

**ZONING ORDINANCE
#320-2024
CITY OF CRITTENDEN, KENTUCKY**

PREPARED BY:

CITY OF CRITTENDEN

**FROM THE MODEL FURNISHED BY
THE NORTHERN KENTUCKY AREA PLANNING COMMISSION**

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ARTICLE I

A ZONING ORDINANCE

SECTION 1.0 AN ORDINANCE DIVIDING THE CITY OF CRITTENDEN, STATE 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 USE AND OTHER PURPOSES; PRESCRIBING PENALTIES FOR THE VIOLATIONS; PROVIDING FOR ENFORCEMENT, A BOARD OF ADJUSTMENTS, AND REPEALING ALL REGULATIONS, RESOLUTIONS, ORDERS, ORDINANCES AND/OR CODES IN CONFLICT WITH THIS ORDINANCE.

AS A MEMBER OF THE GRANT COUNTY PLANNING COMMISSION, A JOINT PLANNING COMMISSION AS DEFINED BY THE KRS 100.121, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRITTENDEN, KENTUCKY, AS FOLLOWS:

CITY OF CRITTENDEN, KENTUCKY

BY: _____

MAYOR

ATTEST:

CITY CLERK

ARTICLE II
AUTHORITY AND PURPOSE

SECTION 2.0 AUTHORITY: The City of Crittenden, in pursuance of the authority of Kentucky Revised Statutes (KRS Chapter 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 the adopted comprehensive plan 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 city, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this ordinance has been prepared to provide for vehicle off-street parking and loading and/or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health or property from fire, flood or other dangers. The zoning regulations and districts as herein set forth are also employed to protect highways and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas of the county which need special protection by the city.

ARTICLE III
SHORT TITLE

SECTION 3.0 SHORT TITLE: This ordinance shall be effective throughout the city of Crittenden, Kentucky and shall be known, referred to, and decided to as the “**OFFICIAL ZONING ORDINANCE OF THE CITY OF CRITTENDEN, KENTUCKY**”.

ARTICLE IV
INTERPRETATION

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

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

ARTICLE V
CONFLICT

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

ARTICLE VI

SEVERABILITY CLAUSE

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

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:

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

ACCESS POINT: An access point is;

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

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

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 a 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 and individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTI-FAMILY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CARPORT: See GARAGE, PRIVATE.

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

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

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

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

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

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Grant County Planning Commission.

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

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

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

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments of the legislative body, consisting of two parts:

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

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

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

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 rooms for individuals or groups.

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

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

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

DWELLING, TRAILER: See MOBILE HOME.

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

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

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

EASEMENT: The right, distance 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 – RESTAURANTS: A restaurant is an establishment selling food items ordered from a menu and primarily prepared on the premises for immediate consumption.

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

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or 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 water; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) Mud slides (i.e. mud flows) which are proximately caused or precipitated by accumulations of water on or under the ground.

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

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

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

FLOOD WAY ENCROACHMENT LINES: The lines marking the limits of flood ways on the official zoning map.

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

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

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

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

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

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

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

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

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

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

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

HOUSE TRAILER: See MOBILE HOME.

JUNK YARD: An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including, but not limited to, scrap metals, paper, rags, rubber tires, bottles, inoperative motor vehicles, etc.

KENNEL: Any 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 basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

LEGISLATIVE BODY: The city of Crittenden City Council.

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

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

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

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

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

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

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

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

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

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

not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

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

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

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

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

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

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

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

MOBILE HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, and/or used to accommodate ten (10) or more mobile homes, and meets the requirements as specified in this ordinance. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition. Double width mobile structures, which are fabricated on individual chassis with wheels and are designed to be joined shall be considered a mobile home for purposes of this ordinance.

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

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

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

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the

physical or economic well-being of individuals as determined by the appropriate health department.

NURSERY: 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 or education of preschool age children with or without compensation, and including all accessory buildings and play areas.

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

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

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

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

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

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

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

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

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

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

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

RESTAURANTS: See Eating and Drinking Establishment

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 public authority and open to the public for their attendance.

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

SERVICE STATION: Any building, structure, or land use for the dispensing, sale, or offering for sale at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work, including auto repairing, providing all repair except that of a minor nature – e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc., - is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan.

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

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

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

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

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

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

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

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

SIGN, 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 a sign and not forming an integral part of the display.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBDIVISION: The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

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

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

- 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.
- Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, 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.
- Public: a swimming pool operated by a unit of government for the general public.
- Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

TAVERN: Any establishment selling alcoholic beverages by the drink for consumption on the premises.

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

TRAILER: See CAMPING/VACATION MOBILE UNIT

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

VARIANCE, DIMENSIONAL: A departure from the terms of this ordinance, as approved by the board of adjustments, pertaining to height or width of structure and size of yards and open spaces (but no population density) where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

ARTICLE VIII ESTABLISHMENT OF ZONES

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

- A-1 AGRICULTURAL ONE ZONE - The purpose of this district is to preserve and protect the decreasing supply of agricultural land and prevent the indiscriminate infiltration of urban development and agricultural areas.
- R-1 RESIDENTIAL ONE – The purpose of this zone is to permit the establishment of low-density single family residential units.
- R-2 RESIDENTIAL TWO – The purpose of this zone is to permit the establishment of a medium density single and two-family residential units.
- R-3 RESIDENTIAL THREE – The purpose of this zone is to permit the establishment of a mixture of uses which includes; single family, and two-family residential units.
- R-4 RESIDENTIAL FOUR – The purpose of this zone is to permit the establishment of a higher density of multi-family residential units than is provided for in residential zones 1-3.
- RMHP RESIDENTIAL MOBILE HOME PARK – The purpose of this zone is to encourage the location of mobile homes in well planned areas, suitable for this use according to the restrictions established in Section 9.25 of this ordinance.
- HC HIGHWAY COMMERCIAL – The purpose of this zone is to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways.
- CBD CENTRAL BUSINESS DISTRICT – The purpose of this zone is to provide a variety of commercial, business, institutional, cultural and other related uses in a concentrated area. This will encourage the public to participate in many types of activities within the CBD.
- NC NEIGHBORHOOD COMMERCIAL – The purpose of this zone is to permit the establishment of areas for convenience businesses which tend to meet the daily needs of the residents in an immediate neighborhood.
- I-1 INDUSTRIAL ONE – The purpose of this zone is to encourage the development of manufacturing, processing, packaging, assembling and wholesale business establishments which meet the standards specified in Article XV of this ordinance.
- I-2 INDUSTRIAL TWO - The purpose of this zone is to encourage the development of major manufacturing, processing, packaging, assembling and warehousing which meets the standards specified in Article XV of this ordinance.

SECTION 8.1 OFFICIAL ZONING MAP: The zones are bounded and defined as shown on the map entitled “OFFICIAL ZONING MAP OF THE CITY OF CRITTENDEN, KENTUCKY” and shall remain on file in the office of the designated legislative body.

SECTION 8.2 CHANGES ON ZONING MAP: Where changes are made in zone boundaries in accordance with the provisions of this ordinance and Kentucky Revised Statutes, such changes shall be made on the official Zoning Map promptly after the amendment to this ordinance has been approved by the legislative body.

No changes of any nature shall be made on the OFFICIAL ZONING MAP which are not in conformity with the procedures set forth in this ordinance.

SECTION 8.3 REPLACEMENT OF OFFICIAL ZONING MAP: In the event that the **OFFICIAL ZONING MAP** becomes damaged, destroyed, lost, or is deemed necessary to be replaced due to the age of the map or major corrections in location of rights-of-way or subdivisions, the legislative body may cause to have prepared and adopt a new Official Zoning Map which shall supersede the prior **OFFICIAL ZONING AP**, 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-F of this Section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features shall be so construed. Distances not specifically indicated on the **OFFICIAL ZONING MAP** shall be determined by the scale of the map, if an accurate legal description cannot be determined.

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 lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the board of adjustment, as provided for in Section 18.5 of this ordinance.

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

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

SECTION 9.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS: On lots having frontage on more than one street, the minimum front yard depth shall be provided for each street except that in the case of a corner lot, the minimum side yard along the street shall be one-half the minimum front yard depth.

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 board of adjustment, as set forth in Section 9.14 of this ordinance. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:

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

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

SECTION 9.6 RAILROAD RIGHTS-OF-WAY LOCATION: Railroad rights-of-way, exclusive of such uses as marshalling 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 ensuring that all requirements of the Subdivision Regulations of the legislative body, if applicable, have been fulfilled and then obtaining a permit from the Zoning Administrator and the designee of the legislative body.
- B. The Zoning Administrator and the designee of the legislative body may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
- C. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
 - 1. The smallest practical area of land shall be exposed at any one-time during development.
 - 2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 - 3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
 - 4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
 - 5. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
 - 6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
 - 7. The development shall be fitted to the topography and soils so as to create the least erosion potential.

8. Wherever feasible, natural vegetation shall be retained and protected.

SECTION 9.8 UNSIGHTLY OR UNSANITARY STORAGE: No rubbish, salvage materials, junk, or miscellaneous material shall be openly stored or kept in the open and 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 legislative body, as expressed through its designee. When a violation of this section of the ordinance occurs, the legislative body shall take the necessary action to directly bill said person or persons for the cost of removal of rubbish, salvage material and cutting of weeds.

SECTION 9.9 JUNKYARD LOCATION: No person shall operate any junkyard which is situated closer than two thousand (2,000) feet from the centerline of any county, state, Federal, or limited access highway or turnpike, including bridges and bridge approaches unless 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 and the legislative body acting through its designee.

SECTION 9.10 APPLICATION OF ZONING REGULATIONS:

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

SECTION 9.11 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS: Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone or computer – actual work is performed in home and customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:

- A. No persons other than members of the family residing in the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by ARTICLE XIV of this ordinance, shall be permitted.
- D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- E. No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises, shall be used.

SECTION 9.12 NON-CONFORMING LOTS, NON-CONFORMING USES, NON-CONFORMING STRUCTURES, REPAIRS AND MAINTENANCE AND NON-CONFORMING SIGNS:

- A. NON-CONFORMING LOTS OF RECORD:
 - 1. Any lot of record which does not meet the requirements of this ordinance shall be considered a non-conforming lot of record.
 - 2. 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 width or area below the requirements stated in this ordinance.
 - 3. Where a single non-conforming lot of record exists having a lot area less than required by the particular zone district wherein said lot is located, development may be permitted in the lot, provided: the lot is located on an existing and improved public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street right-of-ways precluding acquisition of additional

area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance. Where a dimensional variance from any minimum yard, setback, etc. is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the board of adjustments in accordance with ARTICLE XVIII of this ordinance.

