  - 3. Community Centers, including day care facilities
  - 4. Country Clubs
  - 5. Libraries
  - 6. Fire or Police Stations
  - 7. Open Space, Recreation Areas
- I. AREA REQUIREMENTS: No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone, may be permitted, if the proposed development conforms to and extends the original development.
- J. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the Stage I Development Plan.
- K. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
- L. FENCES, WALLS, AND SIGNS: The location, height,, and type of all fences, walls, and signs shall be as approved in the Stage I Development Plan.
- M. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.
- N. COMMON OPEN SPACE - RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and nonrecreational oriented facilities.
- O. AMENDMENTS: Any amendments to plans, shall be made in accordance with the procedure required by this Ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- P. EXPIRATION: Any amendment to PUD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing

by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

1. Stage II Development Plan has not been approved by the Planning Commission within a period of twelve (12) consecutive months from the date of the Stage I approved Development Plan on Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciable to render the Stage I approved Development Plan obsolete.
2. Substantial construction has not been initiated within a period of twelve (12) months from the date of approval of the Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved Development Plan.

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**SECTION 10.14 RCD - RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE**

- A. **PURPOSE:** The purpose of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Single-Family Residential Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of buildings, in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features, and to provide for more usable and suitable located recreation facilities and open space than would otherwise be provided under conventional R-1 Single-Family Residential land development procedures.
  
- B. **GENERAL:** A residential Cluster Development Overlay Zone may be permitted only to be superimposed over any of the R-1 Single-Family Residential Zones provided that all conditions on provisions of this section of the ordinance the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the RCD Zone and its proper integration with the surrounding development are met; and a public hearing is held.
  
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed in two stages:
  - 1. **STAGE I Development Plan and Zoning Map Amendment.** Applications for amendment to RCD Overlay Zone shall include a development plan in accordance with the requirements of Subsection D.
    - a. The Planning Commission shall hold a public hearing on the proposed application, duly noticed, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the RCD Overlay Zone, the required elements of the Stage I Development Plan and other applicable requirements of this section. Upon holding such hearing, the Planning commission shall make one of the following recommendations to the legislative body; approval, approval with condition of disapproval. The planning commission shall submit along with their recommendations a copy of the Stage I Development Plan and the bases for their recommendations.
  
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning Commission, review said recommendation and take action to approve or disapprove said RCD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission then said conditions shall be resubmitted to the Planning Commission. for further review and recommendations in accordance with Section c, a. Approval of



the RCD Overlay Zone shall require that development be in conformance with the Stage I approved Development Plan.

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

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

2. STAGE II DEVELOPMENT PLAN AND RECORD PLAT: A Stage II development plan and Record Plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of Subsection E, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing the subdivision regulations may be waived, where applicable, and the requirements of Subsection E shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform with the subdivision regulations.
  - a. The Planning Commission shall review the submitted Stage II development plan with regard to its compliance with the required elements of Subsection E. 1, for Stage II development plans, other applicable elements of this ordinance, other applicable regulations, and its conformity with the Stage I approved development plan. The Planning Commission, in approving the Stage II development plan, may authorize minor adjustments from the Stage I approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas or affect other applicable requirements of this ordinance. Upon Planning Commission approval of the Stage II development plan, a copy of said plan, shall be forwarded to the local zoning administrator, who shall grant permits only in accordance with the Stage II approved development-plan and other plans as may be required by this ordinance.
  - b. Upon approval of the Stage II development plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with the required elements of Subsection E.2, for Record Plats, the applicable requirements of the Subdivision Regulations, and its conformity with the Stage II approved development plan. Upon Planning Commission approval of the

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

D. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The street development plan shall identify and provide the following information;

1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals two hundred (200) feet showing:
  - a. The total area in the project; by aerial photograph.
  - b. The present zoning of the subject property and all adjacent properties.
  - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
  - d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet;
  - e. All existing and proposed housing units on the subject property:
    - (1) Detached housing - Location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings.
    - (2) Attached housing - Location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable.
  - f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings & uses on the subject property;
  - g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas;
  - h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimensions;
  - i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades;
  - j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions;
  - k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service which will be required to be installed underground.

- l. Certification from appropriate water and sewer agencies that services will be available;
- m. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls;
- n. Location of signs, indicating their orientation and approximate size and height;
- o. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems;
- p. A schedule of development, including the staging and phasing of:
  - (1) Residential areas, in order of priority, by type of dwelling unit;
  - (2) Streets, utilities, and other public facility improvements, in order of priority;
  - (3) Dedication of land to public use or set aside for common ownership; and
  - (4) Nonresidential buildings and uses, in order of priority.

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

**E. STAGE II DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS:** The Stage II development plan and record plat shall conform to the following requirements:

- 1. Stage II Development Plan: The applicant shall submit a Stage II Development Plan, in conformance with the Stage I approved Development Plan, at a scale not smaller than one (1) inch equals fifty (50) feet, that identifies and provides the following information:
  - 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 Commission.
  - b. All housing units on the subject property:
    - (1) Detached housing - Location, 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 non-residential 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. Location of signs indicating their orientation and size and height.
- g. All utility lines and easements:
  - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
  - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  - (3) Storm sewer and natural drainage system, including pipe sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the 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 stormwater 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 revealing the underground installation of the wiring.
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
- i. Circulation System:
  - (1) pedestrian walkways, including alignment, grades, type of surfacing and width;
  - (2) streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

- k. The schedule of development staging and phasing-in accordance with the requirement in Subsection D.3, and as approved in the Stage I Approved Development Plan.

The Information required by Section E, items a through k, may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- 2. Record Plat: A Stage II development plan and record plat shall be developed in conformity with the Stage II approved Development Plan, at a scale not smaller than one inch equals fifty (50) feet. If the record plat is submitted in sections, an index shall be developed showing the entire RCD. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission, and in addition thereto, the following.
    - a. All areas reserved for common ownership with an indication of the properties the owners will share in common;
    - b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval of the Planning Commission)
    - c. Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses.
- F. RESIDENTIAL USES AND DENSITIES: All types of residential housing units (attached or detached) may be permitted within a RCD Overlay zone, including single-family, two-family, and multi-family units. The density of dwelling units in a RCD, shall be determined by the density (dwelling units per acre) as calculated from the existing residential (R) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).
- G. public and semi-public uses: Public and semi-public structures and uses may be permitted in the RCD. these structures shall be delineated on the Stage I Development Plan and shall be limited to one or more of the following uses:
- 1. Schools (nursery, elementary, and secondary).
  - 2. Churches (parish houses included).
  - 3. Community centers, including day care facilities.
  - 4. Country Clubs.
  - 5. Libraries.
  - 6. Fire and Police stations.

- H. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone, may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- I. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the Stage I Development Plan.
- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
- K. FENCES, WALLS, AND SIGNS: The location, height and type of all fences, walls, and signs shall be as approved in the Stage I Development Plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sediment controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. COMMON OPEN SPACE - RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed RCD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the RCD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- N. AMENDMENTS: Any amendments to plans, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- O. EXPIRATION: Any amendment to RCD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
  - 1. A Stage II Development Plan has not been approved by the Planning Commission within a period of twelve (12) consecutive months from the date of the Stage I approved Development Plan and RCD Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing

conditions have not changed appreciably to render the Stage I approved Development Plan obsolete.

2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved Development Plan.

**SECTION 10.15 INST (INSTITUTIONAL ZONE):**

**A. PERMITTED USES:**

1. Churches and other buildings for the purpose of religious worship.
2. Dormitories and fraternity and sorority houses, when associated with a permitted use located in this zone
3. Educational and medical related research facilities.
4. Institutions for higher education
5. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged.
6. Libraries
7. Medical offices
8. Governmental buildings
9. Museums or art galleries
10. Nursery schools and day care centers
11. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers and swimming pools
12. Recreational uses other than publicly owned and/or operated, as follows: golf courses, swimming pools, tennis courts.
13. Police and fire stations
14. Public and parochial schools
15. Vocational, trade schools, or other specialized educational facilities

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.
4. Uses as listed below provided in conjunction with a permitted use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted use:
  - a. Restaurant or Cafeteria
  - b. Book store
  - c. Gift Shop
  - d. Florist
  - e. Medical & educational supply store
  - f. Pharmacy

**C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:** Requirements shall be in accordance with the approved Site Plan, as provided for in Section D, 4, below and Section 9.19. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.

**D. OTHER DEVELOPMENT CONTROLS:**



1. Off-street parking and loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. No building shall be erected, or structurally altered, nor shall any grading take place on any lot or parcel in the Institutional Zone until a site plan layout has been submitted and approved in accordance with Section 9.19.
5. A minimum of 20% of the total acreage of each site for a permitted use shall be set aside for open space use, exclusive of streets, parking areas, and buildings.

## **SECTION 10.16 MLU (MIXED LAND USE) ZONE**

- A. **PURPOSE:** The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, hotels and motels and residential uses with secondary retail and service uses within a planned development. Such development is intended to be designed to provide for an internally oriented group of activities which are functionally integrated relative to land uses, vehicular and pedestrian circulation and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Mixed Land Use Zone may be permitted provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MLU Zone and its proper integration with the surrounding development are met and a public hearing is held on the MLU application.
- C. **APPLICATION AND PROCESSING:** Applications for Mixed Land Use Zone shall be processed as follows in two stages:
1. **Stage I:** Applications for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I Plan requirements, provided for within paragraph (0) Development Plan Requirements, of this section. If an area, however, is zoned MLU at the time the original zoning for the area is established (through annexation) the submission of the Stage I development plan for review by the Planning and Zoning Commission and the legislative body, shall not be required until the area is proposed to be developed.
    - a. The Planning and Zoning Commission shall hold a public hearing on the proposed application (development plan Stage I and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424. and review said application with regard to its compliance with the stated purposes of the MLU Zone, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body approval, approval with

conditions, or disapproval. The Planning and Zoning Commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.

- b. The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve, or disapprove said MLU application. Such action may incorporate any conditions imposed by the Planning and Zoning Commission. However, should the legislative body take action to impose different conditions than were reviewed and considered the Planning and Zoning Commission, then said conditions shall be resubmitted to the Planning and Zoning Commission for further review and recommendation, in accordance with Subsection C, 1. a, above. Approval of the MLU Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the Planning and Zoning Commission for further processing, in accordance with the requirement for Stage II plan and record plat.

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

- 2. Stage II Plan AND Record Plat: A Stage II plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 10.13, E, 1 & 2, and submitted to the Planning and Zoning Commission and the legislative body for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B and C. shall be substituted therefore. Those requirements not specifically waived by the Planning and Zoning Commission shall conform with the subdivision regulations.
  - a. The Planning and Zoning Commission shall review the submitted Stage II plan with regard to its compliance with the required elements of Section 9.20, B, for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be permitted, provided that the adjustments do not change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance (e.g., parking requirements). The Planning and Zoning Commission, upon completion of its review of proposed Stage II

Plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit along with their recommendations, a copy of the Stage II Plan and the bases for their recommendations.

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

Upon approval of the Stage II plan, by the legislative body, a copy of said plan shall be forwarded to the:

- (1) Zoning Administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance;
- (2) the Planning and Zoning Commission.

- c. Upon approval of the Stage II plan, the Planning and Zoning Commission shall review the submitted final plat, if applicable, with regard to its compliance with the required elements of Section 10.13, E, 2 for record plats, the applicable requirements of the subdivision regulations and its conformance with the Stage II approved plan.

Upon Planning and Zoning Commission approval of the final plat, copies of said plat, certified by the Planning and Zoning Commission, and suitable for recording shall be forwarded by the Planning and Zoning Commission to the office of the county clerk to be recorded.

D. PERMITTED USES: One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II plans:

- 1. Offices & research laboratories, excluding industrial laboratory facilities.
- 2. Hotels & motels
- 3. Restaurants sit down only
- 4. Residential including single family attached and detached, two family and multi-family
- 5. Learning for continuing education programs

E. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Retail and service uses, as listed below, may be included as part of the development, provided said uses are entered from within any of the permitted uses listed above or are developed as an integral part of the proposed development. Said uses shall be internally oriented to the development and shall serve as a convenience to any of the occupants thereof, their patients, as a convenience to the client or customers, and - further provided that no exterior advertising signs shall be visible from outside the area of the approved development:

- a. Apparel shop
- b. Art and art supplies
- c. Bakery and bakery goods store, provided the products are sold exclusively on the premises
- d. Banks and other financial institutions. Including savings, loan and finance companies
- e. Barber and beauty shops
- f. Book, stationery or gift shops
- g. Camera and photographic supplies
- h. Candy store, soda fountain, ice cream-store, excluding drive-ins
- i. Drug store
- j. Eating and drinking places. Including entertainment facilities
- k. Florist shop
- l. Glass, china, or pottery store
- m. Haberdashery
- n. Health spas
- o. Hobby shop
- p. Interior decorating studio
- q. Jewelry store, including repair
- r. Leather goods, and luggage store
- s. Music, musical instruments and records, including incidental repair
- t. Opticians and optical goods
- u. Package liquor and wine store
- v. Post office
- w. Shoe store with incidental shoe repair
- x. Sporting goods
- y. Studios for professional work or teaching of any form of fine arts, photography. Music, drama, or dance
- z. Tailor shop
- aa. Toy store

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

1. Schools (nursery, elementary and secondary)

2. Churches
  3. Community centers, including day care facilities
  4. Country clubs
  5. Libraries
  6. Fire or police stations
  7. Open space/recreation areas
  8. Governmental offices
- G. AREA REQUIREMENTS: No MLU Zone shall be permitted on less than 25 acres of land. However, development of a small tract adjacent to an existing MLU Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.
- I. HEIGHT. YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- K. FENCES, WALLS. AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as approved in the plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. OPEN SPACE/RECREATION AREA: At least 20% of the total acreage of the proposed MLU development shall be retained as open space or recreation areas. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the MLU development. Open space and recreation areas shall be that part of the total project exclusive of parking areas, access drives and streets.
- N. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the Planning and Zoning Commission, shall be made in accordance with the procedure required by Subsection C of this section.
- O. EXPIRATION: Development plans within the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the

approved development plan. A public hearing may be initiated if either of the following conditions apply:

1. Stage II Plan has not been approved by the Planning and Zoning Commission within a period of 24 consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
2. Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage II plan by the Planning and Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative. if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

P. DEVELOPMENT PLAN REQUIREMENTS: STAGE I -- PLAN REQUIREMENTS: The Stage I Plan shall identify and provide the following information, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet:

1. General
  - a. The total area in the project;
  - b. The present zoning of the subject property and all adjacent properties;
  - c. All public and private rights-of-way and easement lines located on the subject property;
  - d. Existing topography, shown by contour with intervals not to exceed five (5) feet;
  - e. General description (text or map) of the proposed phasing of development;
  - f. General location of proposed streets;
  - g. A conceptual diagram (except for Phase I of the proposed project, which must meet the requirements as defined herein) indicating the anticipated location of the various proposed land uses within each phase of development (including open space as required by paragraph (L) of this section) and the approximate number of acres to be utilized by each type of land use.
2. Phase I: The Phase I portion of Submitted Stage I Plan shall provide at a minimum:

- a. Location of structures and the description of the proposed development (office, hotel, retail commercial, residential, etc.) to be located within the Phase I portion of the project;
  - b. The estimated gross floor area and/or number of rooms and/or the density of residential development of the various activities within the Phase I portion of the project;
  - c. Approximate height of the proposed structures within the Phase I portion of the project.
3. Subsequent phases of development shall be reviewed by the Planning and Zoning Commission and the legislative body to determine the conformance of such plans to the approved Stage I plan. Plans for subsequent development of the area may be submitted for initial review in the same form as was required for Phase I of the development, with subsequent review as a Stage II plan, or as a direct application for Stage II review with such detail as is required by such a submission.

STAGE II: The Stage II Plan shall be prepared in accordance with the requirements of Section 10.13, E of this ordinance.



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**SECTION 10.17 NC NEIGHBORHOOD COMMERCIAL ZONE:**

- A. USES PERMITTED: The following retail sales and services businesses supplying commodities and performing services for the residents of the surrounding neighborhood:
1. Apparel shop
  2. Art Supplies
  3. Bakery and bakery goods store provided the products are sold exclusively on the premises.
  4. Banks and other financial institutions including savings, loan and finance companies with drive-in windows
  5. Barber and beauty shops
  6. Billiard or pool hall
  7. Book, stationary or gift shop
  8. Camera and photographic supplies
  9. Candy store, soda fountain, ice cream store, excluding drive-ins.
  10. Delicatessen
  11. Drug Store
  12. Dry cleaning and laundry pick-up station
  13. Eating and drinking places, excluding drive-ins
  14. Flea Market.
  15. Florist Shop
  16. Food services and supermarkets
  17. Furniture store
  18. Garden supplies
  19. Glass, china or pottery store
  20. Haberdashery
  21. Hardware Store
  22. Health Spas
  23. Hobby shop
  24. Household and electrical appliance store including incidental repair
  25. Interior decorating studio
  26. Jewelry store, including repair
  27. Laundromats and self service washing and drying
  28. Leather goods and luggage store
  29. Library
  30. Locksmith shop
  31. Music, musical instruments and records including incidental repair
  32. Offices
  33. Off-street parking lots and/or garages
  34. Opticians and optical goods
  35. Package liquor and wine store
  36. Paint and wallpaper store
  37. Pet shop, excluding boarding and outside runs
  38. Police and fire stations
  39. Post office
  40. Radio and television store (including repair)

41. Self-service gasoline station and self-serving car wash
42. Shoe store and shoe repair
43. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
44. Sporting goods
45. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
46. Tailor shop
47. Toy store
48. Variety store, including notions and "Five and Ten" stores

B. ACCESSORY USES:

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

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

1. Service stations (including auto repairing, providing all repair except that of a minor nature (e.g. change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.) is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street as identified in the county adopted comprehensive plan).

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet; except when abutting a arterial street, then there shall be 100 feet
4. Minimum Side Yard Width - Restrictions when adjacent to a street, road, highway or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the county's building code, shall be required. A side yard is never to be less than fifteen (15) feet
5. Minimum Rear Yard Depth - Fifty (50) feet
6. Maximum Building Height - Forty (40) feet
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone.

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**SECTION 10.18 HC HIGHWAY COMMERCIAL ZONE:**

**A. USES PERMITTED:** The following retail sales and service businesses:

1. Automobile, motorcycle, and truck sales, new or used.
2. Automotive service and repairs providing that all business activities shall be conducted within a completely enclosed building.
3. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows.
4. Boat and other marine equipment sales and service, new and used.
5. Bowling alley.
6. Eating and drinking places including drive-ins.
7. Flea market.
8. Hotels and motels.
9. Mobile home and trailer sales, rental and service (new and used).
10. Off-street parking lots and garages.
11. Police and fire stations.
12. Skating rinks, golf driving ranges, miniature and par-3 golf courses.
13. Veterinary clinics and animal hospitals.
14. Theater, drive-in.
15. Service station.
16. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
17. Kennel.
18. Floor covering warehouse and retail sales.
19. Food Stores.
20. Barber shops and beauty shops.
21. News and confectionery stands.
22. Equipment sales and rental services.

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Swimming pools, indoor and outdoor in connection with motel or hotel.

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - Restrictions when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, forewall construction, as required by the county's building code, shall be required. A side yard is never to be less than fifteen 15 feet

5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Forty (40) feet

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
5. A site plan as regulated by Section 9.19 of this Ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. Off-street parking and loading and/or unloading areas may be located in front and side yard areas in this zone provided that no off-street parking areas shall be closer than fifteen (15) feet to the street, road, highway or right-of-way line or the boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this Ordinance.

**SECTION 10.19 PO PROFESSIONAL OFFICE BUILDING ZONE:**

**A. USES PERMITTED:**

1. Banks and other financial institution including loan, savings and finance companies with drive-in windows
2. Clinics - medical or dental
3. Offices
4. Off-street parking lots and/or garages
5. Police and fire stations
6. Post office
7. Medical and dental laboratory

**B. ACCESSORY USES:**

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

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - Fifteen (15) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Forty (40) feet

**D. OTHER DEVELOPMENT CONTROLS:**

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



3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this Ordinance.
5. A site plan as regulated by Section 9.19 of this Ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.

**SECTION 10.20 NSC NEIGHBORHOOD SHOPPING CENTER ZONE:**

**A. USES PERMITTED:** The following retail sales or service businesses:

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises.
4. Banks and other financial institutions including savings, loan, finance companies, with drive-in windows.
5. Barber shops
6. Beauty shops
7. Billiard or pool hall
8. Book, stationery or gift shop
9. Camera and photographic supplies
10. Candy, soda fountain, and ice cream stores, except drive-ins
11. Delicatessen
12. Drug Store
13. Dry cleaning and laundry pickup stations
14. Eating and drinking places except drive-ins
15. Florist shop
16. Food store and supermarket
17. Furniture store
18. Garden supplies
19. Glass, china, or pottery store
20. Haberdashery
21. Hardware store
22. Health Spas
23. Hobby shop
24. Household and electrical appliance store including incidental repair
25. Interior decorating studio
26. Jewelry store, including repair
27. Laundromats, self-service washing and drying
28. Leather goods and luggage store
29. Library
30. Locksmith shop
31. Music, musical instruments and records store, including incidental repair
32. Offices
33. Off-street parking lots and garages
34. Opticians and optical goods
35. Package liquor and wine store
36. Paint and wallpaper store
37. Pet shops excluding boarding and outside runs
38. Police and fire stations
39. Post Offices
40. Radio and television stores including repair
41. Shoe store and shoe repair
42. Sporting goods

43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
44. Tailor shop
45. Toy store
46. Variety store including notions and "Five and Ten" stores
47. Car wash.
48. Service station.
49. Electro-mechanical game center.

**B. ACCESSORY USES:**

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

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

1. Minimum Lot Area - Five (5) acres and shall abut a deeded right-of-way. In the case of this zone (NSC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area
2. Minimum Yard Requirements - Fifty (50) feet for each front, side (On each side of the building) and rear yards except where the lot abuts a major arterial, as identified in the County's adopted Comprehensive Plan then there shall be a minimum yard requirement of one hundred (100) feet.
3. Maximum Building Height - Forty (40) feet

**E. OTHER DEVELOPMENT CONTROLS:**

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

**SECTION 10.21 SC SHOPPING CENTER ZONE:**

A. USES PERMITTED: The following retail and service businesses:

1. Advertising agencies
2. Antique shops
3. Apparel shops
4. Art supplies
5. Car wash.
6. Automotive parts and accessories store, new
7. Automotive service and repair
8. Bakery and bakery goods store, provided the products are sold exclusively on the premises.
9. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows.
10. Barber shops
11. Beauty shops
12. Billiard or pool hall
13. Book, stationery or gift shops
14. Bowling alley
15. Business or professional college
16. Bus station
17. Camera and photographic supplies
18. Candy store, soda fountain, ice cream store, excluding drive-ins
19. Carpet and rug store
20. Clinics - medical or dental
21. Clubs (including businessmen's, YMCA -YWCA)
22. Delicatessen store
23. Department store
24. Drug store
25. Dry cleaning and laundry pickup station
26. Eating and drinking places, excluding drive-ins
27. Employment agencies
28. Florist shop
29. Food store and supermarket
30. Furniture store
31. Garden supplies
32. Glass, china, or pottery store
33. Haberdashery
34. Hardware store
35. Health clinics and health spas
36. Hobby shop
37. Household and electrical appliance store including incidental repair
38. Interior decorating store
39. Jewelry store including repair
40. Laboratories, medical and dental
41. Laundromats, self service washing and drying
42. Leather goods and luggage store

43. Library
44. Locksmith shop
45. Music, musical instruments and record stores including repair
46. Office appliances and supplies
47. Offices
48. Off-street parking lots and/or garages
49. Opticians and optical goods
50. Package liquor and wine store
51. Paint and wallpaper store
52. Pet shops excluding boarding and outside runs
53. Police and fire stations
54. Post Office
55. Radio and television store including repair
56. Shoe store and shoe repair
57. Sporting goods
58. Studios for professional work on teaching of any form of fine arts,, photography, music, drama, or dance
59. Tailor shop
60. Theaters, excluding drive-ins
61. Toy store
62. Travel bureau
63. Variety stores including notions and "Five and Ten" stores
64. Service station.
65. Electro-mechanical game center.

B. ACCESSORY USES:

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

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

1. Minimum Lot Area - Fifteen (15) acres. (In the case of this zone (SC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area).
2. Minimum Yard Requirements - Fifty (50) feet for each front, side (on each side of the building site) and rear yards.
3. Maximum Building Height - Forty (40) feet

D. OTHER DEVELOPMENT CONTROLS:

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

3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a ten (10) foot wide screening area, as regulated by Section of this ordinance shall be provided.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of offstreet parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

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**SECTION 10.22 RURAL COMMERCIAL**

**A. USES PERMITTED:**

1. Auto repair shops
2. Bakery
3. Bank
4. Barber and beauty shops
5. Drug store
6. Restaurants and taverns excluding drive-ins
7. Farm Equipment- sales and service
8. Food stores
9. Grain, Feed and Seed stores, including sales of fertilizers, garden supplies, etc.
10. Hardware store
11. Lumber companies
12. Offices
13. Paint and wallpaper store
14. Plumber's office and sales of fixtures
15. Police and fire station
16. Post office
17. Tobacco warehouses
18. Contractor's offices and storage areas
19. Service stations
20. Veterinarian offices including small and large animal clinics.
21. Flea market.
22. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
23. Automotive repair and sale of new parts.
24. Mini Warehousing.

**B. ACCESSORY USES:**

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

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

1. Minimum Lot Area - One (1) acre
2. Minimum Lot Width - One hundred (100) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - Restrictions when adjacent to a street or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the County's Building Code, shall be required. A side yard is never to be less than fifteen (15) feet.



5. Minimum Rear Yard Depth - Forty (40) feet
6. Maximum Building Height - Forty (40) feet

D. **CONDITIONAL USES** - No building or zoning permit nor certificate of occupancy shall be issued for any of the following uses, nor shall any of the following uses or any customary accessory buildings or uses in connection therewith be permitted until and unless the location of said uses, as determined and set forth in a Development Plan conforming with the requirements for site plans established by Section 9.19 of this ordinance shall have been reviewed and approved by the Board of Adjustment, and a conditional use permit in accordance with Section 9.14 of this ordinance issued therefore:

1. Automobile Sales, New and Used.
2. Self Service Car Wash

Further, no such conditional use shall be permitted until and unless the following performance criteria are fully met:

1. Any lot containing such conditional use shall contain a minimum of one (1) acre of land.
2. Each such conditional use shall be separated from any residential zone by a landscaped side yard in accordance with Section 10.22 of this ordinance.
3. In addition to the front yard requirements established by Section (C) of this ordinance, each such conditional use shall have a landscaped area extending from the minimum set-back line of the property a minimum of fifty (50) feet to the start of the paved area intended or used for display of vehicles for sale.
4. No flashing lights, streamers, or lights strung on overhead wires or lines shall be permitted. All signs shall be in conformance with the requirements of Article XIV of this ordinance.
5. Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and light trucks having a gross vehicle weight rating (G.V.W.R.) of one (1) ton or less. Sale of motorcycles, either new or used, shall not be permitted.

E. **OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except with the enclosed approved containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty(50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.

5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, loading, or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

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**SECTION 10.23 I-1 INDUSTRIAL ONE ZONE:**

- A. USES PERMITTED: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.
1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:
    - a. Candy and confectionery products, food and beverage products except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and-dressing.
    - b. Cigars and cigarettes.
    - c. Cosmetics, pharmaceuticals and toiletries, compounding only.
    - d. Animated and/or illuminated billboards and other commercial advertising structures.
    - e. Electric appliances, television sets, phonographs, household appliances.
    - f. Electrical machinery, equipment and supplies.
    - g. Fountain and beverage dispensing equipment.
    - h. Furniture
    - i. Instruments for professional, scientific, photographic and optical use.
    - j. Metal products, and metal finishing excluding the use of blast furnaces or drop forges.
    - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps, sporting and athletic equipment.
    - l. Office Equipment.
    - m. Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity.
    - n. Textile products including asbestos products, canvas and burlap, clothing,, cotton products. hosiery and knitting mills, rope, and twine.
    - o. Dairy products and related items.
    - p. Glass products, made of purchased glass.
    - q. Jewelry, silverware and plated wire, kitchen ware.
    - r. Leather products, excluding tanning and finishing.
    - s. Craftsman and artisan shapes, taxidermy blacksmith, welding shops.
    - t. Marine warehousing, sales and service.
    - u. Nurseries.
  2. Brewing or distilling of liquors and bottling the product.
  3. Building materials, sales yards, excluding mixing and blending operations.
  4. Crating services.
  5. Freight terminals.
  6. Governmentally owned and/or operated city, county, and state garages.
  7. Industrial engineering consultant offices.

8. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for and industrial organization or concern, whether public or private.
9. Machine shops.
10. Printing, engraving, and related reproduction processes.
11. Public utilities right-of-way and pertinent structures.
12. Publishing and distribution of books, newspapers, and other printed materials.
13. Railroad facilities exclusive of marshaling yards, maintenance, and fueling facilities.
14. Schools for industrial or business training.
15. Truck terminals.
16. Warehousing or wholesaling.
17. Marine warehousing, sales and service and nurseries.

B. ACCESSORY USES: The following accessory uses shall be permitted:

1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot-as the permitted use, such as maintenance shops, power plants, and machine shops.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Signs as regulated by Article XIV of this ordinance.
4. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.
  - a. Cafeterias
  - b. Coffee shops or refreshment stands
  - c. Soda or dairy bars

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

1. Minimum Lot Area - Two (2) acres
2. Minimum Lot Width - One Hundred fifty (150) feet
3. Minimum Front Yard Depth - Seventy-five (75) feet
4. Minimum Side Yard Width - Twenty-five (25) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Fifty (50) feet

D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.

2. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
4. A site plan as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.

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**SECTION 10.24 I-2 INDUSTRIAL TWO ZONE:**

- A. **USES PERMITTED:** The following uses are permitted providing all uses are in compliance with the performance standards as regulated in Article XV of this ordinance.
1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing or assembling of the following uses:
    - a. Acetylene, butane and bottled gas including bulk storage.
    - b. Asphalt and asphalt products.
    - c. Brewing and distilling of liquors.
    - d. Brick, tile or terra cotta, manufacture and storage.
    - e. Candy and confectionery products, food and beverage products, including the rendering or refining of fats and oils.
    - f. Cement, concrete and concrete products.
    - g. Chemicals including ammonia, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes.
    - h. Cigars and cigarettes.
    - i. Cosmetics, pharmaceuticals, and toiletries.
    - j. Animated and/or illuminated billboards and other commercial advertising structures.
    - k. Electric appliances, television sets.
    - l. Electrical and non-electrical machinery, equipment and supplies.
    - m. Fertilizer, gypsum, lime or plaster of paris.
    - n. Fountain and beverage dispensing equipment.
    - o. Furniture.
    - p. Instruments of professional, scientific, photographic, and optical use.
    - q. Iron, steel, aluminum foundry or forge works and heavy weight casting.
    - r. Lumber mills and storage and storage yards.
    - s. Lampblack.
    - t. Metal, metal finishing and metal products including the use of blast furnaces or drop forges.
    - u. Musical instruments, toys, novelties, jewelry, rubber, or metal stamps.
    - v. Office equipment.
    - w. Oil cloth or linoleum.
    - x. Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.
    - y. Paper, paperboard, pulp.
    - z. Petroleum refining and products including bulk storage.
    - aa. Plastic and plastic products.
    - bb. Pottery and figurines.
    - cc. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious, or semiprecious metals, hair, horn, shell, tin, steel, wood, plastics rubber, bone, cork, felt, fibers, yarn, wool, tobacco.