B. NON-CONFORMING USES:

1. **CONTINUANCE:** Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance-it shall become a legal non-conforming use. However, no non-conforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal non-conforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. **CHANGE FROM ONE NON-CONFORMING USE TO ANOTEHR:** As regulated by ARTICLE XVIII, Section 18.6D. 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 non-conforming 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. Non-operative, non-used, or abandoned for a period of twelve (12) consecutive months providing that the board of adjustments may allow the continuation of such non-conforming use if it is determined that reasons for such nonuse were beyond the owners/operators control.
 - b. Whenever the structure, in which the non-conforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the non-conforming use is operated and a determination is made by the board of adjustments that this structure should not be reconstructed.
 - c. Whenever the structure, in which the non-conforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustments that this structure should not be reconstructed.
 - d. Whenever said non-conforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.
4. **ZONE CHANGE:** The foregoing provisions shall apply to uses which become legally non-conforming due to zone changes which take place thereafter.

C. NON-CONFORMING STRUCTURES:

1. **CONTINUANCE:** Except as herein provided, any lawful non-conforming structure existing at the time of adoption of this ordinance, may be occupied, operated, and maintained in a state of good repair, but no non-conforming

structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.

2. **TERMINATION:** In all cases, the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming structure based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Whenever the non-conforming structure is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure and a determination is made by the board of adjustments that the structure should not be reconstructed.
 - b. Whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such non-conforming structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such non-conforming structure as of the date of the official order under the applicable ordinance and a determination is made by the board of adjustments that the structure should not be reconstructed.
 - c. Whenever said non-conforming structure is determined to be detrimental or injurious to the public health, safety, or general welfare.
 3. **ZONE CHANGE:** The foregoing provisions shall apply to structures which become legally non-conforming due to zone changes which take place thereafter.
- D. **REPAIRS AND MAINTENANCE:** On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it non-conforming, shall not be increased.

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

- E. **NON-CONFORMING SIGNS:**
1. **CONTINUANCE:** Except as herein provided, any lawful non-conforming sign existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
 2. **TERMINATION:** In all cases the board of adjustments shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a non-conforming sign based on any of the following conditions and, if the decision is to do so, the board shall state its bases, in writing, for such determination.
 - a. Not meeting the requirements for sign regulations, as regulated in Article XIV of this ordinance.

- b. Nonuse or abandonment of said non-conforming sign for a period of twelve (12) consecutive months.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become legally non-conforming due to zone changes which take place thereafter.

SECTION 9.13 EXCEPTIONS AND MODIFICATIONS:

- A. EXCEPTIONS TO HEIGHT LIMITS:
 1. The height limitations of this ordinance shall not apply to such things as: church spires, various types of towers, smoke stacks, other related structures and necessary mechanical appurtenances, etc. provided their construction is in accordance with existing or hereafter adopted ordinances of the city, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.
- B. OTHER EXCEPTIONS: Service stations shall be constructed so that the centerlines of the pumps shall be at least fifty (50) 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 dept required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.
 2. In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when fifty-one (51%) percent or more of the lots within that block are improved with residential buildings; provided that in no case shall a front yard depth be less than twelve (12) feet.

SECTION 9.14 CONDITIONAL USES:

- A. DETERMINATION: Subject to the requirements of Section 18.7, the board of adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:
 1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
 2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- B. CONDITIONAL USE PERMITS: In accordance with KRS 100.237, the board of adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met;
 1. The board of adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done

before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the county clerk and one copy of said permit attached to the deed for the property for which it is issued. The board shall have power to revoke conditional use permits, or variance for noncompliance with the conditional 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 personam for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator and/or designee of the legislative body 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 and/or designee of the legislative body shall report the fact in writing to the chairman of the board of adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustments.

The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustments find that the facts alleged in the report of the zoning administrator/designee are true and that the landowner has taken no steps to comply with time between the date of the report and the date of the hearing, the board of adjustments may authorize the zoning administrator's designee or the legislative body 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 and designee of the legislative body, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

SECTION 9.15 BUILDING REGULATIONS AND WATER AND SANITARY SEWER SERVICE:

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected, or altered in accordance with the legislative body's housing and building codes.
- B. **WATER AND SANITARY SEWER SERVICE:** Where existing buildings are unserved by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by the legislative body and/or the Grant County Board of Health, said building shall be required to connect with the public sanitary sewer system.

All newly constructed buildings not connected to a public water and central sanitary sewer system of adequate design and capacity must be served by an acceptable alternative water and sewer system of a design and capacity adequate to meet all applicable health standards as required by the Grant County Board of Health.

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 legislative body, until and unless both: (1) a building permit to move and set; and (2) a transport permit, have been obtained from the designee of the legislative body and said building, structure, or improvement complies with the provisions of this section.
- B. **COMPLIANCE:** All buildings, structures, and improvements shall comply with the legislative body's housing and building code, and all other applicable codes and regulations.
- C. **PROCEDURE-PERMITS:** The applicant shall submit to the building inspector and the designee or the legislative body, the following:
 1. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
 2. A plot plan, footing and foundation plan, and construction plans for any new construction;
 3. A statement from the applicable legislative body(s) ensuring that all past and current taxes have been paid.
 4. Upon receipt of the foregoing items, the building inspector and designee of the legislative body shall inspect said building, structure, or improvements, and the proposed location where same will be set within the legislative body and determine if existing building and the proposed development will comply with all applicable codes and regulations.

5. The move and set shall be referred to the zoning administrator and designee of the legislative body for approval or denial of compliance with this ordinance.
6. Upon approval by the zoning administrator, building inspector, and designee of the legislative body, a building permit to move and set shall be issued. The legislative body's engineer shall then be notified of same and shall issue a transport permit. The legislative body's engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permit. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the building inspector. The transport permit provided for in this section shall not be in lieu of any other permits which may be required by the legislative body.
7. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the Kentucky Department of Transportation, and the county road supervisor, whichever are applicable.

D. FEES

1. There will be a building investigation fee as established by the legislative body to cover the costs of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with all applicable codes and regulations should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be in compliance with the legislative body's applicable codes and regulations a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.
2. No person, corporation, or company shall transport, move, or set any building, structure or improvement in the jurisdiction of the legislative body, until and unless such person, corporation, or company shall post with the building inspector, and legislative body, a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000) in favor of the legislative body which shall cover the cost of any damage or claim to damage to public improvements (e.g., street pavement, curb and gutter, catch basins, sewers) and other damage to private property resulting from the move and set. Such bond shall be made by a surety corporation authorized to do business in the state of Kentucky.

SECTION 9.17 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 and designee of legislative body (or planning commission, where specifically 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 legislative body.
2. Wherever screening is required in this ordinance, all trees shall be evergreen.
3. All trees shall be a minimum of ten (10) feet in height when planted, unless otherwise required according to a 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 Legislative Body may require review of the proposed screening plan from the U.S. Soil Conservation Service, the application County Agricultural Extension Service.
6. Screening areas are to be provided within the required minimum yard setbacks as required in each district's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirements shall be the same as if the zone in the adjacent legislative body (or a zone containing the most similar types of permitted uses as provided herein) were located within this legislative body.
7. In the case where a zoning map change occurs resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's regulations) shall be provided for the property in the district where the zone change occurred.

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 proper owner.

B. INCLUSION ON SITE PLAN AND/OR SUBDIVISION IMPROVEMENT DRAWINGS:

Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in Section 9.19, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the legislative body, may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

SECTION 9.18 OUTDOOR SWIMMING POOLS

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

1. No swimming pool or associated equipment shall be permitted within the front yard, nor within any public utility right-of-way easement. Swimming pools and associated equipment may be permitted to extend into the

minimum rear yard areas, as defined herein, in all zones, provided that said accessory use is set back from the rear lot line a minimum of 10 feet, and required side yard clearances are maintained.

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

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

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

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

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

SECTION 9.19 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 Grant County Planning Commission and one (1) copy with the building inspector, the zoning administrator, and the designee of the legislative body. The site plan shall identify and locate, where applicable, and the information as listed in Section 9.20, B-Stage II plan requirements.

All such site plans shall be reviewed by the legislative body or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of this ordinance, and the comprehensive plan for Grant County.

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

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

After final approval, the subject area may be developed in phases, provided all of the procedures required by the zoning administrator and the designee of the legislative body have been complied with.

SECTION 9.20 PLAN REQUIREMENTS – STAGES I, II, RECORD PLAT AND SUBDIVISION PLAT REQUIREMENTS:

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

- i. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.
- m. A schedule of development, including the staging and phasing of:
 - 1) Residential area, in order of priority, by type of dwelling unit;
 - 2) Streets, utilities, and other public facility improvements, in order of priority;
 - 3) Dedication of land to public use or set aside for common ownership;
 - 4) Nonresidential buildings and uses, in order of priority.

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

B. STAGE II – PLAN REQUIREMENTS: The Stage II plan shall conform to the following requirements.

- 1. Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
 - a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission.
 - b. All housing units on the subject property;
 - 1) Detached housing – Location arrangement, and number of all lots, including lot dimensions and setbacks, and maximum height of buildings;
 - 2) Attached housing – Location, height, and arrangement of all buildings indicating the number of units in each building, and where applicable, location, arrangement and dimensions of all lots.
 - c. Location, height, arrangement and identification of all non-residential buildings, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.
 - d. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified.
 - e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
 - f. Location of signs indicating their orientation and size and height.
 - g. All utility lines and easements:
 - 1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - 2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of

manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.

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

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

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

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

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

SECTION 9.23 REGULATIONS PERTAINING TO PARKING OR STORING OF TRAILERS, CAMPER, INOPERABLE VEHICLES, AND OTHER SUCH TYPE EQUIPEMENT:

- A. It shall be unlawful for any person(s) to live in any boat, automobile, camper, or truck within the jurisdiction of the legislative body.
- B. 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.

SECTION 9.24 HILLSIDE DEVELOPMENT CONTROLS:

- A. This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 12 percent or greater) that said development shall occur in a manner harmonious with adjacent lands so as to minimize problems of draining, erosion, earth movement, and other natural hazards.
- B. Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements:
 - 1. Development proposed on land areas which have slopes of 12 percent or greater shall require approval before development may occur.
 - 2. No excavation, removal or placement of any soil, foundation placement, or construction of buildings, or structures of any nature within the area identified above, may occur until plans and specifications for such work have been submitted in the form of a site plan as regulated by Section 9.19 of this ordinance. In addition to site plan requirements, the following shall also be submitted:
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation shall be made by a qualified, registered civil engineer and a geologist, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and/or soil erosion.

3. The site plan and other information required in this Section shall be reviewed by the county engineer, who will recommend to the legislative body, or its duly authorized representative, what effect the proposed development will have on hillside slippage and/or soil erosion.

After review of the site plan the zoning administrator and designee of the legislative body may authorize use of the site in accordance with the submitted plans.

4. If, after review of the plans required by this section of the ordinance, the zoning administrator and designee of the legislative body determines that said proposed plans will not minimize hillside slippage, then a permit for the development of said land shall be denied.