- dd. Rolling mills.
  - ee. Rubber and rubber products.
  - ff. Soap and soap products.
  - gg. Stone and monument works employing power driven tools.
  - hh. Vinegar and yeast, production.
  - ii. Gravel, including storage
- 2. Bag, carpet and rug cleaning.
  - 3. Bottling and canning works.
  - 4. Bulk storage stations.
  - 5. Busline shops and storage.
  - 6. Carting express, hauling or storage yards.
  - 7. Coal, coke, or wood yards.
  - 8. Contractors offices and accessory storage yards including storage of general construction equipment and vehicles.
  - 9. Crating services.
  - 10. Flour mills.
  - 11. Forge plants.
  - 12. Foundries.
  - 13. Governmentally owned and/or operated city, county or state garages.
  - 14. Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.
  - 15. Machine shops, heavy type industries.
  - 16. Plating plants.
  - 17. Processing of junk, waste, discarded, or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling.
  - 18. Public utilities rights-of-way and pertinent structures.
  - 19. Railroad facilities exclusive of marshaling yards, maintenance and fueling facilities.
  - 20. Trucking terminals.
  - 21. Schools for industrial or business training.
  - 22. Warehousing or wholesaling.

**B. ACCESSORY USES:**

- 1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.
- 2. Fences and walls as regulated by Article XIII of this ordinance.
- 3. Signs as regulated by Article XIV of this ordinance.
- 4. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.
  - a. Cafeterias

- b. Coffee shops or refreshment stands
- c. Soda or dairy bars

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

- 1. Minimum Tract Size - Ten (10) acres
- 2. Minimum Lot Area Within Tract - Two (2) acres
- 3. Minimum Lot Width - One Hundred fifty (150) feet
- 4. Minimum Front Yard Depth - Seventy-five (75) feet
- 5. Minimum Side Yard Width - Twenty-five (25) feet; fifty (50) feet is required where a side yard abuts a street, road, highway, or deeded right-of-way
- 6. Minimum Rear Yard Depth - Fifty (50) feet
- 7. Maximum Building Height - Fifty (50) feet

D. OTHER DEVELOPMENT CONTROLS

- 1. Off-street parking and loading or unloading shall be provided in accordance with articles XI and XII of this ordinance.
- 2. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
- 3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
- 4. A site plan as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.

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**SECTION 10.25 INDUSTRIAL MINING (IM.) OVERLAY ZONE:**

- A. **PURPOSE:** The purposes of the Industrial Mining (IM) overlay Zone are to: permit mining, excavation or extraction operations of existing natural resources located within the rural areas of the county (designated with the Non-Urban Service Area on the Comprehensive Plan); permit the treatment, processing and manufacturing of such natural resources; and provide adequate regulation and control of such activity to ensure that it does not adversely impact the environment and/or surrounding uses, with the intention of furthering the public health, safety, and general welfare.
  
- B. **GENERAL:** An Industrial Mining (IM) Overlay zone is a district of special interest (KRS 100.203, e) to the proper development of the county. In accordance with the recommendations of the comprehensive plan, this overlay zone may be permitted to be superimposed over the Agricultural-One (A-1) Zone, only. Further, the IM Overlay Zone may not be superimposed on the A-1 Zone unless all conditions and provisions of this section of the ordinance are met; and, a public hearing is held on the IM application.
  
- C. **APPLICATION AND PROCESSING:** Application for an Industrial Mining Overlay Zone shall be processed in two stages, as follows:
  - 1. **STAGE I:** Application for amendment to an IM Overlay Zone shall include a development plan, in accordance with the requirements of a Stage I Plan established in Subsection I, and the criteria established in Subsection D. The application shall then be processed as follows:
    - a. The Planning and Zoning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the IM Overlay Zone, the required elements of the Stage I Plan established in Subsection I, the criteria for evaluation of an IM Overlay Zone in Subsection D, and other applicable requirements of this section. Upon holding such hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit along with their recommendations a copy of the Stage I Plan and the bases for their recommendation.
  
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve or disapprove, said IM application. Such action may incorporate any conditions imposed by the Planning and Zoning Commission. However, should the legislative body take action to impose different conditions then were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to

the Planning and Zoning Commission for further review and recommendation in accordance with Subsection C, 1, a, above. Approval of the IM Overlay Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the Planning and Zoning Commission for further processing in accordance with the requirements for Stage II Plan.

Zoning Map Amendment - Upon approval of the IM Overlay Zone, the official zoning map shall be amended by adding the prefix "IM" to the existing agricultural zone (e.g., IM-A-1) for the area as shown on the Stage I approved plan.

2. STAGE II: A Stage II plan shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Subsection J, and submitted to the Planning and Zoning Commission for its review and approval as follows:

- a. The Planning and Zoning Commission shall review the submitted Stage II plan with regard to its compliance with the required elements of Subsection J, the criteria in Subsection E, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I Plan. The Planning and Zoning Commission, in approving the Stage II Plan, may authorize minor adjustments from the Stage I approved plan.

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

- D. CRITERIA FOR EVALUATION OF AN IM OVERLAY ZONE: The criteria established in this section are to be used as a basis in reviewing any application for amendment to an IM Overlay Zone. The criteria are as follows:

1. A positive finding shall be made in regard to the following factors:
  - a. The proposed application is in agreement with the planning unit's Comprehensive Plan.
  - b. The area proposed for the IM Overlay zone consists of a minimum size of 100 acres. However, development of a smaller tract adjacent to an existing IM Overlay Zone may be permitted if the proposed development conforms to and extends the original development.
  - c. Sufficient research, testing and other data to establish the actual existence of the natural resource for the property in question and

that it is feasible to mine/extract said resource according to modern technical methods.

2. Consideration shall also be given to the following factors:
  - a. Compatibility of the proposed operation with the surrounding area. Compatibility shall be reviewed in terms of impact on the environment (e.g., visual, noise, or air pollution, dust, etc.), the intensity of the use in relation to the general character of the surrounding area, and the ability to maximize comparability and protect adjacent property owners by proposed design features (e.g., provision of screening and/or earth berms, utilization of existing natural features, etc.).
  - b. The proposed operation would not require the provision of urban services (e.g., centralized water and sanitary sewers, etc.) in an area that is not planned for such services.
  - c. The amount of traffic that would be generated by the proposed operation, including trucks, employees, etc., which highways would be utilized, and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered. Also, utilization of other means of transportation, e.g., air, water, and rail, and its effect on surrounding areas should be considered.

E. CRITERIA FOR EVALUATION OF A STAGE II PLAN: The following criteria shall be used as a basis for reviewing a Stage II Plan:

1. The Plan shall comply with the requirements of the Stage II Plan and with other applicable sections of this ordinance (e.g., off-street parking requirements, Industrial Performance Standards, etc.).
2. The location of all above-ground operations shall be a minimum of two hundred (200) feet from any property boundary of the IM Zone and two hundred (200) feet from any existing residence (an existing residence includes any structure being occupied for ordinary living purposes; it does not include a residential structure that has been permanently abandoned);
3. Sub-surface activities may not be permitted where they would endanger above-ground uses permitted in the A-1 Zone, e.g., residential or agricultural uses.
4. Internal access roads should be located in accordance with the following:
  - a. Access roads for trucks and/or employees (if the number of employees is substantial) should be via major arterial streets, to discourage the generation of large volumes of traffic on rural roads that are not designed for such purposes; and

- b. Access to potentially dangerous operations (e.g., blasting, open excavated pit, etc.) should be designed to prevent access by the innocent and/or curious traveler.

F. **PERMITTED USES:** The following uses are permitted in the IM Overlay Zone, in accordance with an approved Stage II Plan:

1. Sand, gravel, rock, clay, shale, stone, and other mineral excavation, excluding coal, oil, gas, and other similar minerals that have potential fire or other safety hazards.
2. Treatment, processing, and manufacturing of products from the raw natural resource permitted in Item #1, above, including washing and screening plants, cement and lime manufacturing, dryers, rock crushers, asphalt and/or concrete batching and mixing plants, warehousing operations and facilities necessary for rail and river barging operations.
3. Fire and police stations.
4. Any permitted use in the underlying zone (A-1).
5. Transportation facilities developed in conjunction with another permitted use in this overlay zone, as listed below:
  - a. Landing fields for light aircraft.
  - b. Barge docking facilities.
  - c. Rail facilities.
  - d. Trucking terminals, related to exchange or distribution with other modes of transportation.

G. **ACCESSORY USES:** Customary accessory buildings and uses are permitted in conjunction with any permitted or conditional use in this zone (e.g., maintenance shops, offices, power plants, cafeterias, etc.).

H. **HEIGHT, YARD AND SETBACK REGULATIONS:** Requirements as to height of structures, size of yards and setbacks, on the peripheral of the IM Overlay zone and between various proposed uses and structures, shall be as approved in the Stage II Plan, but in no event shall any above-ground operations be located closer than two hundred (200) feet from any property boundary of the IM Zone. In determining maximum height requirements, the Planning and Zoning Commission shall consider the type of operation and process proposed, and alternative methods of operation and processing that are available, to establish a reasonable requirement in each specific situation.

In determining size of yards and setback requirements, the Planning and Zoning Commission shall consider the distance necessary to ensure safety (e.g., adequate space for vehicular access fire protection, etc.) and to minimize any adverse impacts on the environment.

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- I. STAGE I PLAN REQUIREMENTS: The Stage I Plan shall include the following information:
1. A map of the subject property, drawn to scale, indicating the extent of the property to be rezoned for the IM Overlay Zone. The scale of the map shall be at the largest scale reasonable, in light of the total amount of property involved, but in no case shall the scale be smaller than one (1) inch equals one thousand (1,000) feet (e.g., a smaller scale would be 1" = 1200'; a larger scale would be 1" = 600'). Property to be rezoned may include property owned in fee simple or property for which mineral rights have been obtained.
  2. A statement identifying the type(s) of mining to be conducted on the property. Said statement shall be supported by sufficient research indicating the actual existence of the natural resources) and the feasibility to mine/extract said resource according to modern technical methods.
  3. The general identification of areas to be used for surface, and for subsurface mining including a statement, if applicable, of any conditions or contingencies which could affect a change in these general locations.
  4. The general location of all above-ground activities that exist and will be continued (e.g., a single-family residence) or proposed activities (e.g., processing operations, transportation facilities, etc.), including approximate heights and locations of proposed buildings and structures.
  5. A statement indicating which modes of transportation will be used to provide access to the operations, and to ship/deliver incoming and outgoing goods and products.
  6. A statement as to the type and timing of reclamation program(s) that will be used in surface-mined areas.
  7. An indication of natural resource reserves and estimates as to the number of years the natural resource will last.
- J. STAGE II PLAN REQUIREMENTS: The Stage II Plan is the detailed plan which, when approved, authorizes the issuance of zoning and building permits. This plan may be submitted in phases, as development is to occur, or it may be submitted for the entire development at one time. The Stage II Plan shall include the following information:
1. A map of the entire property zoned IM, indicating which portion(s) of the area is to be developed.



2. Plan(s) of the subject property drawn to a scale not smaller than one inch equals one hundred (100) feet that identifies and provides the following information:
  - a. The specific location, and description of, all proposed surface mining areas and above-ground activities.
  - b. The location, height, arrangement and identification of all buildings, structures, and surface uses of land (including off-street parking and loading/unloading areas). The existing and proposed topography, shown by contour intervals not to exceed five (5) feet, shall be included for these areas.
  - c. Location of signs indicating their orientation, size, and height.
  - d. All existing utility lines and easements to be utilized by the proposed development and the location, line sizes, width of easement of any proposed new lines or extensions.
  - e. Location and type(s) of all transportation facilities including the location of all new streets, rail lines, aircraft landing fields, barge docking facilities or other facility. This information shall include grades, right-of-way, dimensions, type of surfacing, alignment, typical cross-sections, etc.
  - f. Provision 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.
  
3. A map of the subject property drawn to a scale not smaller than one (1) inch equals six hundred (600) feet, indicating areas where subsurface mining will occur.

Other requirements of this ordinance (for example, Article XI and XII governing number of spaces, type of surfacing, etc. for off-street parking and loading/unloading areas) should be included on the Stage II Plan as applicable.

- K. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** off-street parking and loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance.
  
- L. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs shall be as approved in the plan.
  
- M. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
  
- N. **RECLAMATION:** All reclamation plans shall be subject to the regulations of the Department for Natural Resources and Environmental Protection, where applicable. In addition, plans for reclamation shall provide for the following:

1. All earthen banks shall be left with a slope no greater than two feet horizontal to one (1) foot vertical.
2. The type and number per acre of trees, shrubs, ground cover, or legumes to be planted shall be approved by the Planning and Zoning Commission in consultation with the County Agricultural Extension Agent and according to the following guidelines:
  - a. The objective in revegetation is to stabilize the area as quickly as possible after it has been disturbed. Plants that will give a quick, protective cover and enrich the soil shall be given priority. These plants should be considered only as a tool in obtaining productive land use and not the end result.
  - b. Appropriate revegetation shall be seeded and/or planted as soon after grading as possible, provided that seeding and/or planting shall be performed in the proper season in accordance with accepted agricultural and reforestation practices.
  - c. When planting is completed, the operator shall file a copy of the planting report with the Commission on a form to be furnished by the Division of Reclamation.
  - d. The Planning and Zoning Commission finding that some flexibility is required in the administration of regulations, where special conditions warrant, may provide for exceptions to the regulation, consistent with the requirements of the Division of Reclamation. All such exceptions shall be presented to the Planning and Zoning Commission for its approval or rejection.
  - e. On all lands disturbed during the course of operation, the entire disturbed area shall be fertilized, seeded and planted to legumes, perennial grasses, and trees, except as hereinafter provided.
    - (1) Roads shall be seeded to legumes and perennial grasses only - no trees being required. This vegetative requirement for roads may be modified if, in the opinion of the Planning and Zoning Commission, the roadway will not contribute serious off-site damage to the public or to adjacent property owners.
    - (2) On very stony areas that cannot be hand planted without difficulty, direct seeding of trees will be permitted by the Planning and Zoning Commission.
    - (3) Shrubs for wildlife may be planted to include border plantings, clump planting and intervening strips, at a six (6) foot by six (6) foot spacing. These plantings shall not exceed twenty percent (20%) of the total area planted.
    - (4) Where a seam or stratum of solid rock makes vegetation impractical, none shall be required.
  - f. Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been

- established. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season.
- g. Annual grasses and small grains shall be considered only as a tool in establishing temporary vegetative cover for restoration. These types of annuals shall not be evaluated in the determination of vegetative cover.
  - h. Standards for legumes and perennial grasses - there shall be established at least a seventy percent (70%) ground cover. Bare areas shall not exceed one-fourth (1/4) acre (100 feet by 100 feet) in size nor total more than thirty percent (30%) of the area seeded.
- 3. The location of all future public improvements shall be determined in consultation with the county engineer and the Planning and Zoning Commission.
  - 4. Restoration of areas shall begin as soon as possible and except for areas in constant use, within one year after they have been disturbed. All required restoration shall be completed within one year of final extraction.
- O. POLLUTION, BLASTING, AND SOLID WASTE DISPOSAL: All operations permitted within the IM Overlay Zone must comply with the Performance Standards for Industrial zones in Article XV of this ordinance. In addition, all operations must comply with all regulations of each applicable division of the Kentucky Department for Natural Resources and Environmental Protection.
- P. AMENDMENTS: Any amendments to the Stage I Plan, except for the minor adjustments which may be permitted by the Planning and Zoning Commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plan was originally approved.
- Q. APPEALS: Any decision made by the Planning and Zoning Commission with respect to the Stage II Plan that is considered a question of interpretation of the zoning ordinance may be appealed, as an administrative review, to the board of adjustments. Such appeal shall be taken within sixty (60) days of the date of the decision.
- All other decisions made by the Planning and Zoning Commission, with respect to the Stage II Plan or otherwise, shall be appealed to the county circuit court, in accordance with KRS 100.347.
- R. ESTABLISHMENT OF NONCONFORMING USE: In the event that an amendment(s) to this zoning ordinance, or a new zoning ordinance, is subsequently adopted which would make any mining operations approved under this zone a nonconforming use, the "scope and area" of said mining operations shall be defined as the area and extent of operations approved in the Stage I Plan.