SECTION 9.25 GENERAL MOBILE HOME REGULATIONS:

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

- A. The mobile home shall, at a minimum, be equipped with a plumbing and electrical connections designed for attachment to appropriate external system, and be not more than five (5) years old.
- B. All health, sanitation (including sewers and/or private secondary sewage treatment plants approved by the Grant County Health Department and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.
- C. The mobile home shall be set and adequately anchored on a concrete and 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.
- D. Any person, firm, or corporation desiring to locate a mobile home shall apply for a zoning/building permit, and an occupancy permit. Applicable permits must be approved prior to installation and occupancy of each mobile home, signifying that all permits have been approved by the building inspector and zoning administrator.

SECTION 9.26 LAND USED SOLELY FOR AGRICULTURAL PURPOSES;

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

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

SECTION 9.27 SANITARY LANDFILL REGULATIONS:

- A. Minimum Site Area: Fifty (50) acres
- B. The applicable regulations promulgated by the Kentucky Department of Natural Resources and Environmental Protection pertaining to landfill operations shall be strictly adhered to and are made a part of this ordinance (see appendices).

In addition, all sanitary landfills shall operate in accordance with the performance standards of the Division of Air Pollution, Division of Water Quality, and other applicable performance standards of the state of Kentucky.

- C. Screening areas shall be provided along all boundary lines not protected by comparable vegetative screening, in accordance with the applicable requirements of Section 9.17 of this ordinance.
- D. Landfill operations shall not be conducted within one hundred (100) feet of any dedicated right-of-way or property line which is the exterior boundary of the landfill, or within 300 feet of any existing structure regularly occupied or utilized by any person for the conduct of residential, commercial, industrial, and public and semi-public type activities.
- E. Site Plan Requirements: Before a permit is issued, a site plan shall be prepared meeting the applicable requirements of Section 9.19 of this ordinance and submitted to the Board of Adjustments for approval. In addition, the following information shall also be submitted:
 - 1. A plan showing the specific reuse of the area after completion of landfill operations including the final grades to be established in meeting the needs of the proposed reuse of the landfill.

ARTICLE X
ZONES

SECTION 10.0 A-1 (AGRICULTURAL – ONE ZONE)

A. PERMITTED USES:

1. Agricultural Activities including crops, dairying and the raising of livestock.
2. Single family dwellings occupied by owner, tenant and/or employees.
3. Sale on premises of agricultural products produced on the premises.
4. Regulations for single family dwellings same as R-2, Except Item D below.

B. ACCESSORY USES:

1. Accessory buildings which are not a part of the main buildings, including barns, sheds and other farm buildings.
2. Signs identifying the farm activity conducted on the premises.

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

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street;
3. Government offices;
4. Nursery schools and children day care;
5. Police and fire stations, provided they are located adjacent to an arterial street;
6. Public and parochial schools;
7. Veterinarians' office and animal hospital for large and small animals, including outside runs;
8. Automobile junk yards as provided for in Section 9.9 of this ordinance, provided all such storage is entirely within an enclosed fence or wall, meeting the requirements of Section 13, or properly screened according to the requirements of Section 9.17.
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses, other than those publicly owned and/or operated, as follows:
 - a. Golf Courses;
 - b. Country Clubs;
 - c. Swimming Pools;
 - d. Tennis Courts/Clubs;
 - e. Fishing lakes;
 - f. Gun clubs and ranges;
 - g. Youth camps
11. Free Standing Billboards
12. Recreational Vehicle (RV) Park
 - a. Maximum Area shall be twenty-five (25) acres.
 - b. Maximum Stay shall be one hundred and eighty (180) days in a calendar year.

- c. Site Plan/Setbacks
 - 1. No Structure or Recreational Vehicle (RV) and/or Camper site 50' from any right of way or property line.
 - 2. Site Plan approved by Planning Commission and designee of legislative body.
 - 3. Only permitted on property adjacent to state-maintained right-of-way
- d. Signs
 - 1. One (1) sign for identification of the park
 - 2. Maximum size = twenty-four (24) square feet
 - 3. Maximum height from ground to top of sign shall be ten (10) feet
 - 4. Illuminated from non-concealed light source
 - 5. No closer than 5 feet to right of way or property line
 - 6. Directional and information signs allowed within park.
- e. Accessory Structures
 - 1. Building or structures designed for indoor assembly or recreation
 - 2. Commercial structures, i.e., general store, lunch counter and/or snack bar
 - 3. Service buildings and maintenance buildings for storage and/or use by park owners
 - 4. Recreational uses including swimming pools for use by park renters, playgrounds and picnic areas.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1. Minimum Lot Area – 22,500
- 2. Minimum Lot Width at Building Setback Line – 150
- 3. Minimum Front Yard Depth – 35'
- 4. Minimum Side Yard Width on Each Side of Lot – 50
- 5. Minimum Rear Yard Depth – 50'
- 6. Maximum Building Height – 35'

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

- 1. Minimum Lot Area – 1 acre
- 2. Minimum Lot Width at Building Setback Line – 75 feet
- 3. Minimum Front Yard Depth – 35 feet from right-a-way
- 4. Minimum Side Yard Width on Each Side Lot – 15 feet
- 5. Minimum Rear Yard Depth – 25 feet
- 6. Maximum Building Height – 2.5 stories or 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 lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.

G. EXCEPTIONS:

Land used solely for farming, dairying and stock raising shall have no regulations imposed as to building permits for agricultural buildings except that:

- 1. Setback line of 35 feet or greater, but not less than one-half the width of the right-of-way of the abutting street or highway, shall be required of all buildings, and

2. That all buildings or structures in a designated floodway or flood plain which tend to increase flood heights or obstruct the flow of flood waters shall be subject to regulations by the Planning Commission and therefore subject to the review and approval of the Planning Commission of Grant County.
3. Centralized sewers are not required in this zone.
4. For mobile homes see section 9.25.

SECTION 10.1 R-1 (RESIDENTIAL-ONE) ZONE

A. PERMITTED USES:

1. Single-family residential dwelling (detached).

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls, as regulated by Article XIII.
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. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
2. Governmental offices.
3. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
4. Recreational users other than those publicly owned and/or operated, as follows:
 - a. Golf courses.
 - b. Country clubs.
 - c. Swimming pools.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USE

1. Minimum Lot Area – Fifteen thousand (15,000) square feet
2. Minimum Lot Width at Building Setback Line – One hundred (100) feet
3. Minimum Front yard depth – Thirty-five (35) feet
4. Minimum Side Yard Width – Fifteen (15) 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 Rear Yards – 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 closed 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.
5. Short term or peer to peer rentals are not permitted in this zone.

SECTION 10.2 R-2 (RESIDENTIAL TWO) ZONE:

- A. PERMITTED USES:
 1. Single-family residential dwellings (detached).
 2. Two-family dwellings
- B. ACCESSORY USES:
 1. Customary accessory buildings and uses
 2. Fences and walls, as regulated by Article XIII
 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 buildings for the purpose of religious worship, providing they are located adjacent to an arterial street;
 3. Governmental offices;
 4. Fire and police stations, providing they are located adjacent to an arterial street.
 5. Institutions for higher education providing they are located adjacent to an arterial street.
 6. Institutions for human medical care – hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
 7. Nursery schools, children day care within the resident limited to not more than 10 children;
 8. Public and parochial schools;
 9. Public 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.
 12. Short term or peer to peer rentals.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 1. Minimum Lot Area – ten thousand (10,000) square feet.
 2. Minimum Lot Width at Building Setback Line – Seventy-five (75) feet. For single family, one hundred (100) feet for two-family.
 3. Minimum Front Yard Depth – Thirty (30) feet

4. Minimum side Yard Width – Fifteen (15) feet-except garage or carport may extend up to five (5) feet of lot line on one side.
 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:
(See Section R-2C))
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 Rear Yards – 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 10.3 R-3 (RESIDENTIAL THREE) ZONE:

- A. PERMITTED USES:
1. Any use permitted in R-1
 - a) Single family dwellings
 - b) Two-family dwellings
 2. The following uses permitted as home occupations only:
 - a) Tourist Homes and boarding houses
 - b) Beauty shop, barber shop
 - c) Custom dressmaking, millinery, tailoring. Sewing of fabrics for custom apparel and custom home furnishings.
 - d) Laundering, pressing
 - e) Foster family care, limited to not more than four (4) children simultaneously.
 - f) Office in which goods, wares, or merchandise are not commercially created, stored or sold.
 - g) Tutoring, limited to not more than four (4) children simultaneously.
- B. ACCESSORY USES:
1. Customary accessory building and uses.
 2. Fences and walls, as regulated by Article XIII.
 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 Adjustments as set forth in Section 9.14 and 18.7 of this ordinance.
1. Cemeteries.

2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
 3. Governmental offices.
 4. Fire and police stations, providing they are located adjacent to an arterial street.
 5. Institutions for higher education providing they are located adjacent to an arterial street.
 6. Institutions for human medical care – hospitals, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
 7. Nursery schools and children day care within the residence limited to not more than 10 children.
 8. Public and parochial schools.
 9. Publicly owned and/or operated parks, playgrounds, golf course, 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.
 12. Veterinarian offices, no outside runs or storage of animals.
 13. Short term or peer to peer rentals.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
1. Every single-family dwelling shall be located on a lot of not less than 6,000 square feet, multi-family dwellings on a lot of not less than 9,000 square feet for two family units.
 2. Minimum Lot Width as Building Setback Line – Sixty-five (65) feet
 3. Minimum Front Yard Depth – Thirty (30) feet
 4. Minimum side Yard Width – There shall be a minimum side yard on each side of any building or structure of ten (10) feet measured from the side lot line to the nearest building or structure, except that garages or carports may extend an additional five (5) feet into one side yard.
 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 (see Section R)
1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) feet
 2. Minimum Lot Width at Building Setback Line – One Hundred fifty (150) feet
 3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet
 4. Maximum Building Height – 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 (useable 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 10.4 R-4 (RESIDENTIAL FOUR) ZONE:

- A. USES PERMITTED:
 1. Multi-family dwellings
 2. Multi-family dwelling maximum eight (8) dwelling units per lot.
- 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 and approved of by the Board of Adjustment as set forth in Section 9.14 of this ordinance.
 1. Cemeteries.
 2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
 3. Fire and police stations providing they are located adjacent to an arterial street.
 4. Institutions for higher education providing they are located to an arterial street.
 5. Institutions for human medical care – hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.
 6. Nursery school and children day care.
 7. Public and parochial schools.
 8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, and libraries.
 9. Recreational uses other than those publicly owned and/or operated as follows:
 - a. Golf courses
 - b. Country Clubs
 - c. Semi-public swimming pools
 - d. Office building
 - e. Any other recreational use compatible to the facility.
 10. Short term or peer to peer rentals.
- 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 – Twenty thousand (20,000) square feet for the first four (4) dwelling units or less in one building; three thousand five hundred (3,500) square feet shall be provided for every dwelling unit thereafter in the same building. In the case of this zone more than one principal building as defined herein may be permitted on one lot.
 2. Minimum Lot Width at minimum building setback line – One hundred (100) feet.
 3. Minimum Front Yard Depth - Forty (40) feet

4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet.
 5. Minimum Rear Yard Depth – Thirty (30) feet
 6. Maximum Building Height – Three stories or 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 at Minimum Building Setback Line – One hundred fifty (150) feet.
 3. Minimum Front, Side (on each side of lot) and Rear Yards – Fifty (50) feet.
 4. Maximum Building Height – 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 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 10.5 RMHP RESIDENTIAL MOBILE HOME PARK ZONE:

- A. USES PERMITTED:
1. Mobile Home Parks – Subject to Section 9.25
- B. ACCESSORY USES:
1. Customary accessory buildings and uses.
 2. Structures and uses related to and for the exclusive use of residents of the mobile home park as follows, but excluding any commercial operations:
 - a. Recreational facilities and areas.
 - b. Rental or sales offices for lots in the mobile home park.
 - c. Community center.
 - d. Laundry facilities.
 3. Fences and walls, as regulated by Article XIII of this ordinance.
 4. 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 – Five (5) ACRES. The width of said park shall have a minimum distance of three hundred (300) feet, as measured along a deeded right-of-way. The park shall be platted subdivision with lots and streets in accordance with the provisions of this section and the Grant County Subdivision Regulations, approved by the planning commission. The park may be phased to achieve completion of the five-acre minimum area through review of the phasing process by the planning commission.
 2. Minimum Lot Area – Ten thousand (10,000) square feet.

3. Minimum Lot Width at Building Setback Line – Fifty (50) feet.
 4. Minimum Front Yard Depth – Twenty (20) feet.
 5. Minimum Side Yard Width on Each Side of the Lot – Fifteen (15) feet except for carports and accessory buildings.
 6. Minimum Rear Yard Depth – Fifteen (15) feet.
 7. Maximum Building Height – Twenty-five (25) feet.
- D. OTHER DEVELOPMENT CONTROLS:
1. Minimum Setback of all Buildings and Structures within Mobile Home Parks at all Park Boundary Lines – thirty-five (35) feet
 2. Patio – A patio slab of at least one hundred eighty (180) square feet shall be provided on each mobile home lot and conveniently located at the entrance of each mobile home. The patio may extend five (5) feet into the side yard.
 3. Streets
 - a. 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.
 - b. Ingress and egress to the individual lots shall be only over a road or street.
 4. Recreation Area – There shall be required that not less than ten (10) percent of the gross area of the mobile home park to be set aside, designed, constructed, and equipped as a recreational area.
 5. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
 6. Personal goods and articles, other than cars, fuel tanks, boats, lawn furniture and similar items, too large to reasonably enclose, shall be stored on the mobile home lot only in a completely enclosed structure.
 7. 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.
 8. Where any yard of any use permitted in this zone abuts any other residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be required.
 9. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
 10. The wheels shall be removed from each mobile home occupying a lot in the park.
 11. Mobile home installations shall comply with all requirements of Section 9.25 of this ordinance.
 12. Mobile home parks having facilities for 20 or more mobile homes shall provide a 6" water main and fire hydrants with 750' of each mobile home.

SECTION 10.6 HC (HIGHWAY COMMERCIAL) ZONE:

- A. PERMITTED USES:
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 but specifically excluding semi-truck maintenance, storage and repair.
 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, provided all service and repair occurs in a totally enclosed building and no long-term storage is permitted. Long term storage as used herein shall remain no longer than one week, excluding new equipment held for sale to the public.

5. Bowling alleys.
 6. Eating and drinking places, including drive-ins but excluding eating and drinking places which sell alcohol beverages.
 7. Hotels, motels, tourist centers, but excluding truck stops and semi-truck fueling and service center.
 8. Police and fire stations.
 9. Skating rinks, golf driving ranges, miniature and par-3 golf courses.
 10. Drive-in theaters.
 11. Recreational uses.
 12. Bait shops and sporting equipment sales.
 13. Shopping centers.
 14. Lumber and Hardware
 15. Office Buildings
 16. Veterinarian offices without outside runs.
 17. Dry cleaners and laundries.
 18. Carry-out Convenience Stores.
 19. Car Wash
- B. ACCESSORY USES:
1. Customary accessory buildings and related use both for permitted and conditioned 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 hotels.
 5. Uses as listed below, included within and entered from within, any motel or hotel building, as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building.
 - a. Barber shops.
 - b. Beauty shops.
 - c. News and confectionery stands, and gift shops.
 - d. Restaurants.
- C. CONDITIONAL USES: The following uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance;
1. Service stations (including auto repairing, providing all repair work except that of a minor nature – e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.). -is conducted wholly within a completely enclosed building.
 2. Mobile homes or dwellings when used in conjunction with business.
 3. Bulk storage – no dispensing of bottle gas and petroleum products.
 4. Any other use peculiar adaptable to H.C. zone.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – twenty thousand (20,000) square feet.
 2. Minimum Lot Width at Building Setback Line – One hundred (100) feet.
 3. Minimum Front Yard Depth – Thirty-five (35) feet.
 4. Minimum Side Yard Width on Each Side of Lot – A minimum side yard of fifteen (15) feet is required for all highway commercial uses as measured from the property line to the nearest building or structure.
 5. Minimum Rear Yard Depth – A minimum rear yard of fifteen (15) feet shall be required for all structures in the B-1 Highway Commercial Zone as measured from the rear property line to the nearest building or structures.

6. Maximum Building Height – Thirty-five (35) feet.
 7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- E. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading 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, or into any adjacent property.
 4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet for each side and/or rear yard which abuts said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading.
 5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
 6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.

SECTION 10.7 CBD (CENTRAL BUSINESS DISTRICT) ZONE:

- A. PERMITTED USES:
1. Apparel shop.
 2. Art supplies.
 3. Bakery and bakery goods store, provided the products are sold exclusively on the premises.
 4. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows.
 5. Barber and beauty shops.
 6. Book, stationary or gift shop including printing.
 7. Camera and Photographic supplies.
 8. Candy store, soda fountain, ice cream store, including drive-ins.
 9. Delicatessen.
 10. Drug store.
 11. Eating and drinking places, excluding drive-in windows which sell alcohol beverages.
 12. Florist shop.
 13. Food store and supermarkets.
 14. Furniture store.
 15. Garden supplies.
 16. Glass, china, or pottery store.
 17. Hardware store and lumber.
 18. Hobby shop.
 19. Household and electrical appliance store, including incidental repair.
 20. Interior decorating studio.
 21. Jewelry store, including repair.
 22. Leather goods and luggage store.
 23. Library.
 24. Locksmith shop.

25. Music, musical instruments and records, including incidental repair.
 26. Offices including publishing and distribution of newspapers.
 27. Opticians and optical goods.
 28. Paint and Wallpaper store.
 29. Commercial parking lots but not for business vehicle storage.
 30. Pet shop, excluding boarding and outside runs.
 31. Police and fire stations.
 32. Post office.
 33. Radio and television store (including repair)
 34. Recreation and entertainment facilities.
 35. Shoe store and shoe repair.
 36. Sporting goods.
 37. Studios for professional work or teaching of any form of fine arts.
 38. Tailor shop.
 39. Theaters, excluding drive-ins.
 40. Toy store.
 41. Variety store, including notions and "Five and Ten" stores, gift shops, and department stores.
 42. Dwelling over business establishment.
 43. Dry Cleaners and laundries.
 44. Car Wash.
- 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: The following uses or any customary accessory buildings or uses subject to approval by the Board of Adjustment as set forth in Sections 9.14 and 18.7 of this ordinance.
1. Service stations (including auto repairing, providing all repair except that of a minor nature – e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc., - is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).
 2. Veterinarian offices, no outside runs or storage of animals.
 3. Any other uses peculiar adaptable to CBD zone.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations.
1. Minimum Lot Area – None
 2. Minimum Lot Width at Building Setback Line – None
 3. Minimum Front Yard Depth – None
 4. Minimum Side Yard Width – None
 5. Minimum Rear Yard Depth – None
 6. Maximum Building Height – Thirty-five (35) feet.
 7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- E. OTHER DEVELOPMENT CONTROLS:
1. No off-street parking facilities are required for commercial establishments within the Central Business District Commercial Zone. All other uses and structures including public and semi-public uses and structures shall comply with the parking requirements established in Article XI of this ordinance.

2. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.

SECTION 10.8 NC (NEIGHBORHOOD COMMERCIAL) ZONE:

A. PERMITTED USES:

1. Apparel shop.
2. Art supplies.
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises.
4. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows.
5. Barber and beauty shops.
6. Book, stationary or gift shop including printing.
7. Camera and photographic supplies.
8. Candy store, soda fountain, ice cream store, including drive-ins.
9. Delicatessen.
10. Drug Store
11. Eating and drinking places, excluding drive-in windows which sell alcohol beverages.
12. Florist shop.
13. Food store and supermarkets.
14. Furniture store.
15. Garden supplies.
16. Glass, china, or pottery store.
17. Haberdashery.
18. Hardware store.
19. Hobby shop.
20. Household and electrical appliance store, including incidental repair.
21. Interior decorating studio.
22. Jewelry store, including repair.
23. Leather goods and luggage store.
24. Library.
25. Locksmith shop.
26. Music, musical instruments and records, including incidental repair.
27. Offices.
28. Opticians and optical goods.
29. Dry cleaners and laundries.
30. Paint and wallpaper store.
31. Pet shop, excluding boarding and outside runs.
32. Police and fire stations.
33. Post office.
34. Radio and television store (including repair).
35. Shoe store and shoe repair.
36. Sporting goods.
37. Studios for professional work or teaching of any form of fine arts, photography, music drama, or dance.
38. Tailor shop.
39. Toy store.

- 40. Variety store, including notions and “Five and Ten” stores.
- 41. Lumber and building supplies.
- 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: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
 - 1. Service stations (including auto repairing, providing all repair except that of a minor nature – e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc., is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan.
 - 2. Any other uses peculiar adaptable to the NC zone.
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
 - 1. Minimum Lot Area – Ten thousand (10,000) square feet.
 - 2. Minimum Lot Width at Building Setback Line – Seventy (70) feet.
 - 3. Minimum Front Yard Depth – Fifty (50) feet.
 - 4. Minimum Side Yard Width – No restrictions, except when adjacent to a street, road, highway, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.
 - 5. Minimum Rear Yard Depth – Fifteen (15) feet.
 - 6. Maximum Building Height – Thirty-five (35) feet.
 - 7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- E. OTHER DEVELOPMENT CONTROLS:
 - 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 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 residential zone.
 - 4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet for each side and/or rear yard which abuts said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading.
 - 5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 - 6. 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.