- S. NONCOMPLIANCE: Failure to comply with reclamation plans, solid waste disposal plans, other performance standards, or other terms of the Stage II Plan establishes the basis for the zoning administrator and/or Planning and Zoning Commission to initiate a procedure to revoke existing permits and/or prevent the issuance of new permits until compliance is achieved. Said procedure shall be as follows:
1. The zoning administrator or Planning and Zoning Commission shall notify the property owner/developer of the activity(s) that is not in compliance, including a general statement of what is necessary to bring the activity(s) into compliance. The property owner/developer shall have ten (10) days to respond to the notification and to indicate what steps he intends to take to bring the activity(s) into compliance.
  2. If immediate compliance is achieved, or if the steps to achieve compliance are approved by the zoning administrator (or Planning and Zoning Commission if it initiated this action), then no further action will be taken, provided the approved steps are complied with (if applicable).
  3. If compliance is not achieved in accordance with subsection 2, then the zoning administrator or Planning and Zoning Commission shall initiate a public hearing in accordance with the requirements of KRS 424, and, written notice of the meeting shall be sent to the property owner/developer, by certified mail at least seven (7) days prior to the hearing.
  4. At the public hearing, the property owner/developer shall have the opportunity to present his reasons for noncompliance. Based on the information presented, the Planning and Zoning Commission may modify the requirements that are being violated, or, the Planning and Zoning Commission may continue the effect of said requirements and revoke any existing permits or bar the issuance of any new permits, until compliance is achieved.
- T. EXPIRATION: Any zoning map amendment to the IM Overlay zone shall not be subject to expiration for failure to comply with reclamation plans, solid waste disposal plans, other performance standards, or other terms of the Stage II Plan.

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**SECTION 10.26 I-4 INDUSTRIAL RIVER ZONE:**

- A. **USES PERMITTED:** It is the purpose of this zone to provide for industrial activities that orient towards the use of its river, the railroad and the highway as a transportation point of exchange and distribution and do not require extensive urban services. The following uses are permitted providing that a primary function of the use requires use of the adjacent river, and that all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.
1. Bulk storage and/or transfer stations for materials excluding types of a flammable or explosive nature;
  2. Carting, express, hauling or storage yards.
  3. Freight terminals.
  4. Grain Elevators.
  5. Transportation facilities, including railroad right-of-way, marshaling yards, maintenance and fueling facilities.
  6. Warehousing.
  7. Barge, shipping, and docking facilities.
- B. **ACCESSORY USES:**
1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops and power plants.
  2. Fences and walls as regulated by Article XIII of this ordinance.
  3. Signs as regulated by Article XIV of this ordinance.
  4. Uses, as listed below, included within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.
    - a. Cafeterias
    - b. Coffee shops or refreshment stand
    - c. Soda or dairy bars
- C. **CONDITIONAL USES:** No buildings or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.14.
1. Bulk storage and/or transfer stations for materials that are of a flammable or explosive nature.
  2. Self-service car wash.

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

1. Minimum Site for an Industrial River Zone - Twenty-five (25) acres
2. Minimum Lot Area - Five (5) acres
3. Minimum Lot Width - Three hundred (300) feet
4. Minimum Front Yard Depth - Fifty (50) feet
5. Minimum Side Yard Width - Fifty (50) feet.
6. Minimum Rear Yard Depth - Fifty (50) feet, unless abutting the river front.
7. Maximum Building Height - Fifty (50) feet, or more if approved by the Planning Commission

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
4. A site plan as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
5. All development in areas defined as "flood prone" (either the floodway or flood-plain) must be in accordance with the regulations set forth in Section 9.24 of this ordinance.
6. All outdoor storage of any material (usable or waste) shall be screened or enclosed from view at the site according to Sections 9.17 and XIII of this ordinance.

**SECTION 10.27 I-5 INDUSTRIAL RIVER ZONE**

- A. **USES PERMITTED:** The intent of the I-5 Zone is to provide for industrial uses in areas of urban service which depend on the use of the adjacent river as a primary function of their process, such as its use for cooling purposes, or access to barge traffic as part of a transportation node of exchange and/or distribution. The following uses are permitted providing all uses are in compliance with both the performance standards as set forth in Article XV of this ordinance, and all appropriate local, state, and federal regulations, and that the use complies with the above stated intent of the I-5 Zone.
1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:
    - a. Acetylene, butane, and bottled gas, including bulk storage.
    - b. Asphalt and asphalt products.
    - c. Brick, tile, or terra cotta.
    - d. Cement, concrete, and concrete products.
    - e. Chemicals, including ammonia, bleach bluing, calcimine, chlorine, corrosive acid or alkali, dyes.
    - f. Electrical and nonelectrical machinery, equipment and supplies.
    - g. Fertilizer, gypsum, lime, or plaster of paris.
    - h. Iron, steel, aluminum foundry or forge works and heavy weight casting.
    - i. Lumber mills and storage yards.
    - j. Lampblack.
    - k. Metal, metal finishing and metal products, including the use of blast furnaces, or drop forges.
    - l. Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.
    - m. Paper, paperboard, pulp.
    - n. Petroleum refining and products including bulk storage.
    - o. Plastic and plastic products.
    - p. Rolling mills.
    - q. Rubber and rubber products.
    - r. Stone and monument works employing power driven tools.
    - s. Sand and gravel, including storage.
  2. Barge, shipping and docking facilities.
  3. Bulk storage stations and/or transfer stations for materials.
  4. Carting express, hauling, or storage yards.
  5. Contractors' offices including storage of general construction equipment and vehicles.
  6. Crating services.
  7. Flour mills.
  8. Forge plants.
  9. Foundries.
  10. Freight terminals.
  11. Machine shops.



12. Plating plants.
13. Public utilities rights-of-way and pertinent structures.
14. Railroad facilities, including passengers and freight terminals, marshaling yards, maintenance shops, and round house.
15. Trucking terminals, related to exchange or distribution with barge traffic.
16. Warehousing or wholesaling, as secondary part of a river oriented function.

B. ACCESSORY USES:

1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, laboratories, offices, and machine shops.
2. Fences and walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.
4. Uses as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.
  - a. Cafeterias
  - b. Coffee shops or refreshment stands
  - c. Soda or dairy bars

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

1. Minimum Site for an Industrial River Zone - Twenty-five (25) acres
2. Minimum Lot Area - Five (5) acres
3. Minimum Lot Width - Three hundred (300) feet
4. Minimum Front Yard Depth - Fifty (50) feet
5. Minimum Side Yard Width - Fifty (50) feet.
6. Minimum Rear Yard Depth - Fifty (50) feet, unless abutting the river front.
7. Maximum Building Height - Fifty (50) feet, or more if approved by the Planning Commission

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
3. Where any yard of any use permitted in this zone abuts a residential zone, a minimum requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall

be maintained by a screening area as regulated by Section 9.17 of this ordinance.

4. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone, with an indication of the proposed method of sewage disposal and waste handling.
5. All development in areas defined as "flood prone" (either the floodway or floodplain) must be developed in accordance with the regulations set forth in Section 9.24 of this ordinance.
6. All outdoor storage of any material (usable or waste) shall be screened or enclosed from view at the periphery of the site according to Sections 9.17 and XIII of this ordinance.

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**SECTION 10.28 ACD - AGRICULTURAL CLUSTER DEVELOPMENT OVERLAY ZONE**

- A. **PURPOSE:** The purpose of the Agricultural Cluster Development (ACD) Overlay Zone is to preserve land used for agriculture through a method of land planning and design that allows for the clustering of a limited amount of detached, single-family residential units along with the creation of a conservation easement to retain a significant portion of the land for agricultural production and use.
  
- B. **GENERAL:** An Agricultural Cluster Development Overlay Zone may be permitted only to be superimposed over the A-1 Zone provided that all conditions and provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the proper integration of the ACD Overlay Zone with the surrounding area are met, and a public hearing is held.
  
- C. **APPLICATION AND PROCESSING:** Applications for ACD Overlay Zone shall be processed in two stages:
  - 1. **STAGE I Development Plan and Zoning Map Amendment.** Applications for amendment to ACD Overlay Zone shall include a development plan in accordance with the requirements of Subsection D. This application will be processed according to the zone map amendment process per Article XVII of the zoning ordinance.
  
  - 2. **STAGE II DEVELOPMENT PLAN, RECORD PLAT, AND CONSERVATION EASEMENT:** A Stage II development plan and Record Plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of Subsection E, and submitted to the Planning Commission for its review and approval. The submission shall also include the Conservation Easement which will be submitted to the Planning Commission's duly authorized representative for review and approval.
  
- D. **STAGE I DEVELOPMENT PLAN REQUIREMENTS:** The development plan shall identify and provide the following information:
  - 1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals two hundred (200) feet showing:
    - a. The total area in the project; by aerial photograph.
    - b. The present zoning of the subject property and all adjacent properties.
    - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
    - d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet.

- e. All existing and proposed housing units on the subject property which identifies: Location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings, including a notation that all residential units shall be subject to all applicable zoning and building permit regulations
- f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property;
- g. A tabular listing of the total area of the tract, conservation easement area, total area which the proposed lots occupy, and access easement area (for private street).
- h. Location of proposed street identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades;
- i. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service which will be required to be installed underground.
- j. Certification from appropriate water and sewer agencies that services will be available.

2. A metes and bounds description of the Conservation Easement Area.

*The information required in items 1a through k, and 2, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.*

E. STAGE II DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS: The Stage II development plan and record plat shall conform to the following requirements:

1. Stage II Development Plan: The applicant shall submit a Stage II Development Plan, in conformance with the Stage I approved Development Plan, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
  - a. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet.
  - b. All existing and proposed housing units on the subject property which identifies: Location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings, including a notation that all residential units shall be subject to all applicable zoning and building permit regulations.
  - c. Location, arrangement, height and identification of all existing and proposed nonresidential buildings & uses on the subject property

- d. A tabular listing of the total area of the tract, conservation easement area, total area which the proposed lots occupy, and access easement area (for private street).
  - e. 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 sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the 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 stormwater 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 revealing the underground installation of the wiring.
  - f. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades.
  - g. 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;
2. A metes and bounds description of the Conservation Easement Area.

*The information required in items 1a through h and 2, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.*

3. Record Plat: A record plat shall be developed in conformity with the Stage II approved Development Plan. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission, and in addition thereto, the following:
- a. All areas reserved for the conservation easement area with a metes and bounds description as specified in item E.2 above, a notation of general terms and conditions of the conservation easement, and

designation of the grantee of said conservation easement per item G. below.

- b. Notation concerning residential units as specified under item E.1.b above.

F. AREA REQUIREMENTS:

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Minimum Tract Size                  | 40 acres                             |
| Minimum Lot Size within Tract       | 1 acre                               |
| Maximum Lot Size within Tract       | 5 acres                              |
| Maximum Number of Lots within Tract | 6                                    |
| Minimum Lot Width                   | Per the requirements of the A-1 Zone |
| Minimum Front Yard Depth            | Per the requirements of the A-1 Zone |
| Minimum Side Yard Depth             | Per the requirements of the A-1 Zone |
| Minimum Rear Yard Depth             | Per the requirements of the A-1 Zone |
| Maximum Building Height             | Per the requirements of the A-1 Zone |

G. CONSERVATION EASEMENT AND AREA: At least seventy-five percent (75%) of the total acreage (i.e. tract) of the proposed ACD Overlay Zone shall be retained for agricultural use under a conservation easement. The area placed within the easement shall not include any of the area of the new lots created within the tract or the access easement area for any private street. The Campbell County Conservancy shall be named as the grantee of the conservation easement.

H. EXPIRATION: Any amendment to ACD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said ACD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions applies:

1. A Stage II Development Plan has not been approved by the Planning Commission within a period of twelve (12) consecutive months from the date of the Stage I approved Development Plan and ACD Overlay Zone Amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete.
2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan by the Planning Commission; provided than an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that

the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved Development Plan.



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## ARTICLE XI

### OFF-STREET PARKING REGULATIONS

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

#### SECTION 11.0 GENERAL REQUIREMENTS:

- A. Computation of Parking Spaces: In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- B. Addition to Buildings: Whenever the intensity of use of any building, structure, or premises shall be increase through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein - additional parking spaces shall be provided in the amounts hereafter specified for that use.
- C. Location of off-Street Parking Facilities:
  - 1. Off-street parking facilities (subject to additional restrictions according to screening requirements in Section 9.17, and other requirements of this Ordinance) shall be located as follows:
    - a. Single-Family Residential zones (A-1, R-RE, & R-1): off-street parking may be permitted in driveways in the front, side, and rear yards, provided all requirements of this ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of 10 feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed 400 square feet (two parking spaces) except, however, the Planning and Zoning Commission may allow additional off street parking spaces to be located thereon provided that: (1) the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1 and (2) a plan of the proposed parking area is submitted and approved by the Planning and Zoning Commission and (3) all other requirements of this ordinance are met.

- b. Multi-Family Zones (R-2, R-3): off-street parking shall be permitted only in side or rear yards, provided that off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards, if approved according to the approved development plan or site plan.
  - c. RMHP Zone: Off-street parking may be permitted on driveways in minimum required side yards, provided that all other requirements of this ordinance are met.
  - d. PUD, RCD, Zones: Off-street parking shall be permitted according to approval of a final development plan.
  - e. NC, HC, RC, SC, NSC, PO, I-1, I-2,-I-3, I-4, I-5, Zones: Off street parking may be permitted in minimum required side, and rear yards, according to the site plan approved by the Planning and Zoning Commission under Section 9.19, and further provided that where land in these zones abuts or is across the street from agricultural or residential zones the setback shall be at least ten (10) feet and may be required to equal the corresponding setback of the zoning of the land abutting or across the street from the subject property, as determined by the Planning and Zoning Commission.
2. All off-street parking facilities shall be located on the same lot or zoning lot as the building served, except for the following:
- a. Multi-family dwellings, where permitted in this Ordinance, and any use permitted in an industrial zone may supply off-street parking within three hundred (300) feet from such lot or zoning lot served, upon approval of the Planning and Zoning Commission, providing that such off street parking requirements of this ordinance are complied with at all times. Further, the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide the required off-street parking space, as required herein, on the same lot or zoning lot or contiguous to the same lot or zoning lot as the building served.
  - b. Where single, two, or multi-family dwellings, which are permitted herein and are existing at the time of adoption of this ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot or zoning lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the Planning and Zoning Commission. In addition, said off street parking lot shall be located in the same zone as the use being served and Constructed in accordance with the requirements of this ordinance.

- c. Off-street parking, as required for "conditional uses" permitted in the Residential (R) Zones, may be permitted to locate on the lot, the building or use being served is located, when approved by the Board of Adjustment, provided that said parking-is located within the use or building being served and available at all times without restrictions for said purposes.
- D. Collective Parking Provision: Collective off-street parking facilities may be provided; however, such facilities shall not be less than the sum of such facilities as would otherwise be individually required.
- E. Driveway Provisions: Except for Residential (R-RE & R-1) Zones, parking or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or openings not less than twelve (12) feet in width and no more than forty-eight (48) feet in width at the curb, excluding curve radius. These curb cuts shall be so located as to minimize traffic hazards and congestion. All such parking lots or areas shall have a protective wall or bumper block around each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. In the case of R-RE and R-1 Residential Zones, no driveway width at the street right-of-way junction shall be less than nine (9) feet, excluding curb radius, providing that this width may be increased if it can be determined, after review and approval of the Planning and Zoning Commission, that said additional width will not impede the flow of traffic.
- F. Approval of Modification of Curb Cuts required: Detailed plans shall be submitted to the Planning and Zoning Commission in the form of a site plan, as regulated by Section 9.19 of this Ordinance, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefore.

For the purpose of minimizing the interference of traffic and congestion on the major street system, as identified in the county's comprehensive plan, the Planning and Zoning Commission shall limit the number of curb cuts along said streets. The number of curb cut intersections with major streets shall be spaced at a distance of not less than 250 feet apart. Access to abutting properties fronting on said major streets shall be provided by a frontage or service road connecting to the curb cut intersection. If the developer can show sufficient proof in the form of a site plan or development plan, that spacing of curb cuts less than 250 feet apart will not impede the movement of traffic flow along said major street, then the Planning and Zoning Commission may vary these requirements accordingly.

- G. Driveways Not Computed As Part of Required Parking Lot: Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of the R-RE and R-1 Zones, where access driveways may be used for parking and designed in accordance with the requirements of this Ordinance.