SECTION 10.9 I-1 (INDUSTRIAL ONE) ZONE

- A. PERMITTED USES: 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. The manufacturing, compounding, processing, packaging, or assembling of the following uses:
 - a. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing.
 - b. Cigars and cigarettes.
 - c. Cosmetics, pharmaceuticals and toiletries.
 - d. Animated and/or illuminated billboards and other commercial advertising structures.
 - e. Electric appliances, television sets, phonographs, household appliances.
 - f. Electrical machinery, equipment and supplies.
 - g. Fountain and beverage dispensing equipment.
 - h. Furniture.
 - i. Instruments for professional, scientific, photographic and optical use.
 - j. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.
 - k. Office equipment.
 - l. Pottery and figurines.
 - m. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious and semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco.
 - n. Textile products, canvas and burlap, clothing, cotton products, hosiery and knitting mill, roper and twine.
 2. Bottling and canning works.
 3. Building materials, sales yards.
 4. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles.
 5. Crating services.
 6. Fire Stations.
 7. Freight terminals.
 8. Governmentally owned and/or operated city, county and state garages.
 9. Industrial engineering consultant offices.
 10. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private.
 11. Laundries and dry-cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.
 12. Machine shops.
 13. Printing, engraving and related reproduction processes.
 14. Public utilities' rights-of-way and pertinent structures.
 15. Publishing and distribution of books, newspapers, and other printed material.
 16. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities.
 17. Schools for industrial or business training.
 18. Truck terminals.
 19. Warehousing or wholesaling, except beverage alcohol storage.
 20. Vet.
- 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:
1. Minimum Tract for Industrial Development – Five (5) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a similar tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the approved site plan layout.
 2. Minimum Lot Area Within Minimum Tract – One (1) acre.
 3. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet.
 4. Minimum Front Yard Depth – Fifty (50) feet.
 5. Minimum Side Yard Width on Each Side of Lot – Fifty (50) feet.
 6. Minimum Rear Yard Depth – Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line.
 7. Maximum Building Height – Thirty-five (35) feet or three (3) stories.
- 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, or into any adjacent property.
 3. Where any yard of any use permitted in this zone abuts a residential, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 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.

SECTION .10 I-2 INDUSTRIAL 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. Acetylene, butane and bottle gas including bulk storage.
 - b. Brick, tile or terra cotta.
 - c. Candy and confectionery products, food and beverage products excluding the rendering or refining of fats and oils.
 - d. Cement, concrete and concrete products.

- e. Cigars and cigarettes and tobacco products.
 - f. Cosmetic, pharmaceuticals and toiletries.
 - g. Animated and/or illuminated billboards and other commercial advertising structures.
 - h. Electric appliances, television sets, phonographs, household appliances.
 - i. Electrical and non-electric machinery, equipment and supplies.
 - j. Fountain and beverage dispensing equipment.
 - k. Furniture
 - l. Instruments of professional, scientific, photographic and optical.
 - m. Lumber Mills and storage yards.
 - n. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.
 - o. Office equipment.
 - p. Oil cloth or linoleum
 - q. Plastic and plastic products.
 - r. Pottery and figurines.
 - s. Products from the following previously prepared materials; paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco.
 - t. Rubber and rubber products.
 - u. Stone and monument works employing power driven tools.
 - v. Vinegar and yeast
 - w. Sand and gravel including storage.
2. Bag, carpet and rug cleaning.
 3. Bottling and canning works.
 4. Building materials sales yards.
 5. Bulk storage stations, but not including beverage alcohol.
 6. Bus line shops and storage.
 7. Carting, express, hauling or storage yards.
 8. Contractors offices and accessory storage yards including storage of general construction equipment and vehicles.
 9. Crafting services.
 10. Flour mills.
 11. Freight terminals.
 12. Governmentally owned and/or operated city, county, or state garage.
 13. Industrial engineering consultant offices.
 14. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private.
 15. Laundries and dry-cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.
 16. Machine shop.
 17. Plating plants.
 18. Printing, engraving and related reproduction processes.
 19. Publishing and distribution of books, newspapers, and other printed materials.
 20. Public utilities, right-of-way and pertinent structures.
 21. Railroad facilities including passengers and freight terminals, marshaling yard, maintenance shops, and round house.
 22. Schools for industrial or business training.
 23. Trucking terminals.
 24. Warehousing or wholesaling.

25. Meat processing and packaging.
- 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. CONDITIONAL USES: The following uses subject to the approval by the Board of Adjustments, as set forth in Sections 9.14 and 18.7 of this Ordinance:
Except for those that decompose by detonation, the manufacturing, compounding, processing, packing or assembling of the following uses:
1. Chemicals including ammonia, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes.
 2. Fertilizer, Gypsum, lime or plaster of paris.
 3. Iron, steel, aluminum foundry or forge works and heavy weight casting.
 4. Blast furnaces or drop forges.
 5. Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.
 6. Paper, paperboard, pulp.
 7. Petroleum refining and products including bulk storage, provided bulk storage is related to refining.
 8. Rolling mills.
 9. Rubber and rubber products.
 10. Soap and soap products.
 11. Forge plants.
 12. Foundries.
 13. Sanitary landfill sites.
 14. Processing of junk, waste, discarded or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling.
 15. Meat processing.
- 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 (forty-three thousand five hundred sixty (43,560) square feet).
 2. Minimum Lot Width at Building Setback Line – One hundred fifty (150) feet.
 3. Minimum Front Yard Depth – Thirty-Five (35) feet.
 4. Minimum Side Yard Width – Twenty-Five (25) feet; twenty-five (25) feet is required where a side yard abuts a street, road highway or deeded right-of-way.
 5. Minimum Rear Yard Depth – None.
 6. Maximum Building Height – Fifty (50) feet.
- E. OTHER DEVELOPMENT CONTROLS:
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 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 (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.

ARTICLE XI OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

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

SECTION 11.0 GENERAL REQUIREMENTS:

- a) Computation of Parking Spaces – In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- b) Additional Parking Spaces to be Provided – Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein – additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve such increase in intensity of use.
- c) Location of Off-Street Parking Facilities:
 1. Except as provided for in the zones, off-street parking facilities shall be located as follows:
 - a. Single-Family Residential Zones – (A-1, R-1, R-2, R-3, RMHP): Off street parking may be permitted in driveways in the front, side and rear yards of permitted uses in these zones, provided all requirements of this ordinance are met. Additional, off-street parking located in the rear yard shall be set back a minimum of twenty (20) feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed 400 square feet (two parking spaces) except, however, the zoning administrator and designee of the legislative body may allow additional off-street parking spaces to be located thereon provided that the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1.
 - b. Multi-Family Residential – (R-4): Off-street parking may be permitted in side or rear yards of permitted uses in these zones, provided that off-street parking facilities shall be set a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards, only if approved according to an approved development plan.
 - c. Commercial and Industrial zones – (I): Except as herein provided, off-street parking may be permitted in minimum required front, side, and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of fifteen (15) feet from any street right-of-way lines.
 2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
 - a. Permitted uses locating within multi-family and industrial zones may supply off-street parking within three hundred (300) feet from such lot served, upon approval of the zoning administrator and designee of the legislative body,

providing that such off-street parking facilities are unable to be provided on the same lot or contiguous to the same lot as the building being served. In addition, said off-street parking shall be located in the same zone as the use being served.

- b. Existing single, two, or multi-family dwellings, which are permitted uses herein and occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the zoning administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served.
- c. Off-street parking, as required for “conditional uses” may be permitted to locate on another lot that the building or use being served is located, when approved by the Board of Adjustment, provided that said parking is located within reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.
- d) Collective Parking Provision – Collective off-street parking facilities may be provided; however, the area for such parking facilities shall not be less than would otherwise be individually required.
- e) Driveways Not Computed as Part of Required Parking Area – Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family residential zones, where access driveways may be used for parking.
- f) Off-Street Parking Space to be Used for Parking Only – Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- g) No Building to be Erected in Off-Street Parking Space – No building of any kind shall be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section of the ordinance or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.
- h) Parking Plan Approval Required – Plans for all parking lot facilities, including parking garages, shall be submitted to the zoning administrator and designee of the legislative body for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the city. Such plans shall show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross-sections of pavement, including base and subbase, proposed grade of parking lot, storm drainage facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant. Where such parking plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.2.

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

- A. Size of Off-Street Parking Spaces – For the purposes of this ordinance, one (1) parking space shall be a minimum of 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.

- B. Width of Access Drives – All off-street parking areas shall be laid out with the following minimum aisle or access drive widths:
1. Ninety (90) degree (perpendicular) parking – Twenty-four (24) feet (either one- or two-way circulation);
 2. Sixty (60) degree (angle) parking – Eighteen (18) feet (one way circulation only);
 3. Forty-five (45) degree (angle) parking – Thirteen (13) feet (one way circulation only);
 4. Thirty (30) degree (angle) parking – Eleven (11) feet (one way circulation only);
 5. Zero (0) degree (parallel) parking – Twelve (12) feet (one way circulation).

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

- C. Access to Off-Street Parking Spaces – Each required parking space shall be connected with a deeded public right-of-way by means of aisles or access drives as required by Section 11.1.B. The parking area shall be so designed to ensure that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas.
- D. Off-Street Parking Areas in Multi-Family, Commercial, or Industrial Zones – All such parking areas shall have a protective wall and/or bumper blocks around the perimeter of said parking area and shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. All parking shall be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential development, by a solid wall, fence, or densely planted compact hedge as regulated by Section 9.17 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.
- E. Lighting – Any lighting used to illuminate off-street parking areas shall not glare upon any right-of-way or adjacent property.
- F. Paving of New Off-Street Parking Area – All new off-street parking areas shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with Appendix A.

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

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
A. Airport, railroad passenger stations and bus terminals.	One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space per each two (2) employees on shift of largest employment.
B. Automobile laundries	One (1) parking space for each employee, plus one (1) space per owner or manager and reservoir space equal to five (5) times the capacity of laundry.
C. Automobile service stations	One (1) space for each gas pump island, plus two (2) spaces for each working bay, plus one (1) parking space for each employee on largest shift.
D. Beauty parlors and/or barber shops	Two (2) parking spaces per barber and/or beauty parlor operator.
E. Bowling establishments	Five (5) parking spaces for each lane; plus one (1) space for each two (2) employees on shift of largest employment.
F. City and/or County government Offices	One (1) parking space for each two hundred (200) square feet of gross floor area.