- H. Off-Street Parking Space and Access Drives Defined - For the purposes of this Ordinance, one (1) parking space shall be a minimum of two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be a minimum of ten (10) feet in width and twenty (20) feet in length. Such parking space shall have a vertical clearance of at least seven (7) feet. Each parking space shall be appropriately dimensioned for automobile parking. All parking lots shall be laid out with the following minimum aisle or access drive widths:
- a. Ninety (90) degree (perpendicular) parking - Twenty-four (24) feet (either one (1) or two (2) way circulation)
  - b. Sixty (60) degree (angle) parking - Eighteen (18) feet (one-way circulation only);
  - c. Forty-five (45) degree (angle) parking - Thirteen (13) feet (one-way circulation only),
  - d. Thirty (30) degree (angle) parking - Eleven (11) feet (one-way circulation only);
  - e. Zero (0) degree (parallel) parking - Twelve (12) feet (one-way circulation).

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

- I. Off-Street Parking Space To Be Used for Parking Space Only: Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- J. No Building Shall Be Erected In Off-Street Parking Space: No building of any kind shall be erected in any off-street parking lot, except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance, or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.
- K. Off-Street Parking Space Shall Not Be Reduced: The required parking area on any lot, as set forth and designated in this ordinance, shall not be reduced or encroached upon in any manner.
- L. Parking Plan Approval Required: Plans for all parking lot facilities, including parking garages, shall be submitted to the Planning and Zoning Commission for review and for compliance with the provisions of this Ordinance and such other pertinent ordinances of the County. Such plans shall show the number of spaces and arrangements of parking aisles, location of driveway entrances and exits, provisions for vehicular and pedestrian circulation, locations of sidewalks and

curbs on or adjacent to the property, utilities, location of shelters for parking attendant, location of signs, typical cross-sections of pavement, base and sub-base in accordance with Article XI, Section 11.0, M, of this Ordinance, proposed grade of parking lot, storm drainage facilities, location of lighting facilities and such other information or plans as the circumstances may warrant.

M. Paving of New off-Street Parking: All new off-street parking facilities shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with the standards and procedure herein established.

1. Asphalt Concrete Pavement:

a. General Design Requirements -

- (1) Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surfaces course and a base course, or courses, all constructed on prepared subgrade. Pavement thickness required shall be determined from Table 1 of this ordinance of the appropriate subgrade soil and traffic use.
- (2) Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved system. Transverse and/or longitudinal slopes of not less than 5/8 inch in 10 feet shall be provided. For large paved areas, approved catch basins and storm drainage systems shall be provided.
- (3) When the pavement includes a granular base, and the pavement is constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.
- (4) Thickness of surface and base is shown for each soil classification and street classification. The first number indicates the minimum thickness of asphalt concrete which may be comprised of asphalt concrete surface course, Type I or II, if the surface course does not exceed two (2) inches. When surface thickness is more than 2 inches, asphalt concrete Base I or II, as specified in Table 2, may be used for all but the upper 1 inch wearing course which must be asphalt concrete surface course I or II, as specified in Table 2. The second figure indicates the thickness of base course of the type indicated. For example, 1-4 indicates 1 inch surface and 4 inches base.

- (5) Soils are classified into three (3) groups indicating their relative effectiveness as subgrade.
  - (a) A - Granular soils that drain well; sand gravel or combination of sand and gravel.
  - (b) B - Silty clays, or lean clays, that retain considerable strength when wet. These are average subgrade soils.
  - (c) C - Heavy clay soils that lose most of their strength when wet.
  
- (6) Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished 1/4 inch above adjacent flush construction to permit proper compaction.
  
- (7) Construction materials and procedures
  - (a) Subsurface drainage
    - [1] Drainage tile, 6-inch perforated tile or other approved types of similar capacity, where required by the Planning and Zoning Commission shall be bedded at a depth of not less than 12 inches below the bottom elevation of the granular base course. Aggregate for bedding and backfill shall all pass a 3/8 inch sieve and have not more than 5 percent passing a No. 200 sieve. The slope of subsurface drains shall be not less than 6 inches per 100 feet. All such drains shall be properly connected to outlet drains.
  
    - [2] All catch basins, in pavement with granular base, shall be constructed with weep holes, at subbase level, to provide for drainage of seepage water from the granular layer. Weep holes shall be constructed of pipe, or other material, having an opening not less than 1.5 inches clear opening. Suitable provision shall be made to prevent clogging of the opening.

Three or more weep holes shall be suitably located around the perimeter of each catch basin.

(8) Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.

(a) Asphalt Concrete Base Course - Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways Specifications for Asphalt Concrete Base Course, Class I, except as noted herein:

[1] Composition requirements of the mixture shall conform to the gradation limits for Asphalt Concrete Base Course I or II set forth in Table 2 of this ordinance. Asphalt content used shall fall within the range shown and shall be approved by the Planning and Zoning Commission.

[2] Uncrushed gravel and natural sand may be used as aggregate provided all other requirements of the specification are complied with.

(b) Asphalt Treated Base Course - Materials and construction procedures shall conform to the following requirements:

[1] Aggregates may be crushed or uncrushed material conforming to the gradation requirements, shown in Table 2 of this ordinance for either Base III or Base IV. The aggregate shall be composed of hard durable particles and shall contain no more than a total of 5 percent deleterious substances. In addition, the sand equivalent of the aggregate shall not be less than twenty-five (25) when tested in accordance with AASHTO Designation: T 176-56. The contractor shall set a single gradation and asphalt content, within the specified limits, as the job mix formula to be used on the project. This formula must be approved by the Planning and Zoning Commission, prior to use. Gradation and



asphalt content may vary during construction within the following tolerances:

|                              |         |
|------------------------------|---------|
| % Passing 3/4" or 3/8" Sieve | ± 10.0% |
| % Passing No. 8 Sieve        | ± 8.0%  |
| % Passing No. 50 Sieve       | ± 6.0%  |
| % Passing No. 100 Sieve      | ± 3.0%  |
| % Asphalt                    | ± 0.4%  |

- [2] Other construction requirements shall conform to those specified by the Kentucky Bureau of Highways for Asphalt Concrete except that a gradation unit on the plant shall not be required provided the aggregate can be controlled by other means to produce a consistently uniform gradation.

(c) Crushed Stone Base Course

- [1] Crushed Stone Base Course shall conform to all the current requirements of the Kentucky Bureau of Highways for Dense Graded Aggregate Base Course.

- (9) Asphalt Concrete Surface Course - Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways for Asphalt Concrete Surface, Class I. Surface Course Mixture Composition may conform to requirements of either Surface Course I or II as set forth in Table 2 of this ordinance. Minimum course thickness shall be as stated in Table I of this ordinance.

(10) Asphalt Prime and Tack Coat

- (a) Asphalt Prime shall conform to the Kentucky Bureau of Highways' requirements for Cutback Asphalt Emulsion Primer Type L. Prime shall be applied to the surface of granular base course at a rate of 0.20 to 0.40 gallons per square yard, as directed by the County Engineer, in conformance with requirements of the referred to specification.
- (b) Tack Coat shall consist of SS-1h, meeting the current requirements of the Kentucky Bureau of Highways. It shall, when directed by the Planning and Zoning Commission, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the Kentucky Bureau of Highways

for Tack Coats. Tack Coat shall be applied, upon direction of the Planning and Zoning Commission, to the surface of asphalt courses that have become dusty or dry from traffic use before the subsequent course could be placed or in other circumstances when the Planning and Zoning Commission so directs.

2. Soil-Cement Base Course (with Asphalt Concrete Surface):

a. Description: Soil-cement base course shall consist of soil and cement uniformly mixed, moistened, compacted, finished, and cured in accordance with the specifications herein, and it shall conform to the lines, grades, thickness and typical cross section shown on the plans.

b. Materials:

(1) Cement shall comply with the latest specifications for cement, AASHTO M85, M134, M151; or ASTM C150, C175, C205; or Federal SS-CJ92b, SS-C-218 for the type specified. One cubic foot of Portland Cement shall be considered to weigh 94 pounds and 1 bbl. of cement shall be considered to weigh 376 pounds.

(2) Water - Water shall be free from substances deleterious to the hardening of the soil-cement.

(3) Soil - Soil shall consist of the material existing in the area to be paved, of approved selected soil, or of a combination of these materials proportioned as directed. The soil shall not contain gravel or stone retained on a 3-inch sieve or more than 45 percent retained on a No. 4 sieve.

c. Construction Methods:

(1) Preparation:

(a) Unsuitable soil or material shall be removed and replaced with acceptable soil.

(b) The subgrade shall be firm and able to support without displacement the construction equipment and the compaction hereinafter specified. Soft or yielding subgrade shall be corrected and made stable, before construction proceeds.

- (2) Pulverization - The soil shall be so pulverized that, at the completion of moist-mixing, 100 percent by dry weight passes a 1-inch sieve and a minimum of 80 percent passes a No. 4 sieve, exclusive of gravel or stone retained on the sieves.
- (3) Cement Application, Mixing and Spreading - Mixing of the soil, cement, and water shall be accomplished either by the mixed-in-place or the central-plant-mixed method.

No cement or soil-cement mixture shall be spread when the soil or subgrade is frozen or when the air temperature is less, than 40 degrees F. in the shade.

The percentage of moisture in the soil, at the time of cement application, shall not exceed the quantity that will permit a uniform and intimate mixture of soil and cement during mixing operations; and it shall not exceed the specified optimum moisture content for the soil-cement mixture.

Any soil-and-cement mixture that has not been compacted and finished shall not remain undisturbed for more than 30 minutes. The soil-cement base course shall have a thickness of not less than six (6) inches.

- (4) Compaction - At the start of compaction, the percentage of moisture in the mixture and in unpulverized soil lumps, based on oven-dry weights, shall not be below or more than two percentage points above the specified optimum moisture content, and shall be less than that quantity which will cause the soil-cement mixture to become unstable during compaction and finishing. The specified optimum moisture content and density shall be determined in the field by a moisture density test, AASHTO T134-57 or ASTM D558-57, on representative samples of soil-cement mixture obtained from the area being processed.

Prior to the beginning of compaction, the mixture shall be in a loose condition for its full depth. The loose mixture then shall be uniformly compacted to the specified density within two hours. During compaction operations, shaping may be required to obtain uniform compaction and required grade and cross section.

- (5) Finishing - After compaction the surface of the soil-cement shall be shaped to the required lines, grades and cross section. If necessary, during shaping operations, the surface of the base shall be lightly scarified to remove any tire

imprints or smooth. The resulting surface shall be specified density. Rolling broom-dragging if required.

The moisture content of the surface material must be retained at not less than its specified optimum moisture content during finishing operations. Surfaces left by equipment. Surface compaction and finishing shall be done in such a manner as to produce, in not longer than two hours, a smooth dense surface free of compaction planes, cracks, ridges or loose materials.

Any portion of the soil-cement that has a density of five pounds or more below that specified shall be corrected or replaced to meet these specifications.

- (6) Curing - After the soil-cement has been finished as specified, herein, it shall be protected against drying for seven days by the application of bituminous material. The curing material shall be applied as soon as possible but not later than 24 hours after completion of finishing operations. The finished soil-cement shall be kept continuously moist until the curing material is placed.

The bituminous material specified shall be uniformly applied to the surface of the completed soil-cement at the rate of approximately 0.2 gallon per square yard with approved heating and distributing equipment.

At the time the bituminous material is applied the soil cement surface shall be dense, shall be free of all loose and extraneous material, and shall contain sufficient moisture to prevent penetration of the bituminous materials. Water shall be applied in sufficient quantity to fill the surface voids of the soil-cement immediately before the bituminous curing material is applied.

The curing material shall be maintained by the contractor during the seven day protection period so that all of the soil cement will be covered effectively during this period.

Sufficient protection from freezing shall be given the cement for seven days after its construction and until it has hardened.

- (7) Surfacing - Asphaltic concrete shall be applied to the soil cement base course as regulated in Section 11.0, M, Subsection 1, b (3) of this ordinance.

3. Concrete Parking Areas:

a. General Requirements - Thickness of concrete parking shall be:

- (1) A minimum of five (5) inches for passenger cars and panel or pick-up truck parking.<sup>1</sup>
- (2) A minimum of six (6) inches for driveways accommodating light trucks and for light truck parking.
- (3) A minimum of seven (7) inches for heavier commercial or industrial needs.

b. General Requirements - Concrete mix (for areas subject to freeze-thaw conditions.)

- (1) Minimum cement content - 564 lb./cu. yd. (6 U.S. bags).
- (2) A Maximum size of aggregate - 1 - 1/2 inches.
- (3) Maximum water content - 0.49 lb./l lb. of cement (5.5 gal./bag.)
- (4) Maximum slump - Four (4) inches.
- (5) Air entrainment

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

c. Construction Procedures:

- (1) All soft and yielding material and other portions of the subgrade. which will not compact readily when rolled or taped shall be removed and replaced with suitable material placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHTO-T98).
- (2) Longitudinal joint spacing shall not exceed 12.5 feet.
- (3) Transverse joint spacings shall be at regular intervals of twenty (20) feet.

- (4) All transverse construction joints shall have a depth equal to one-fourth (1/4) of the pavement thickness.
- (5) Form offsets at radius points shall be at least two (2) feet.
- (6) Pavement joints must be continuous through the curbs.
- (7) Where curbs are required they shall be cast integrally.
- (8) The pavement shall be struck-off, consolidated, and finished to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white membrane curing compound or by seven day coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic for seven days.

N. DESIGN AND MAINTENANCE:

1. Screening and Landscaping: All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone by a solid wall, Fence or densely planted compact hedge as regulated by Section 9.17 of this Ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.
2. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.
3. Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans as approved by the Planning and Zoning Commission. Each required parking space shall be connected with a deeded public right-of-way (by means of adequate aisles as required in Section 11.0,H) which offers adequate ingress and egress for automobiles.
4. Parking lots, garages and storage areas shall be so designed and constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages and/or storage areas.

Table 1

Thickness Requirements Of Surface And Base Courses  
For Automobile And Truck Parking Facility Pavements

Thickness of Surface and Base - Inches of Asphalt

| Type Of Vehicle               | Soil Classification | Type I of II | Type III of IV | Granular Base |
|-------------------------------|---------------------|--------------|----------------|---------------|
| Automobile Parking Facilities | A                   | 1 - 4        | 2 - 4          | 3 - 4         |
|                               | B                   | 1 - 5        | 2 - 5          | 3 - 6         |
|                               | C                   | 1 - 6        | 2 - 6          | 3 - 8         |
| Truck Parking Facilities      | A                   | 1 - 6        | 2 - 6          | 4 - 6         |
|                               | B                   | 1 - 7        | 2 - 7          | 4 - 8         |
|                               | C                   | 1 - 8        | 2 - 8          | 3 - 10        |

Table 2  
Composition Limits For Asphalt Mixtures

| Sieve Size | Base I    | Base II   | Surface I | Surface II | Base III  | Base IV   |
|------------|-----------|-----------|-----------|------------|-----------|-----------|
| 1 - 1/2"   | 100       | --        | --        | --         | --        | 100       |
| 1"         | 85 - 100  | 100       | --        | --         | --        | --        |
| 3/4"       | --        | 80 - 100  | --        | --         | 70 - 100  | 100       |
| 1/2"       | 50 - 80   | --        | --        | 100        | 100       | --        |
| 3/8"       | --        | 54 - 76   | 80 - 100  | --         | 40 - 80   | 70 - 100  |
| No. 4      | 30 - 50   | 37 - 57   | 55 - 75   | 75 - 95    | --        | --        |
| No. 8      | 25 - 45   | 25 - 45   | 35 - 60   | 60 - 85    | 25 - 60   | 40 - 100  |
| No. 16     | 5 - 20    | 5 - 20    | 9 - 21    | 15 - 40    | 5 - 30    | 15 - 50   |
| No. 100    | 3 - 10    | 3 - 10    | 5 - 14    | 5 - 25     | 3 - 15    | 5 - 25    |
| No. 200    | --        | --        | --        | 3.7        | 4 - 10    | --        |
| % Asphalt  | 3.5 - 6.0 | 4.0 - 7.0 | 5.0 - 8.0 | 6.0 - 9.0  | 3.5 - 6.0 | 4.0 - 8.0 |



**SECTION 11.1 SPECIFIC OFF-STREET PARKING REQUIREMENTS:** The amount of off street parking space required for uses, building, or additions thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off street parking requirements of this section of the Ordinance.