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
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.
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 or 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, Two-family	Two (2) parking spaces. Four (4) parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted in the access drive.
L. Dwellings: Multi-Family	Two (2) parking spaces for every dwelling unit.
M. Establishments for sale and consumption on the premises of food and refreshments, or for take home food services.	One (1) parking space per each: A. 30 square feet of gross floor area in a drive-in restaurant; B. 140 square feet of gross floor area in a carry-out restaurant. C. 40 square feet of gross floor area or two (2) seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; D. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each (2) employees on shift of largest employment in any type of 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, plus one (1) parking space for each employee.
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 or largest employment.
R. Medical offices and/or clinics	Five (5) parking spaces per each practitioner, plus one (1) parking space for each two (2) employees or

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
	one (1) parking space for each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.
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 two (200) square feet of gross floor area, plus one (1) parking space for each two (2) employees on the shift of largest employment; plus one (1) space for each vehicle operating from the premises.
V. Private clubs, boarding houses, and lodge halls.	One (1) parking space for each guest sleeping room, or one (1) parking space per each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed seats, one (1) parking space for each two (2) employees.
W. Retail and personal service	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, colleges 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 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 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 design capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or

TYPES OF USES	REQUIRED NUMBER OF PARKING SPACES
	assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift largest employment.
DD. Tourist homes, cabins, motels or hotels, excluding areas for meeting rooms and places of assembly.	One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.
EE. Industrial establishments, including manufacturing, research and testing laboratories.	Two (2) parking spaces for each three (3) employees – the total number of parking spaces being the total number of employees on any two (2) consecutive shifts having the largest number of employees, based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.
FF. Wholesale establishments, warehouses, and storage buildings.	One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.
GG. All other uses not listed herein	Based on study to be prepared by owner or operator; number of spaces to be required determined according to: a. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound) b. Estimated parking duration per vehicle trip (turn-over rates); c. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; d. Estimated number of employees – (one (1) space to be provided for each two (2) employees based on shift of maximum employment).

ARTICLE XII
OFF-STREET LOADING AND/OR UNLOADING REGULATIONS

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

SECTION 12.0 GENERAL REQUIREMENTS

A. Spaces Required –

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

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

2. If it is determined by the zoning administrator and designee of the legislative body, based on existing conditions of the proposed site, the design of the building, and the completed needs study, that additional loading and/or unloading spaces are needed to accommodate the facilities than could be reasonably provided, the zoning administrator and designee of the legislative body shall require that additional parking areas, properly designed, to handle the parking of necessary trucks including the maneuvering of the trucks to and from the space, be provided for the storage of trucks waiting to be loaded and/or unloaded.
3. If after approval by the zoning administrator and designee of the legislative body of the number of spaces and any storage of truck parking needed to accommodate the loading and/or unloading of trucks for a specific use, a need exists, based on operation of the specific use, to provide additional off-street loading and/or unloading spaces or storage of trucks than was previously determined, the zoning administrator and designee of the legislative body may require that corrective action be taken to eliminate any deficiencies as follows;
 - a. Limit the time and interval of arrival and departure of trucks, commensurate with the need; or

- b. Require necessary additional loading and/or unloading spaces, or require that adequate parking areas be provided for the storage of trucks waiting to be loaded and/or unloaded.
- B. Additional Loading and/or Unloading Spaces to be Provided – Whenever the intensity of any use of a building or premises is increased through addition of gross floor area, change of use or increased activity, additional loading and/or unloading spaces shall be provided in accordance with the requirements of Section 12.0, A, above, if it is determined by the zoning administrator and designee of the legislative body that the existing spaces are not adequate to serve such increase in intensity.
- C. Location of Off-Street Loading and/or Unloading Area – All loading and/or unloading spaces shall be located on the same lot as the use served. However, permitted uses located in industrial zones may provide parking areas for the storage of trucks waiting to be loaded and/or unloaded within three hundred (300) feet from each lot served, upon the approval of the zoning administrator, providing that said off-street storage of trucks are unable to be provided on the same lot or contiguous to the same lot as the use being served and further provided that said storage of trucks are located in the same zone as the use being served. Loading and/or unloading areas may be located in the side and minimum required rear yards, provided that all loading and/or unloading facilities shall be set back a minimum of ten (10) feet from the rear lot line and minimum side yard clearances are maintained.
- D. Driveways not Computed as Part of Required Loading and/or Unloading Area – Entrances, exits, or driveways shall not be computed as any part of a required loading and/or unloading space.
- E. Off-Street Loading and/or Unloading Space to be Used for Loading and or Unloading Only – Any loading and/or unloading space shall be used for loading and/or unloading only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be in violation of the provisions of this ordinance.
- F. No Building to be Erected in Off-Street Loading and/or Unloading Space – No building of any kind shall be erected in any off-street loading and/or unloading space.
- G. Off-Street Loading and/or Unloading Space Shall not be Reduced – The required parking spaces as set forth and designated in this ordinance, shall not be reduced, except as provided for in this ordinance.
- H. Loading and/or Unloading Plan Approval Required– Plans for all loading and/or unloading facilities shall be submitted to the zoning administrator and designee of the legislative body for review and for compliance with the provisions of this ordinance and such other pertinent ordinances of the legislative body. Such plans shall show the number and location of loading and/or unloading spaces, including necessary maneuvering of trucks and dock and apron approach, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross-sections of pavement, including base and subbase, proposed grade of lot, storm drainage facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant. Where such loading and/or unloading plans include provisions for access points to adjacent streets, then said plans shall also be prepared in accordance with the requirements of Section 11.3.

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

- A. Size of Off-Street Loading and/or Unloading Space – Each off-street loading and/or unloading space shall be at least fourteen (14) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fifteen (15) feet; provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, as provided for in Section 12.0, A, the zoning administrator and designee of the legislative body may reduce the minimum length to not less than thirty-five (35) feet.
- B. Access – Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers efficient ingress, egress, and safety for trucks. Access drives or aisles shall be laid out with a width of at least twelve (12) feet for one-way circulation and at least twenty-two (22) feet for two-way circulation with intersection radii not to be less than fifty (50) feet.

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

- C. Other Design Features – Docks are to be designed to facilitate efficient loading and/or unloading. Platform heights should be 44 inches for light pickup and delivery trucks and 48-52 inches for heavy trucks and trailers. The dock area should be at least twice the total body floor area of the largest number of trucks that can be docked at one time. Minimum dock overhead clearance (including pipes, lights, etc.) should be twelve (12) feet.
- D. Paving of Off-Street Loading and/or Unloading Areas – All off-street loading and/or unloading areas, including spaces, maneuvering, storage areas for truck parking shall be paved with asphalt concrete or Portland cement concrete and shall be designed and constructed in accordance with Appendix A of this ordinance.
All off-street loading and/or unloading areas, including spaces, access drives, maneuvering, and storage areas for truck parking serving industrial and commercial uses which are unpaved, in accordance with the requirements of this ordinance and having access to an improved public street, shall be required to be paved, in accordance with the requirements of this ordinance within one (1) year after adoption of this ordinance.
- E. Lighting – Any lighting used to illuminate off-street loading and/or unloading areas shall not glare upon right-of-way or adjacent property.
- F. Screening and Landscaping – All loading and/or unloading areas including storage of parked trucks, shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone as regulated by Section 9.17 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

**ARTICLE XIII
FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS**

SECTION 13.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS:

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

SECTION 13.1 CLASSIFICATION OF FENCES AND WALLS:

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

SECTION 13.2 CONSERVATION AND AGRICULTURAL ZONES:

- A. Fences and/or walls within the conservation and/or agricultural zones shall conform to the following requirements:
 - 1. Except as provided for in Section 13.0, class 2 or 3 fences may be erected in front yards up to a maximum height of 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 engineer, whichever is applicable.

SECTION 13.3 RESIDENTIAL ZONES:

- A. No property owner shall construct or allow to be constructed on property which is zoned for residential use a fence in excess of six (6) feet in height. No such fence constructed will extend past the front portion of any residence. Stockade fences are prohibited. Examples of acceptable fencing include: chain link fences without inserts and picket fences, in which the pickets are no wider than the space between them. This list is for illustration only. Barbed wire or razor wire shall not be used in the construction of any fence on property zoned for residential use. Electrified fences are prohibited in residential zones, except that such prohibition shall not apply to in-ground pet fences utilizing low voltage wiring.

SECTION 13.4 COMMERCIAL AND INDUSTRIAL ZONES:

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

- A. Except as provided for in Section 13.0, fences of classes 1, 2, 3, 4, 5, or 6 may be erected in side and rear yards of commercial zones up to a maximum height of seventy-two (72) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only may be erected up to a maximum height of seventy-two (72) inches. In minimum front yards, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of 48 inches (except as noted in Section 13.0).
- B. Except as noted in Section 13.0, fences of classes 1, 2, 3, 4, 5, or 6 may be erected up to a maximum height of 96 inches in all industrial zones. Classes 2 or 3 fences may be erected up to a maximum height of 72 inches in the minimum front yard depth in all industrial zones.

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

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

SECTION 13.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES

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

SECTION 13.7 HEIGHT OF FENCES ATOP RETAINING WALLS:

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

SECTION 13.8 ELECTRIFIED FENCES:

No fence carrying an electrical charge shall be permitted in any zone except when such fence is used in conjunction with an agricultural use and provided the fence is not located along the perimeter with adjacent property or street, subject to Section 13.3 above.

SECTION 13.9 PERMIT REQUIRED FOR ERECTION OF FENCES:

No fence shall be erected, except as exempted or specified within this ordinance, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued for such by the zoning administrator, the building inspector, and the designee of the legislative body, in accordance with Sections 16.1 and 16.2 of this ordinance.

SECTION 13.10 STRUCTURAL ELEMENTS OF FENCES:

Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side which faces the property owned by the person building the fence.

ARTICLE XIV
SIGN REGULATIONS

SECTION 14.0 SCOPE OF REGULATIONS:

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

SECTION 14.1 GENERAL RULES, REGULATIONS AND LIMITATIONS

- A. All business and identification signs, shall be deemed accessory uses; all advertising signs shall be deemed nonaccessory uses.
- B. No sign shall be erected, maintained, or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the legislative body. The zoning administrator and designee of the legislative body shall have the duty and authority to remove or cause to have removed, any sign not in full compliance with all applicable provisions and regulations of this ordinance or any other applicable laws, codes, or ordinances of the legislative body when the owner or agent has failed to comply within the time specified by the zoning administrator and designee of the legislative body to make said sign comply. Said owner or agent shall bear full costs of such removal and shall be billed accordingly.
- C. Except as herein provided, 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.
- D. **TIME SCHEDULE FOR COMPLIANCE OF SIGN REGULATIONS:** Compliance with the provisions of this article of the ordinance shall be according to the following time schedule:
 - 1. All new signs shall comply when erected.
 - 2. Advertising signs, as defined herein, which become non-conforming after the effective date of this ordinance, and located in any residential zone, shall be required to conform to the requirements within (12) consecutive calendar months after the effective date of this ordinance.
 - 3. Advertising signs, as defined herein, which become non-conforming after the effective date of this ordinance, and located in any zone other than a residential zone, shall be required to conform to the requirements of this ordinance within thirty-six (36) consecutive calendar months after the effective date of this ordinance.
 - 4. Business and identification signs, as defined herein, which become non-conforming after the effective date of this ordinance, shall be required to conform to the requirements of this ordinance within sixty (60) consecutive calendar months after the effective date of this ordinance.