| TYPE OF USES   | REQUIRED NUMBER OF PARKING SPACES   |
|--|---|
| A. Airport, railroad passenger stations and bus terminals                            | One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space per each two (2) employees on shift of largest employment.                              |
| B. Automobile laundries  | One (1) parking space for each employee, plus one (1) space per owner or manager and reservoir space equal to five (5) times the capacity of laundry.   |
| C. Automobile service stations   | One (1) space for each gas pump island, plus two (2) spaces for each working bay, plus one (1) parking space for each employee at largest shift.  |
| D. Beauty parlors and barber   | Two (2) parking spaces per barber and shops or beauty shop operator.  |
| E. Bowling establishments  | Five (5) parking spaces for each lane; plus one (1) space for each two (2) employees on shift of largest employment.  |
| F. City and/or county government   | One (1) parking space for each two hundred (200) square feet of gross floor area.   |
| G. Commercial or trade schools   | One (1) parking space for each two (2) students based on design capacity of school plus one (1) parking space for each employee.  |
| H. Convalescent homes, nursing homes, rest homes, homes for the aged, and orphanages | One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor. |

| TYPE OF USES  | REQUIRED NUMBER OF PARKING SPACES   |
|---|---|
| I. Dance halls, pool and billiard halls and exhibition halls without fixed seats  | One (1) parking space for each one hundred (100) square feet of floor area used for dancing or assembly, or one (1) space for each four (4) persons based on design capacity, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment.   |
| J. Dormitories, Fraternities, Sorority Houses and Other Group Housing   | One (1) parking space per each two residents plus one (1) parking space per owner or operator; plus one (1) parking space per employee; or one (1) parking space for each two seats for membership meetings, whichever is greater based on design capacity.   |
| K. Dwellings: One-family<br>Two-family  | Two (2) parking spaces.<br>Four (4) parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted on the access drive.  |
| L. Dwellings: Multi-family  | One (1) parking space for every one (1) bedroom dwelling unit and two (2) parking spaces for every dwelling unit with two or more bedrooms.   |
| M. Establishments for sale and consumption on the premises of alcoholic beverages, food, and refreshments, or for take home food services | One (1) parking space per each: 1. 30 square feet of gross floor area in a drive-in restaurant; 2. 140 square-feet of gross floor in a carry-out restaurant; 3. 40 square feet of gross floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; 4. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each two (2) employees on shift of largest employment in any type restaurant. |
| N. Fire Stations  | One (1) parking space per each person on duty on largest shift.   |
| O. Hospitals  | One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees, or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.  |
| P. Laundromats  | One (1) parking space for each two (2) washing machines.  |

| <b>TYPE OF USES</b>  | <b>REQUIRED NUMBER OF PARKING SPACES</b>  |
|--|---|
| Q. Libraries, museums, and art galleries   | One (1) parking space per each four (4) seats in rooms for public assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment.  |
| R. Medical offices and/or clinics  | Five (5) parking spaces per each practitioner, plus one (1) parking space per each two (2) employees or one (1) parking space per each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.  |
| S. Mortuaries or funeral homes   | One (1) parking space for each four (4) seats in the main chapel or public assembly area based on maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, one (1) parking space for each fifty (50) square feet of floor area in parlors or service rooms, or one (1) parking space for each four (4) persons based on designed capacity of building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee. |
| T. Offices for professional business and financial real estate and business purposes other than medical offices and/or clinics | One (1) parking space for each two hundred (200) square feet of gross floor area.   |
| U. Post offices  | One (1) parking space for each four hundred (400) square feet of gross floor area; plus one (1) parking space for each two (2) employees on the shift of largest employment.  |
| V. Private clubs, boarding houses, and lodge halls   | One (1) parking space for each guest sleeping room, or one (1) parking space per each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.  |

| <b>TYPE OF USES</b>  | <b>REQUIRED NUMBER OF PARKING SPACES</b>   |
|--|--|
| W. Retail and personal service stores  | 5.5 spaces per 1000 square feet of gross leasable area.  |
| X. Schools-Elementary, junior high and equivalent private or parochial schools                                       | One (1) parking space per teacher and administrator or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater.                                     |
| Y. Schools-Senior high, trade, and vocational, college and universities, and equivalent private or parochial schools | Six (6) spaces per each room to be used for class instruction or administrative offices or one (1) space for each four (4) seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater. |
| Z. Shopping centers  | 5.5 Parking spaces per 1000 feet of gross leasable area.   |
| AA. Stadium and sports arenas  | One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) space for each two (2) employees on shift of largest employment.   |
| BB. Theaters, auditoriums, churches, and places of assembly with fixed seats   | One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) additional space for each two (2) employees on shift of largest employment.  |
| CC. Theaters, auditoriums, churches, and places of assembly without fixed seats                                      | One (1) parking space per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.  |
| DD. Tourist homes, cabins, motels, or hotels   | One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.   |

**TYPE OF USES**

**REQUIRED NUMBER OF PARKING SPACES**

EE. Industrial establishments, including manufacturing, research and testing laboratories

Two (2) parking spaces for each three (3) employees-the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.

FF. Wholesale establishments, warehouses, and storage buildings

One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.

## ARTICLE XII

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

#### **SECTION 12.0 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS:**

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

**SECTION 12.1 OFF-STREET LOADING AND/OR UNLOADING USE AND BULK REGULATIONS:** Off-street loading and/or unloading facilities shall be provided in accordance with the following regulations.

- A. **Spaces Required:** Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional 10,000 square feet, or fraction thereof, of gross floor area in the building.

If sufficient proof can be shown that less than these requirements (only that part which has to do with over five thousand (5,000) square feet) will be satisfactory for the operation in question, if approved by the Planning and Zoning Commission.

- B. **Size of Off-Street Loading and/or Unloading Space:** Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet; provided however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Planning and Zoning Commission may reduce the minimum length to not less than thirty-five (35) feet.
- C. **Location:** All required loading and/or unloading spaces shall be located on the same zoning lot as the use served. No loading and/or unloading space for vehicles over two-ton capacity shall be closer than fifty (50) feet to any property in a residential zone unless completely enclosed by a fence, wall or screen as regulated by Article XIII of this ordinance. No loading and/or unloading space shall be located in any required yards, except as herein provided.

- D. Access: Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least twelve feet for one-way circulation and at least twenty-four (24) feet for two-way circulation.

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

- E. Enlargement of Buildings: The off-street loading and/or unloading requirements, as listed in this article of the ordinance, shall apply at any time any building is enlarged or increased in capacity by adding floor area.

F. Design and Maintenance

1. Surfacing - All open off-street loading and/or unloading spaces shall be paved subject to the provisions in Article XI, Section 11.0, M, 3 of this ordinance.
2. Lighting - Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.
3. Space allocated to any off-street loading and/or unloading space shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

- G. Off-Street Loading and/or Unloading Plan Approval Required: Plans for all loading and/or unloading facilities shall be submitted to the Planning and Zoning Commission for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the County. Such plans shall show the exact proposed layout of all loading and/or unloading areas, drives and accessories, entrances and exits, type of surface to be used, typical cross sections of pavement, base and sub-base, location of lighting facilities, storm drainage facilities, proposed grade of off-street loading and/or unloading area, and such other information or plans as the circumstances may warrant.

## ARTICLE XIII

### FENCES, WALLS AND OBSTRUCTION TO VIEW REGULATIONS

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

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

**SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS:** The following shall be the classification of fences and walls for this Ordinance.

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

#### SECTION 13.2 AGRICULTURE & RIVER CONSERVATION ZONES

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

#### SECTION 13.3 RESIDENTIAL ZONES:

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



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

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

- A. Except as provided for in Section 13.0, fences of classes 1,2,3,4,5, or 6 may be erected in front, side and rear yards of commercial zones up to a maximum height of ninety-six (96) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, may be erected up to a maximum height of ninety-six (96) inches. In all commercial and industrial zones, except NSC, SC, a combination of class 3 and 7 fence (chain link with three strands of barb wire) may be erected, including corner lots as governed by Section 13.0, up to a maximum height of ninety-six (96) inches.

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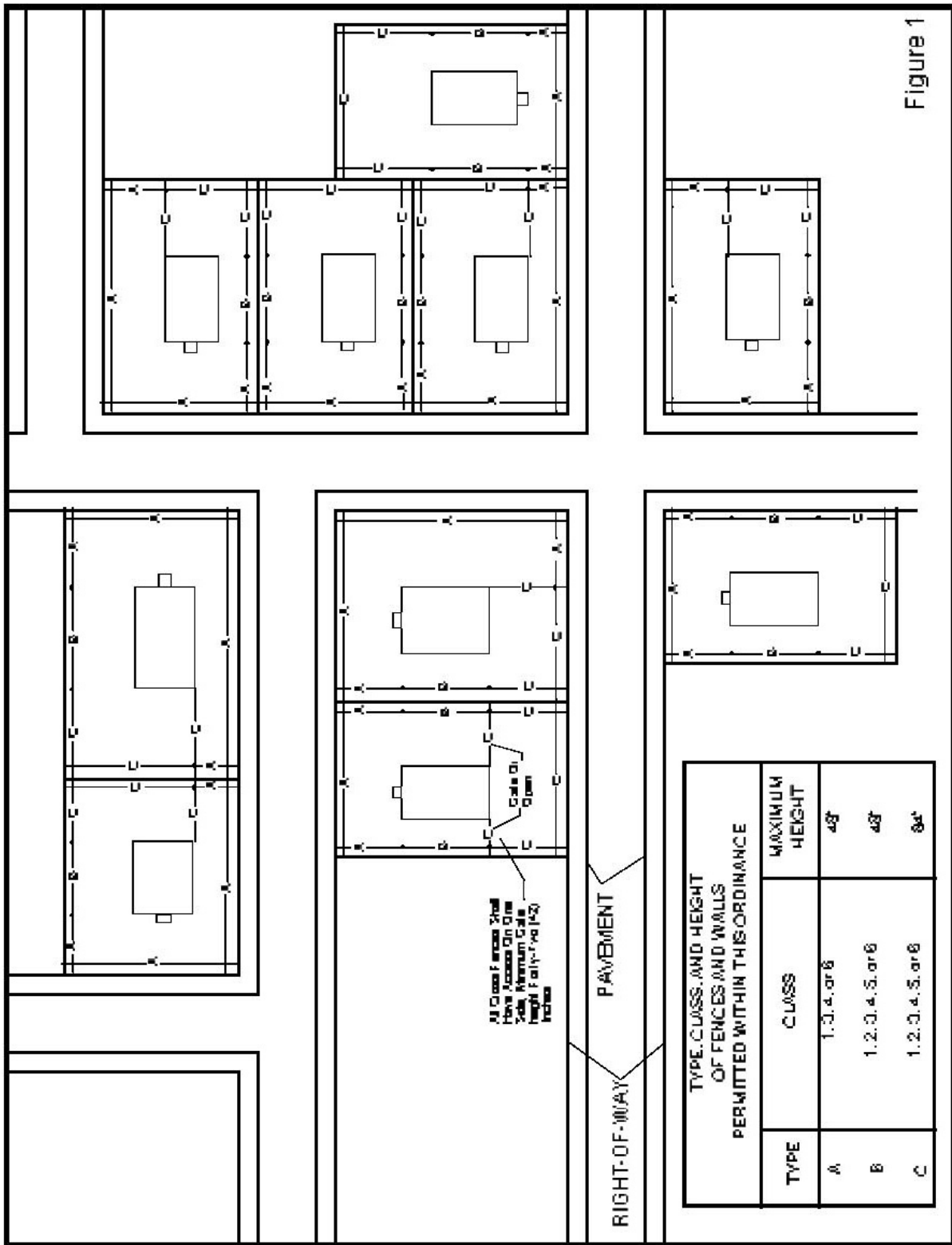
**SECTION 13.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS:**

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

**SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES:**  
In all zones, except A-1 and R-RE Zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of sixty (60) inches above ground level.

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

- A. A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this Ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.
- B. No fence shall be erected, except as exempted or specified within this Ordinance, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued for such by the Zoning Administrator in accordance with Sections 16.1 and 16.2 of this Ordinance.



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## ARTICLE XIV

### SIGN REGULATIONS

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

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

- A. Notwithstanding any part of this ordinance to the contrary, all business and identification signs, as defined in Section 7.0 of this ordinance shall be deemed accessory uses and all advertising signs, as defined in Section 7.0 of this ordinance, shall be deemed non-accessory uses.
- B. No sign shall be erected, maintained or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes or ordinances of the County. The Zoning Administrator shall have the duty and authority to remove or cause to have removed any sign not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the County when the owner or agent has failed to comply within the time specified by the Planning Commission to make said sign comply. Said owner or agent shall bear full costs of such removal and shall be billed accordingly.
- C. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830-177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.
- D. Time schedule for compliance of sign regulations: Notwithstanding any part of this ordinance, compliance with the provisions of this Article of the ordinance shall be according to the following time schedule:
  - 1. All new signs shall comply with erected.
  - 2. Advertising signs, as defined herein, which become nonconforming after the effective date of this ordinance, and located in' any residential zone, shall be required to conform to the ordinance within twelve (12) consecutive calendar months after the effective date of this ordinance.
  - 3. Advertising signs, as defined here in, which become nonconforming after the effective date of this ordinance are located in any zone other than a residential zone, shall be required to conform to the ordinance within thirty-six (36) consecutive months after the effective date of this ordinance.

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

All signs becoming nonconforming due to this ordinance shall be registered by owner or agent with the Zoning Administrator within six (6) consecutive calendar months of the effective date of this ordinance. The owner or agent of any sign legally erected but which has become nonconforming because of this ordinance and not registered within the prescribed time, shall be dealt with as specified in Section 16.9 of this Ordinance.

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

culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted within this ordinance.

- L. No sign shall be erected, maintained or continued upon the inside of a curve of a street which causes any interference to sight distance in the opinion of the Planning Commission.
- M. No sign shall be erected, maintained or continued displaying flashing or intermittent lights, or lights of changing degrees or intensity except a sign with a changeable electronic message board or electronic display screen, with changes alternating on not less than a five second cycle or with messages scrolling steadily across the screen when such sign does not constitute a public safety or traffic hazard, in the judgment of the Planning Commission.
- N. Notwithstanding any part of this Ordinance to the contrary, no sign shall be erected, maintained or continued in any zone which does not comply fully with Section 12.0 of this Ordinance except as specifically permitted within this Ordinance.
- O. Except as herein provided, signs shall be permanently attached to the ground or on the building, which the sign is to serve. Signs located on portable type vehicles or temporary signs, not to exceed twelve (12) square feet, may be permitted to advertise public, semi-public, charitable, or religious fund raising programs, the opening of a new business, special events, or for other temporary purposes. Said sign may be erected for not more than 14 consecutive calendar days and shall be removed by the owner or agent upon expiration of the time period provided for in the sign permit.
- P. Notwithstanding any part of this Ordinance to the contrary, no sign shall be erected, maintained or continued in zones except as provided for in Section 14.1, D, unless the sign complies with all of the following regulations:
  - 1. Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located, or for a nonconforming use subject to the limitations contained in Section 9.12, E, of this Ordinance regarding nonconforming uses;
  - 2. Is clearly incidental, customary to and commonly associated with the operation of the use being advertised;
  - 3. Is established and controlled under and by the same ownership as the use being advertised;
  - 4. Is limited in location to the premises on which the use being advertised is located;

5. Is limited in subject matter to the name, design, picture or phone number and address of owner, operator, builder, sales agent, managing agent, lessor, lessee, of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degrees beyond the specifically permitted subject; and
  6. Compliance with the exemptions listed in Section 14.2 if this Article of the ordinance.
- Q. Notwithstanding any part of this Ordinance to the contrary, when any sign becomes defective or dangerous as determined by the Planning Commission, the Zoning Administrator shall have the power and the authority to remove or cause to have removed such sign when the owner or agent has failed to comply within the time specified by the Planning Commission to repair or make said sign safe or has failed to satisfy the commission that the sign is not defective or dangerous. The owner or agent of said sign shall bear the full costs of such removal and shall be billed accordingly. If the Planning Commission determines that said sign is of possible immediate danger to persons or vehicles, which may be passing nearby, the Zoning Administrator shall place or cause to have placed, signs or barriers indicating such danger.
- R. Notwithstanding any part of this Ordinance to the contrary, whenever any sign which does not comply with the provisions and regulations of this Ordinance, collapses, burns, or if said sign is removed from its location, except for normal maintenance, said sign shall not be replaced or reconstructed, except in full compliance with all of the provisions and regulations of this ordinance.
- S. Notwithstanding any part of this Ordinance to the contrary, the Planning Commission shall have the power and authority to remove or cause to have removed any and all signs which the County Engineer determines to be a traffic hazard, when the owner or agent responsible for the maintenance of said sign has failed to eliminate such traffic hazards within thirty (30) days from the date that the written notice is mailed by the Zoning Administrator. Said owner or agent shall bear the full costs of such removal and shall be billed accordingly.
- T. Except as otherwise specified in this Ordinance, signs shall be in conformance with the County's Building Code where applicable and shall be subject to the inspection and approval by the Building Inspector.

**SECTION 14.2 SPECIAL SIGNS:** The following signs shall be permitted in any zone without a fee;

- A. One (1) real estate sign per acre not exceeding twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Said sign shall not be animated; may be illuminated but only by concealed lighting, and

only until 10:00 P.M. Such signs shall be removed by owners or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.

- B. Bulletin board not over twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, for public, charitable or religious institutions when the same is located on the premises of said institution. Said sign shall not be animated; may be illuminated, but only by concealed lighting, and only until 10:00 P.M.
- C. Memorial signs or tablets, containing the name of the building and the date of erection when built into the walls of the building and constructed of bronze, brass, marble, stone or other incombustible materials.
- D. Traffic signs, provided that said signs are designed in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
- E. Temporary signs, where permitted or required by the Zoning Administrator, to fulfill requirements of this Ordinance or other resolutions or regulations imposed by a governmental entity.
- F. Signs inside a building, but shall not include signs within open malls or open courts.

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

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



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

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

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

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

- A. Class 1: The following signs meeting the following specifications shall constitute Class 1 and shall be only business or identification signs, as defined herein:
  - 1. Structural Type - Flat or window sign; single faced only
  - 2. Maximum Size Of Sign - Forty-eight (48) square feet
  - 3. Maximum Height Above Grade At Top Of Sign - Attached directly to building parallel to wall face as defined in Section 7.0 of this Ordinance.
  - 4. Limitations On Number Of Signs - One (1) sign for each separate use that is a permitted use
  - 5. Other Limitations
    - a. Shall be neither animated nor illuminated
- B. Class 2: The following signs meeting the following specifications shall constitute Class 2 and shall be only business or identification signs, as defined herein:
  - 1. Structural Type - Only one of the following type signs are permitted in Class 2 per each individual use: Flat, window, or projecting sing; single or double faced
  - 2. Maximum Size Of Sign - Twenty-four (24) square feet
  - 3. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting no more than eighteen (18) inches from the wall face of the building as defined in Section 7.0

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4. Limitations On Number Of Signs - One (1) sign for each separate use that is a permitted use
  5. Other Limitations
    - a. Shall be neither animated nor illuminated
- C. Class 3: The following signs meeting the following specifications shall constitute Class 3 and shall be only business or identification signs, as defined herein:
1. Structural Type - Flat, ground or pole sign; single or double faced
  2. Maximum Size Of Sign - Six (6) square feet in outside area
  3. Maximum Height Above Grade At Top Of Sign - Twelve (12) feet
  4. Limitations On Number Of Signs - One (1) sign for each curb cut plus any number within the off-street parking areas
  5. Other Limitations
    - a. May be illuminated but only from a concealed light source and shall not be flashing, glaring nor animated.
    - b. Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing or service advertising other than that specified in Section 14.1 of this Ordinance.
    - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
    - d. No pole sign shall be, at its lowest point, less than ten (10) feet from the ground.
- D. Class 4: The following signs meeting the following specifications shall constitute Class 4 and shall be only business or identification signs, as defined herein:
1. Structural Type - Only one (1) of the following signs are permitted in this class per each individual use: Flat, window or ground sign, as defined herein
  2. Maximum Size Of Sign - Twelve (12) square feet in outside area, except as specified in Subsection D (4) of this section
  3. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet
  4. Limitations On Number Of Signs - The total outside area of all signs in a single designated land area shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by twenty-five (25), provided however, that the aggregated area of any such sign or signs shall have an outside area of at least six (6) square feet, and provided further, that no single sign shall have an outside area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed
  5. Other Limitations

- a. Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 P.M.
  - b. Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling and rebuilding of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two consecutive calendar days, but are renewable one time only for an additional one hundred eighty-two consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
  - c. Shall be located only on the premises of the property being referred to.
  - d. No part of any ground sign shall be closer than five (5) feet from any property line.
- E. Class 5: The following signs meeting the following specifications shall constitute Class 5 and shall be only business or identification signs, as defined herein.
1. Structural Type - Individual letters only; single faced only
  2. Maximum Size Of Individual Sign
    - a. One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
    - b. Maximum size of letters shall be thirty-six (36) inches in height.
    - c. The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign.
  3. Maximum Height Above Grade At Top Of Sign - Attached flat to building, but shall not extend above or beyond any wall of the building as defined in Section 7.0 of this Ordinance
  4. Limitations On Number Of Signs - One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign regardless of how many firms, companies, or incorporation's having separate ownership, rental, or lease within said office building
  5. Other Limitations
    - a. Shall be neither flashing nor animated.
    - b. May be illuminated, but only from a concealed light source.

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

1. Structural Type - Flat sign, single faced only
2. Maximum Size Of Individual Sign - Only (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located
3. Maximum Height Above Grade At Top Of Sign - Attached to building, but shall be extend above or beyond any wall of the building as defined in Section 7.0 of this Ordinance
4. Limitations On Number Of Signs - One (1) sign for each street frontage of the lot on which the primary permitted use is located except that where a complex of buildings are so constructed and maintained that said complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate business for this purpose, but shall have only one (1) such sign regardless of how many firms, companies or incorporation's having separate ownership, rental, or lease within said office building.
5. Other Limitations
  - a. Shall be neither flashing nor animated.
  - b. May be illuminated, but only from a concealed light source.

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

1. Structural Type - Pole sign or ground sign, single or double faced.
2. Maximum Size Of Individual Sign - Sixty (60) square feet
3. Maximum Height Above Grade At Top Of Sign - Twenty (20) feet
4. Limitations On Number Of Signs - One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located
5. Other Limitations
  - a. Such a sign may be animated providing that the sign is constructed in such a manner as to prevent endangering pedestrians or vehicle traffic by moving parts.
  - b. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line.
  - c. No pole sign shall be, at its lowest point, less than ten (10) feet from the ground.

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- H. Class 8: The following signs meeting the following specifications shall constitute Class 8 and shall be only business or identification signs, as defined herein:
1. Structural Type - Ground sign; single or double faced
  2. Maximum Size Of Individual Sign - Twenty-five (25) square feet
  3. Maximum Height Above Grade At Top Of Sign - Ten (10) feet
  4. Limitations
    - a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
    - b. One (1) sign may be erected for identification purposes of a residential subdivision.
  5. Other Limitations
    - a. Shall be neither flashing nor animated.
    - b. May only be illuminated from a concealed light source; however, may not be lit between the hours of 10:00 P.M. and 6:00 A.M.
    - c. No part of any ground sign shall be closer than five (5) feet from any property line.
- I. Class 9: The following signs meeting the following specifications shall constitute Class 9 and shall be only business or identification signs, as defined herein:
1. Structural Type - Pole or ground signs; single or double faced
  2. Maximum Size Of Individual Sign - Three hundred (300) square feet
  3. Maximum Height Above Grade At Top Of Sign - Thirty (30) feet
  4. Limitations
    - a. One (1) sign may be erected on each abutting major street identifying a shopping complex of three (3) or more businesses located in a unified building or an attached group of buildings.
    - b. One (1) sign may be erected along each abutting arterial street entrance into an Industrial Zone for the purposes of identifying an Industrial Park.
  5. Other Limitations
    - a. Shall be neither flashing nor animated.
    - b. May only be illuminated from a concealed light source however, may not be lit between the hours of 10:00 P.M. and 6:00 A.M.
    - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
    - d. No pole sign shall be, at its lowest point, less than ten (10) feet from the ground.
- J. Class 10: The following signs meeting the following specifications shall constitute Class 10 and shall be only advertising signs, as defined herein:

1. Structural Type - Ground sign; single or double faced
2. Maximum Size Of Individual Sign - Three hundred (300) square feet
3. Maximum Height Above Grade At Top Of Sign - Thirty (30) feet
4. Limitations On Number Of Signs - No sign shall be located closer than two hundred (200) feet from any residential zone as measured along both sides of the street on which the sign abuts. Only one (1) sign may be erected on any lot, providing that such sign shall meet the minimum requirements of lot area, lot width, front, side, and rear setbacks in the particular zone where such signs are permitted. In addition, advertising signs shall be so located that the entire sign display area is visible at a minimum viewing distance of two hundred fifty (250) feet, as measured along the centerline of the street on which said sign is facing.
5. Other Limitations - No ground sign shall exceed forty-eight (48) feet in length, except when adjoining such other ground sign at an acute angle.

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

| Zones      | Uses  | Permitted Sign Classes |
|------------|---|------------------------|
| RC-O & A-1 | <ol style="list-style-type: none"> <li>1. Any use permitted in this.....1, 2, and 4</li> <li>2. In addition to sign classes permitted in (1):               <ol style="list-style-type: none"> <li>a. off-street parking areas.....3<br/>(excluding 3 parking garages)</li> <li>b. All the following uses permitted in this zone (including parking garages):                   <ol style="list-style-type: none"> <li>(1) Public owned and/or.....5 and 8 or<br/>operated parks, and/or 6 and 8*<br/>5 and 8 or recreation areas<br/>including swimming pools</li> <li>(2) Recreational uses other than.....5 and 7 or<br/>those publicly owned and/or 6 and 7*<br/>operated such as golf courses,<br/>country clubs, and semi public<br/>swimming pools</li> <li>(3) Conditionally permitted areas.....5 and 8 or<br/>6 and 8*</li> </ol> </li> </ol> </li> </ol> |                        |

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

| Zones  | Uses   | Permitted Sign Classes |
|--|--|------------------------|
| R-RE, R-IA, R-1B, R-1C, R-1D, R-1E, R-2, R-3, RMHP | 1. Any use permitted in these zones.....4<br>2. In addition to sign classes permitted in (1):<br>a. Conditional uses permitted in.....5 and 8 or these zones 6 and 8*  |                        |
| PUD, RCE, IM, MLU                                  | As approved according to the Final Development Plan  |                        |
| NC, HC, NSC, SC, RC, PO                            | 1. Any use permitted in these zones.....1, 2, and 4<br>2. In addition to sign classes permitted in (1):<br>a. Off-street parking areas.....3 (excluding parking garages)<br>b. Signs for identification of name.....7 of shopping complex (3 or more businesses located in a unified building or attached group of buildings), however, each individual business in this complex may have:.....5 or 6* |                        |

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



| Zones                       | Uses   | Permitted Sign Classes |
|-----------------------------|--|------------------------|
| I-1, I-2, I-3,<br>I-4, INST | <ol style="list-style-type: none"> <li>1. Any use permitted in these zones.....1, 2 and 4</li> <li>2. In addition to sign classes permitted in (1):               <ol style="list-style-type: none"> <li>a. off-street parking areas.....3<br/>(excluding parking 3 garages)</li> <li>b. And all uses other than off-street.....5 and 8 or<br/>parking areas (however, including 6 and 8*<br/>parking garages) permitted in these<br/>zones</li> <li>c. Signs for identification of name of.....9**<br/>industrial area or park including<br/>identification of a business within the<br/>development or park</li> </ol> </li> </ol> |                        |

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

\*\* Total number of square feet of Class 9 sign area inclusive of the identification of businesses within the industrial development or park shall not exceed that allowed on a Class 9 sign

## ARTICLE XV

### PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

**SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS:** After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principal or accessory use in all industrial zones (IM, I-P, I-1, I-2, 1-4 and I-5) shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

**SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS:** Except for standards regulated and enforced by the state of Kentucky, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

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

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

**SECTION 15.2 PERFORMANCE STANDARDS:**

- A. **BUILDING ENCLOSURES:** Every use permitted in the I-P industrial district shall be operated in its entirety within a completely-enclosed building. In the IM, I-1, I-2, 1-4 and I-5 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest district boundary, according to Section 9.17 and Article XIV of this ordinance.
- B. **LANDSCAPING:** In all industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the Planning and Zoning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

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

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a type 1 or type 2 sound level meter shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters SL4 - 1971, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 1 and 2 of this section, at the location of any receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.

In all districts, industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

- D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- E. HUMIDITY, HEAT OR GLARE: In the I-P or I-1 districts, any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. In the IM, 1-2, 1-4 and I-5 districts, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.
- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.
- G. VIBRATION: Vibrations shall be measured at the lot line in the I-P and I-1 districts and at the nearest district boundary in the IM, I-2, I-4 and I-5 districts. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States

- Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.
- H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- I. RADIATION: In all industrial zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.
- J. ELECTRICAL RADIATION: In all industrial zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate mutual scheduling of operations is permitted.
- K. STORAGE: In the I-P Zone, no material, products or supplies shall be permitted to remain on any part of the property outside the constructed thereon. In the IM, I-1, I-2, I-4 and 1-5 Zones, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary, in accordance with Section 9.17 and Article XV.
- L. FIRE AND EXPLOSIVE HAZARDS: In the IM, 1-2, I-4 and 1-5 zones only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, providing that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the IM, I-2 I-4, and I-5 zones only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.
- M. WASTE: Within-the I-P zone, no waste material or refuse shall be dumped upon or permitted to remain upon any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required

before the issuance of any building permit. In the IM, I-1, I-2, I-4, and I-5 zones, all waste shall be disposed of in accordance with the Regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Waste Management.

- N. MINING AND RECLAMATION: All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Bureau of Surface Mining Reclamation and Enforcement (KRS 352). Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.
  
- O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS 351 - Blasting Law).

Table 15 - 1

Maximum Permissible Sound Pressure Level (Decibels) At Specified Points Of Measurement For Noise Radiated Continuously From A Facility

| Receiving Land Use             | 7:00 am - 10:00 pm | 10:00 pm - 7:00 am |
|--------------------------------|--------------------|--------------------|
| Residential                    | 55                 | 50                 |
| Commercial and Industrial Park | 60                 | 55                 |
| Industrial                     | 65                 | 65                 |

Table 15 - 2

Correction In Maximum Permitted Sound Pressure Level In Decibels To Be Applied To Table 15 - 1

| Type Of Operation Of Character Of Noise                    | Correction In Decibels |
|--|------------------------|
| Noise source operates less than 20% of any one hour period | + 5                    |
| Noise source operates less than 5% of any one hour period  | + 5*                   |
| Noise source operates less than 1% of any one hour period  | + 15*                  |
| Noise of impulsive character (hammering, etc.)             | - 5                    |
| Noise of periodic character (hum, screech, etc.)           | - 5                    |

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## ARTICLE XVI

### ADMINISTRATION

**SECTION 16.0 ENFORCING OFFICER:** A Zoning Administrator (official or officials appointed by the County and working under the Direction of the Campbell County Planning and Zoning Commission for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this Ordinance. They may be provided with assistance of such other persons as the County directs.

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

In addition to the foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto; discontinuance of any illegal work being done. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and he to the Planning and Zoning Commission, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Planning and Zoning Commission, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the Kentucky Revised Statutes.

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

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

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

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4. A plot plan in triplicate drawing at a scale of not less than one (1) inch to one hundred (100) feet showing the following information as required by this Ordinance.
    - 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, 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 building 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. Location of signs indicating their orientation, size and height.
    - g. All utility lines and easements:
      - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
      - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
      - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch



basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

- (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
  - i. Circulation System:
    - (1) Pedestrian walkways, including alignment, grades,, type of surfacing and width;
    - (2) Streets, including alignment, grades, types of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections-
  - j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;
  - k. A schedule of development, including the staging and phasing of:
    - (1) Residential areas, in order of priority, by type of dwelling unit;
    - (2) Streets, utilities, and other public facility improvements, in order of priority;
    - (3) Dedication of land to public use or set aside for common ownership; and
    - (4) Nonresidential buildings and uses, in order of priority.