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

- E. No sign shall be erected, maintained, or continued in any zone which constitutes a nuisance, because of light, glare, focus, noise, animation, flashing, intensity of

illumination as to unduly disturb the use of surrounding properties, as determined by the zoning administrator and designee of the legislative body, or causing a traffic hazard.

- F. No radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise-making or transmitting device or instrument shall be allowed, permitted, or continued in connection with any sign or may it be used separately for advertising purposes in any zone.
- G. No sign shall be erected, maintained, or continued which constricts the flow of air through any window or door.
- H. No sign shall be erected, maintained, or continued which is misleading, fraudulent, obscene, immoral, indecent, or unsightly in character, as determined by the zoning administrator or designee of the legislative body.
- I. No advertising sign, except those of a governmental entity, shall be erected, maintained, or continued unless the following provision is complied with; and said provision shall go into effect ninety (90) consecutive calendar days after the effective date of this ordinance:
 - 1. The name of the company or person owning, maintaining, or erecting said sign is plainly displayed thereon.
- J. No sign shall be erected, maintained, or continued over or into any street, public way, or alley right-of-way, unless specifically provided for within this ordinance.
- K. It shall be unlawful and a violation of this ordinance for any person to fasten, place, paint or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, whether political or otherwise, or cause the same to be done in or upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted within this ordinance.
- L. No sign shall be erected, maintained, or continued upon the inside of a curve of a street which causes any interference to sight distance.
- M. No sign shall be erected, maintained, or continued displaying flashing or intermittent lights, or lights of changing degrees of intensity, with changes alternating on not less than a five second cycle.
- N. No sign shall be erected, maintained, or continued in any zone which does not comply fully with Section 13.0 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 shall not be permitted, or continued in any zone, except that portable or temporary signs may be permitted to advertise public, semi-public, charitable or religious fund-raising programs. Said sign may be erected fourteen (14) consecutive calendar days prior to the day of program and removed by the owner or agent within two (2) consecutive days following the day of the program.
- P. No sign shall be erected, maintained, or continued in any zone except as provided for in Section 14.1, D, unless the sign complies with all of the following regulations:
 - 1. Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located. or for a non-conforming use subject to the limitations contained in Section 9.12, E, of this ordinance. regarding non-conforming uses;
 - 2. Is clearly incidental, customary to and commonly associated with the operation of the use being advertised;

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

SECTION 14.2 SPECIAL SIGNS:

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

- A. One (1) real estate sign per acre not exceeding twelve (12) square feet in outside area; single or double faced; maximum height of eight (8) feet, which advertises the sale, rental or lease of the premises on which said sign is located. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 PM. Such signs shall be removed by owners or agent within ten (10) consecutive calendar days after the sale, rental, or lease of the premises.

- B. Professional name plates not exceeding one (1) square foot in outside area; single or double-faced shall not be animated and not illuminated.
- C. Bulletin board not over twelve (12) square feet in outside area: single or double faced; maximum height of eight (8) feet, for public, charitable, or religious institutions when the same is located on the premises of said institution. Said sign shall not be animated; may be illuminated, but only by concealed lighting, and only until 10:00 PM.
- D. Signs not over twenty (20) square feet in outside area; single or double faced; maximum height of eight (8) feet, denoting the person/firm, architect, engineer, or contractor, when placed upon the premises where construction work is being performed. Said sign shall be removed by owner or agent within ten (10) consecutive calendar days after completion of project or that person/firm's part of the project.
- E. Memorial signs or tablets, containing the name of the building and the date of erection when built into the walls of the building and constructed of bronze, brass, marble, stone, or other incombustible materials.
- F. Traffic signs, provided that said signs are designed and located in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
- G. Temporary signs, where permitted or required by the zoning administrator, to fulfill requirements of this ordinance or other resolutions or regulations imposed by a governmental entity.
- H. Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.
- I. Signs inside a building, but shall not include signs within open malls or open courts.

SECTION 14.3 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS:

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

- 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. Alteration or enlargement of any sign shall require a permit the same as for a new sign.
- E. No permit shall be granted until and 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 and the designee of the legislative body 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 established by the legislative body.

SECTION 14.6 CLASSIFICATION OF SIGNS:

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

- A. Class 1: The following signs meeting the following specifications shall constitute Class 1 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE – Flat or window sign; single faced only.
 - 2. MAXIMUM SIZE OF SIGN – One (1) square foot.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached directly to building parallel to wall face.
 - 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each separate use that is a permitted use.
 - 5. OTHER LIMITATIONS – Shall be neither animated nor illuminated.
- B. Class 2: The following signs meeting the following specifications shall constitute Class 2 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE – Only one of the following type signs are permitted in Class 2 per each individual use: flat, window, or projecting sign; single or double faced.
 - 2. MAXIMUM SIZE OF SINGLE SIGN – Two (2) square feet.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached to building and projecting no more than eighteen (18) inches from the wall face of the building.
 - 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each separate use that is a permitted use.
 - 5. OTHER LIMITATIONS – Shall be neither animated nor illuminated.
- C. Class 3: The following signs meeting the following specifications shall constitute Class 3 and shall be only business or identification signs, as defined herein:
 - 1. STRUCTURAL TYPE – Flat, ground or pole sign; single or double faced.
 - 2. MAXIMUM SIZE OF SINGLE SIGN – Six (6) square feet in outside area.
 - 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Twelve (12) feet.
 - 4. LIMITATIONS ON NUMBER OF SIGNS – One (1) sign for each curb cut plus any number within the off-street parking areas, as approved by the zoning administrator and the designee of the legislative body.
 - 5. OTHER LIMITATIONS –
 - a. May be illuminated but only from a concealed light source and shall not be flashing, glaring nor animated.
 - b. Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
 - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.

- D. Class 4: The following signs meeting the following specifications shall constitute Class 4 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE – Only one (1) of the following signs are permitted in this class per each individual use: Flat, window, or ground sign; single or double-faced.
 2. MAXIMUM SIZE OF SINGLE SIGN – Twelve (12) square feet in outside area, except as specified in Subsection D (4) OF THIS SECTION.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – twenty (2) feet.
 4. LIMITATIONS ON NUMBER OF TOTAL AREA OF SIGNS – The total area of all signs in a single designated land area shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by twenty-five (25), provided, however, that the aggregate area of any such sign or signs may have an area of at least six (6) square feet, and provided further, that no signal sign shall have an area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed.
 5. OTHER LIMITATIONS-
 - a. Shall not be animated; may be illuminated, but only from a concealed light source and only until 10:00 PM.
 - b. Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling and rebuilding of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two (182) consecutive calendar days, but are renewable one (1) time only for an additional one hundred eighty-two (182) consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
 - c. Shall be located only on the premises of the property being referred to.
 - d. No part of any ground sign shall be closer than five (5) feet from any property line.
- E. Class 5: The following signs meeting the following specifications shall constitute Class 5 and shall be only business or identification signs, as defined herein.
1. STRUCTURAL TYPE – Individual letters only; single faced only.
 2. MAXIMUM SIZE OF INDIVIDUAL SIGN –
 - a. One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
 - b. Maximum size of letters shall be thirty-six (36) inches in height.
 - c. The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN: - Attached flat to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
 4. LIMITATION ON NUMBER OF SIGNS – One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings in an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1)

such sign regardless of how many firms, companies, or incorporations having separate ownership, rental or lease within said office building.

5. OTHER LIMITATIONS –
 - a. Shall be neither flashing, nor animated.
 - b. May be illuminated, but only from a concealed light source.
 - c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.
- F. Class 6: The following signs meeting the following specifications shall constitute Class 6 and shall be only business or identification signs, as defined herein:
 1. STRUCTURAL TYPE – Flat sign; single faced only.
 2. MAXIMUM SIZE OF SINGLE SIGN – One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Attached to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
 4. LIMITATION ON NUMBER OF SIGNS – One (1) sign for each street frontage of the lot on which the primary permitted use is located except that where a complex of buildings is so constructed and maintained that said complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease within said office building.
 5. OTHER LIMITATIONS –
 - a. Shall be neither flashing nor animated;
 - b. May be illuminated, but only from a concealed light source;
 - c. Shall not extend outward from the building wall more than twelve (12) inches except that if the sign is illuminated the reflectors may project not more than four (4) feet beyond the face of the sign.
- G. Class 7: The following signs meeting the following specifications shall constitute Class 7 and shall be only business and identification signs, as defined herein.
 1. STRUCTURAL TYPE – Pole sign or ground sign, single or double faced.
 2. MAXIMUM SIZE OF SINGLE SIGN – Sixty (60) square feet.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Pole: 20 feet; ground: 10 feet.
 4. LIMITATION ON NUMBER OF SIGNS – One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
 5. OTHER LIMITATIONS –
 - a. Such sign shall be neither flashing nor animated;
 - b. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line.
 - c. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of 250 feet. No sign shall be located in such a manner that is partially or wholly

obstructs adjacent signs as viewed from the centerline of the abutting street from a minimum distance of 250 feet.