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

- C. **ISSUANCE OF ZONING PERMIT:** The Zoning Administrator shall either approve or disapprove the application (when required by this Ordinance (e.g., Development Plan submitted required) the Planning and Zoning Commission's approval or disapproval shall also be required. If disapproved, two copies of the submitted plans shall be returned to the applicant marked "Disapproved: and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.

If approved, two (2) copies of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the Zoning Administrator's signature. The other copy similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

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

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

- A. **BUILDING PERMITS REQUIRED:** No public or private building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Zoning Office. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Adjustment
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
1. A completed application form provided by the Zoning Office;
  2. An approved zoning permit;
  3. The required fee for a building permit as provided for in Section of this Ordinance,
  4. A development plan, if required by this Ordinance; or
  5. Plans in duplicate approved by the Zoning Office and including any additional information required by the Building Code as may be necessary

to determine conformance with and provide for the enforcement of the Building Code and the Kentucky Revised Statutes.

6. All Building Permit applications shall be good for only sixty (60) days after which time they shall expire and no Building Permit may be issued.
- C. **ISSUANCE OF BUILDING PERMIT:** The Zoning Office shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Reviewer's signature. The second copy similarly marked, shall be retained in the Zoning office. The Zoning Office shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.
- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this Ordinance.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the Building Code of the County prior to the date of adoption of this Ordinance, whether consistent or inconsistent with this Ordinance, shall be valid for a period of 730 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 730 consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this Ordinance and the Building Code shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.
- F. For purposes of this section construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of 12 months, providing that a six (6) month extension may be permitted if sufficient proof can be demonstrated why the work described in the building permit was not completed as herein specified.
- G. **CONSTRUCTION AND USE:** To be as provided in application, plans, permits, zoning permits and building permits issued on the basis of plans and application approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use arrangement or construction at variance with that authorized shall be deemed in violation of this Ordinance and punishable as provided by Section 16.9 of this Ordinance.

**SECTION 16.3 CERTIFICATE OF OCCUPANCY:** It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which

shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy provided that he has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this Ordinance and the Building Code. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications and intended use conform to the provisions of this Ordinance.

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

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

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

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

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

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

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

**SECTION 16.9 PENALTIES:** Violation of the Ordinance shall be a class B Misdemeanor. Each day of this violation shall constitute a separate offense.

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

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

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

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

and that if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the County.

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

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

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

## ARTICLE XVII

### AMENDMENT PROCEDURE

#### SECTION 17.0 AMENDMENT OF MAPS AND ZONES PROCEDURE:

- A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed, in writing, with the Zoning Administrator, to be transmitted to the Planning and Zoning Commission on forms furnished by the Zoning Administrator ( in triplicate - See Appendix "A"). The fee required for applying for such amendment shall be as provided for in Section 19.0 of this Ordinance.
  
- B. **PLANNING AND ZONING COMMISSION REVIEW REQUIRED:** A proposal for an amendment to this ordinance may originate with the Planning and Zoning Commission, the legislative body, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning and Zoning Commission for its action before adoption.
  
- C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN:** The Planning and Zoning Commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times in a newspaper of general circulation in the County provided that one publication occurs not less than seven (7) calendar days not more than twenty-one (21) calendar days before the occurrence of such hearing.
  
- D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 17.0, C, above, the following notices shall also be given when a proposal is submitted to amend the official zoning map;
  - 1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed. Said posting shall consist of one or more signs clearly depicting the following information: current zoning classification of property; proposed zoning classification; legal description of proposed zone change area; date and time of public hearing; and address, including telephone number where additional information regarding hearing may be obtained; and
  
  - 2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered or certified mail to the owners of all property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting

the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person or persons proposing the amendment to furnish to the Planning and Zoning Commission the names and addresses of the owners of all adjoining property within two hundred (200) feet of the area to be rezoned.

- E. **FINDINGS NECESSARY FOR MAP AMENDMENT:** Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan by the Planning and Zoning Commission for the County or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.
1. That the original zoning classification given to the property was inappropriate or improper; and
  2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of such area.
- F. **MINIMUM SIZE OF NEW ZONES:** No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed: (2) one-half the area of public rights-of-way abutting the area being changed: (3) the area of any land which is contiguous to the area being changed (including land located outside a city but contiguous to the County corporation line) and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line. Subject to the foregoing limitations, every zone shall be of at least the following size: The zoning map or maps shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the Adopted Comprehensive Plan by the Planning and Zoning Commission.
- G. **PLANNING AND ZONING COMMISSION ACTION:** Following the public hearing held by the Planning and Zoning Commission on the proposed amendment, the Commission shall, within sixty (60) calendar days from the date of its receipt, advise the legislative body whether it approved or disapproved of the amendment to the zoning regulation, including a statement setting forth explicitly the reasons and substantiation for such action and, in the case of a map amendment, the submission of a written report as required in Section 17.0.E.



- H. LEGISLATIVE, BODY DISPOSITION: Within a reasonable time after receipt of the Planning and Zoning Commission's recommendations and findings concerning the application and a copy of the application, the legislative body shall act on such application. A majority of the entire legislative body shall be required to override the recommendation of the Planning and Zoning Commission.
  
- I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO ZONING MAP AMENDMENT: Any request for a zoning map amendment, excluding those made by the legislative body or Fiscal Court (other than for a zone change for land under city or county ownership that the city or county intends to develop) and the Planning and Zoning Commission, to any zone shall be made in accordance with all applicable requirements of this ordinance, including the following:
  - 1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall include a development plan in accordance with the applicable requirements of Section 10.13, D of this ordinance and shall be processed in the following manner.
    - a. The Planning and Zoning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions), or disapproval. The Planning and Zoning Commission shall submit, along with their recommendations a copy of the Development Plan and the bases for their recommendation.
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve or disapprove the proposed development plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to the Planning and Zoning Commission for further review and recommendations in accordance with Section 17.0, I, 1, a.

Approval of the zoning map amendment shall require that development be in accordance with the approved development plan.

The legislative body shall forward a copy of the approved development plan to the Zoning Administrator or the County's duly authorized representative for further processing in accordance with

the applicable requirements for a site plan, as regulated by Section 9.19 of this ordinance.

Zoning Map Amendment - Upon approval of the Zoning Map Amendment, the official zoning map shall be amended for the: area as shown on the approved development plan.

2. STAGE II -- Site Plan - Before a permit is issued for construction, a site plan shall be developed in conformity with the approved development plan and in accordance with the applicable requirements of Section 9.19 of this ordinance, and submitted to the Zoning Commission for review and approval. The site plan may be developed and submitted in sections, in accordance with the phasing identified in the approved development plan. The Zoning Commission may authorize minor adjustments from the approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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

Expiration - The zoning map amendment shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if either of the following conditions apply:!

- a. A site plan has not been approved by the Zoning Commission within a period of twelve (12) consecutive months from the date of final approval of the zoning map amendment by the legislative body; provided that an extension may be permitted upon ' approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrate that prevailing conditions have not changed appreciably to render the approved development plan obsolete.
- b. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan the Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated

that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved development plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the approved development plan.

**SECTION 17.1 NORTHERN KENTUCKY AREA PLANNING AND ZONING COMMISSION REVIEW AND RECOMMENDATION REQUIRED PRIOR TO ACTION BY THE LEGISLATIVE BODY:** The master plans (comprehensive plans) or portions thereof of each of the participating units of government, including all zoning ordinances and amendments, supplements, and changes thereto, heretofore and hereafter adopted by the said units, and all action taken under the authority of such ordinances shall continue and be in effect so long as all proposed amendments, supplements, and changes thereto have been reviewed and recommendations made by the area planning commission.

**SECTION 17.2 OVERRIDING NORTHERN KENTUCKY AREA PLANNING COMMISSION RECOMMENDATIONS -REASONS, IN WRITING, REQUIRED:** Pursuant to KRS 147.650, any legislative body that overrides the Northern Kentucky Area Planning Commission's recommendations must notify the Northern Kentucky Area Planning Commission, in writing, stating the action that was taken by said legislative body and the reasons for such actions.

**SECTION 17.3 ACTIONS OF LOCAL GOVERNMENTAL UNITS TO BE FURNISHED TO THE NORTHERN KENTUCKY AREA COMMISSION:** Pursuant to KRS 147.705, the legislative body shall, after final adoption of any zoning ordinance or resolution, including amendments thereto, furnish, or cause to be furnished, within sixty (60) days after adoption, a copy of same to the Northern Kentucky Area Planning Commission.

## ARTICLE XVIII

### BOARD OF ADJUSTMENT

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

- A. Board of Adjustment is hereby established by the County, per KRS 100.430.
- B. The Board of Adjustment shall consist of three (3), five (5), or Seven (7) members, all of whom must be citizen members and not more than one (1) of who may be citizen members of the Planning and Zoning Commission.
- C. The county fiscal court judge shall be the appointing authority of the Board of Adjustment subject to the approval of the Legislative Body.
- D. The term of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively.
- E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the Planning and Zoning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- F. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace within the district or county in which he resides.
- G. Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustment.
- H. Any member of the Board of Adjustment may be removed by the fiscal court judge, subject to the approval by the Legislative Body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The fiscal court judge exercising the power to remove a member from the Board of Adjustment shall submit a written statement to the Planning and Zoning Commission setting forth the reasons and the statement shall be read at the next meeting of the Board of Adjustment which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.

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

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

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

**SECTION 18.2 PROCEDURE FOR ALL APPEALS TO BOARD:** Appeals to the Board of Adjustment may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Commission. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action to be appealed from, by filing with said Zoning Administrator and with the Board, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by Section 19.0 of this ordinance shall also be given to the Zoning Administrator at this time. Said Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the

Board an interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

The Board of Adjustment shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least two (2) calendar weeks prior to the hearing, and shall decide on the appeal within sixth (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

**SECTION 18.3 APPEALS FROM BOARD OF ADJUSTMENT, PLANNING COMMISSION OR LEGISLATIVE BODY ACTION; FINAL ACTION DEFINED.**

- A. Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) days after the final action of the board. All final actions, which have not been appealed within thirty (30) days, shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the circuit court.
- B. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions, which have not been appealed within thirty (30) days, shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by KRS 100-203(5) shall be taken pursuant to this subsection. In such case, the thirty-(30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the circuit court.
- C. Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county or urban-county government, relating to a map amendment shall appeal from the action to the circuit court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions, which have not been appealed within thirty (30) days, shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the circuit court.
- D. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.

- E. For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

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

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

- A. To hear and decide on applications for variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the requirements (height or width of building or size of yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.
- B. To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of this ordinance. Such appeal shall be taken within sixty (60) consecutive calendar days.
- C. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses, which are specifically, named herein which may be suitable only in specific locations in the zone only if certain conditions are met as specified in Section 9.14 of this Ordinance.
- D. To hear and decide, in accordance with the provisions of this ordinance and the Adopted Comprehensive Plan for the County requests for the change from one nonconforming use to another.

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

- A. **VARIANCES:** Before any variance is granted, the Board of Adjustment must that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public. These findings shall be recorded in the minutes and records and issued in written form to the applicant to constitute proof of the variance. Such variance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance (including the required fee as per Section 19.0 of this ordinance) and a site plan, subject to the applicable requirements of Section 9.19, are submitted demonstrating:
  - a. That the requested variance arises from special circumstances exist which do not generally apply to land in the general vicinity, or in the same zone.
  - b. That the manner in which the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant.
  - c. That the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
  - d. Reasons that the variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood; and
  - e. That granting the variance requested will not confer on the applicant any special, privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No nonconforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a variance.
2. Notice of public hearing shall be given in accordance with Section 18.2 of this ordinance.
3. The public hearing shall be held. Any person may appear in person, or by attorney.
4. Prior to granting a variance:
  - a. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.
  - b. The Board of Adjustment shall further make a finding that reasons set forth in the application justify the granting of variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and under no circumstances shall the Board of Adjustment:
  - c. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance as well as the Adopted Comprehensive Plan for the County and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.



5. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 16.9 of this Ordinance.
  6. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulations by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- B. VARIANCE CANNOT CONTRADICT ZONING REGULATION: The Board of Adjustment shall not possess the power to grant a variance or permit a use of any land, building, or structure which is not permitted by this Ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.
- C. VARIANCE RUNS WITH LAND: A variance applies to the property for which it is granted and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of land, but the applicant cannot transfer it to a different site.
- D. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: A nonconforming use shall not be changed to another nonconforming use without the specific approval of the Board of Adjustment, as provided herein.
1. The Board of Adjustment shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:
    - a. A written application for a change from one nonconforming use to another (including the required fee as per Section 19.0, c, of this Ordinance) and a site plan, if applicable, subject to the applicable requirements of Section 9.19, shall be submitted to the Board;
    - b. Notice of public hearing shall be given in accordance with Section 18.2 of this Ordinance;
    - c. The public hearing shall be held. Any person may appear in person, or by attorney;
    - d. Prior to granting a change from one nonconforming use to another the Board of Adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the Board of Adjustment shall find:

- (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;
  - (2) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;
  - (3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the adopted comprehensive plan of the County and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.
- e. Any change of nonconforming use granted by the Board of Adjustment shall conform to the requirements of this Ordinance, including, but not limited to: parking requirements, sign, regulations and yard requirements, and all other pertinent ordinance of the County.
  - f. The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.
  - g. The Board of Adjustment, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations and conditions imposes, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the Zoning Administrator's office.
  - h. The change of nonconforming use as may be granted by the Board of Adjustment applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.
  - i. In the case where the change of nonconforming use has not occurred within one year after the date of granting thereof; then, without further action, the change of nonconforming use Adjustment shall have to be made.

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

- A. The Board of Adjustment shall have the power to hear and decide on applications for conditional use permits, subject to the following:

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

**SECTION 18.8 DECISIONS OF THE BOARD OF ADJUSTMENT:**

- A. In exercising the aforementioned powers, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.
- B. A simple majority of the total quorum of the Board of Adjustment, as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, so long as such action is in conformity with the provisions of this ordinance; or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- C. The details of the decision of the Board shall be forwarded to the Zoning Administrator's office.
- D. Decisions shall be forwarded to the applicant within sixty (60) days.

## **ARTICLE XIX**

### **SCHEDULE OF FEES**

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

## APPENDIX A

### SUMMARY OF AMENDMENTS

| <u>ORDINANCE NUMBER</u> | <u>PAGES AFFECTED</u>  | <u>DATE OF APPROVAL</u> |
|-------------------------|--|-------------------------|
|                         | Typed New Text - July 2000                                       |                         |
| O-17-2000               | Table of Contents, Article X                                     | 10/04/00                |
| O-18-2000               | Article XIV  | 10/04/00                |
| O-01-2001               | Article XIX  | 03/01/01                |
| O-15-2002               | Article XVIII  | 09/12/02                |
| O-05-2003               | Article VII  | 04/18/03                |
| O-12-2003               | Article XIX  | 08/21/03                |
| O-20-2003               | Article X, Section 10.24 (B)                                     | 11/27/03                |
| O-08-2004               | Article X, Section 10.1 (C)                                      | 04/15/04                |
| O-13-2004               | Article X, Section 10.25   | 06/24/04                |
| O-21-2004               | Article XVII, Section 17.0 (D.2)                                 | 10/14/04                |
| O-01-2005               | Article XV   | 03/24/05                |
| O-11-2010               | Article X, Section 10.28   | 12/09/10                |
| O-02-2012               | Article XIV, Section 14.1 M and 14.7.2.b(2)                      | 04/12/12                |
| O-01-2013               | Article X, Section 10.18   | 02/14/13                |
| O-17-2014               | Article X, Sections 10.1 and 10.2                                | 11/05/14                |
| O-18-2014               | Article IX, Section 9.29   | 11/19/14                |
| O-19-2014               | Article X, Section 10.10   | 11/19/14                |
| O-06-16                 | Article XIX  | 06/23/16                |
| O-10-16                 | Article IX, Section 9.11; and<br>Article X, Sections 10.1 & 10.2 | 08/17/16                |