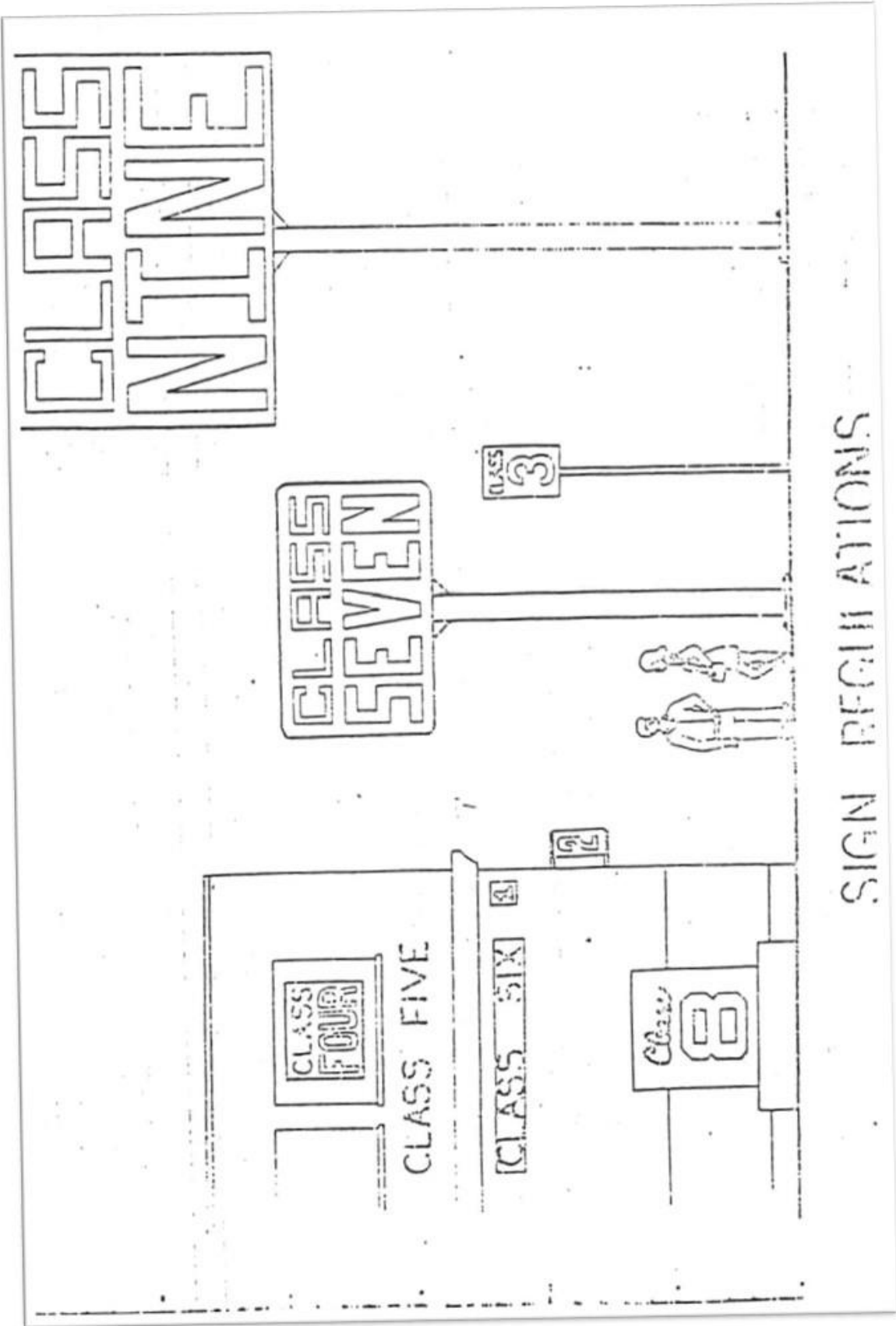
- H. Class 8: The following signs meeting the following specifications shall constitute Class 8 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE – Ground sign; single or double faced.
 2. MAXIMUM SIZE OF SINGLE SIGN – Twenty-five (25) square feet.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Ten (10) feet.
 4. LIMITATIONS –
 - a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
 - b. One (1) sign may be erected for identification purposes of a residential development for each major entrance.
 5. OTHER LIMITATIONS –
 - a. Shall be neither flashing nor animated;
 - b. May only be illuminated from a concealed light source;
 - c. No part of any ground sign shall be closer than five (5) feet from any property line.
- I. Class 9: The following signs meeting the following specifications shall constitute Class 9 and shall be only business or identification signs, as defined herein:
1. STRUCTURAL TYPE – Pole or ground signs: single or double faced.
 2. MAXIMUM SIZE OF SINGLE SIGN – Two hundred (200) square feet.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – Pole sign: 30 feet
 4. LIMITATION –
 - a. One (1) sign may be erected on each abutting major street identifying a shopping complex.
 - b. One (1) sign may be erected along each abutting arterial street entrance into an Industrial Zone for the purposes of identifying an industrial development.
 5. OTHER LIMITATIONS –
 - a. Shall be neither flashing nor animated.
 - b. May only be illuminated from a concealed light source.
 - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
- J. Class 10: The following signs meeting the following specifications shall constitute Class 10 and shall be only advertising signs, as defined herein:
1. STRUCTURAL TYPE – Ground sign; single or double faced, and single or double stacked.
 2. MAXIMUM SIZE OF SINGLE SIGN – Three hundred fifty (350) square feet.
 3. MAXIMUM HEIGHT ABOVE GRADE AT TOP OF SIGN – One hundred (100) feet.
 4. LIMITATION ON NUMBER OF SIGNS – No sign shall be located closer than two hundred (200) feet from any residential zone as measured along both sides of the street on which the sign abuts;
 - a. A conditional use must be obtained for any Class 10 sign;
 - b. The sign must be a maximum distance of seven hundred fifty (750) feet from the point of ingress/egress of an interstate;
 - c. Signs must be on the site of the existing business, which the sign identifies or advertises;
 - d. Only one (1) pole for a Class 10 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 for the particular zone where such signs are permitted;

- e. Advertising signs shall be located that the entire sign display area is visible at a minimum viewing distance of two hundred and fifty (250) feet, as measured along the centerline of the street on which said sign is facing.
5. OTHER LIMITATIONS –
- a. No ground sign shall exceed thirty (30) feet in length, except when adjoining such other ground sign at an acute angle.

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

ZONES	USES	PERMITTED SIGN CLASSES
A1	1) Any use permitted in this zone. 2) In addition to sign classes permitted in 1): a) Off-street parking areas; b) All the uses permitted or conditionally permitted in this zone.	1, 2, & 4 3 5 & 8 or 6 & 8
R1 R2 R3 R4	1) Any use permitted in these zones 2) In addition to sign classes permitted in 1): a) Conditional uses permitted in these zones; b) Off-street parking areas for conditionally permitted uses; c) Signs for identification of residential subdivision.	4 5 & 8 or 6 & 8*8 3
NCS	1) Any permitted or conditionally permitted use in these zones 2) In addition to sign classes permitted in 1): a) Off-street parking areas; b) And all other uses permitted in these zones; c) Signs for identification of shopping complex (3 or more businesses located in a unified building or attached group of buildings).	1,2, & 4 3 5 or 6* 9
NC	1) Any use permitted in these zones 2) In addition to sign classes permitted in 1): a) Off-street parking areas; b) Signs for conditional uses and identification of a 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 - c) All other uses not located in a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	1, 2, & 4 3 7 5 or 6 5 or 6*
HC	1) Any use permitted in these zones 2) In addition to sign classes permitted in 1): a) Off-street parking areas; b) Signs for identification of a 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 c) All other uses not located in a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	1, 2, & 4 3 7 5 or 6* 5 & 7 or 6 & 7*, 9
I-1, I-2,	1) Any use permitted in these zones 2) In addition to sign classes permitted in 1): a) Off-street parking area; b) And all other uses permitted in these zones c) Signs for identification of an industrial development or park	1, 2 & 4 3 5 & 8 or 6 & 8* 9

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



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 (I-1 and I-2) shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

SECTION 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 and designee of the legislative body may require. If approved by the zoning administrator and designee of the legislative body, 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:** In the I-1 and I-2 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest district boundary, according to Section 9.17 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 legislative body. 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 for the development of such tract as a permitted use.

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

kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well-kept condition.

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

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

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

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

D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.

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

TABLE 1

Maximum Permissible Sound Pressure Level at Specified Point of Measurement for Noise Radiated Continuously from A facility

OCTAVE BAND (cycles per second)		SOUND PRESSURE LEVEL (decibels*)	
20-	75	-----	69
75-	150	-----	54
150-	300	----	47
300-	600	----	41
600-	1,200	----	37
1,200-	2,400	----	34
2,400-	4,800	-----	31
4,800-	10,000	----	28
10,000	20,000	----	26**
20,000	30,000	----	25**
30,000	40,000	----	24**
40,000	50,000	----	23**
*According to the following formula, Sound Pressure Level in Decibels equals $10 \log \frac{P_1}{P_2}$ where P_2 equals 0.0002 dynes/cm ²			
** To avoid possible interference with animal experiments.			

TABLE 2

Correction in Maximum permitted sound pressure level in decibels to be applied to Table 3

Type of Operation of Character of Noise	Correction in Decibels
Noise source operated less than 20% of any one hour period	plus 5*
Noise source operated less than 5% of any one hour	plus 10*
Noise source operated less than 1% of any hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5
*Apply one of these corrections only.	

TABLE 3
Maximum Permitted Sound Pressure Level in Decibels

OCTAVE BAND (cycles per second)		SOUND PRESSURE LEVEL (decibels*)	
0-	74	-----	79
75-	149	-----	74
150-	299	----	66
300-	599	----	59
600-	1,199	----	53
1,200-	2,399	----	47
2,400-	4,799	-----	41
4,800-	And over	----	39
According to the following formula, Sound Pressure Level in Decibels equals 10 Log where P ₂ equals 0.0002 dynes/cm $\frac{P_1}{P_2}$			

F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.

G. VIBRATION: Vibrations shall be measured at the lot line in the I-1 districts and at the nearest district boundary in the I-2 districts. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.

H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulphur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution.

I. RADIATION: In all industrial zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

J. ELECTRICAL RADIATION: In all industrial zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

K. STORAGE: In the I-1 and I-2 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 I-2 zone only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, providing that said materials or products shall be stored, utilized, or manufactured within complete enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the I-2 zone only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of "American Insurance Association", Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.

M. WASTE: In the I-1 and I-2 zones, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Department of Natural Resources and Environmental Protection.

N. MINING AND RECLAMATION: All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

ARTICLE XVI ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER:

A zoning administrator and the designee of the legislative body (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. He/She may be provided with assistance of such other persons as the legislative body directs.

If the zoning administrator, and the designee of the legislative body finds that any of the provisions of this ordinance are being violated, he or she shall take such action as is permitted by law.

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

All questions of interpretation and enforcement shall be first presented to the zoning administrator and the designee of the legislative body, and then such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator and the designee of the legislative body, and that recourse from the decision 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 and/or the designee of the legislative body's performance of his/her 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 land shall be used or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the zoning administrator and the designee of the legislative body. 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 be accompanied by:
 - 1. A completed application form provided by the zoning administrator and the designee of the legislative body (in duplicate - see **Appendix "A"**).
 - 2. The required fee for a zoning permit as provided for in Section 19.0 of this ordinance.
 - 3. An approved development plan or site plan, if required by this ordinance; or

4. A plot plan in duplicate drawing at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance.

- a. The location of every existing and proposed building, including dimensions and height, and the number, size, and type of dwelling units.
- b. All property lines, shape and dimensions of the lot to be built upon.
- c. Lot width at building setback line.
- d. Minimum front and rear yard depths and side yard widths.
- e. Total lot area in square feet.
- f. Location and dimensions of all access points, driveways, off-street parking spaces.
- g. A drainage plan of the lot and its relationship to adjacent properties, indicated by directional flow of the lot drainage. Lots shall be graded so that water drains away from each building at a minimum grade of two (2) percent. Surface drainage swales shall have a minimum grade of two (2) percent and shall be designed so that the surface water will drain into a driveway, street gutter, storm sewer, drain inlet, or natural drainageway.
- h. All sidewalks, walkways and open spaces.
- i. Location, type and height of all walls, fences and screen plantings.
- j. Location of all existing and proposed streets, including rights-of-way and pavement widths.
- k. All existing and proposed water and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes and grades, when applicable.

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

If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked "approved". Such approval shall be attested by the zoning administrator and designee of the legislative body's signature. The other copy similarly marked, shall be retained by the zoning administrator. The zoning administrator and designee of the legislative body 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 designee of the legislative body and a building permit shall not be obtainable until a new zoning permit has been obtained.

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

A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building inspector and the designee of the legislative body. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.

B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:

1. A completed application form provided by the building inspector;
 2. An approved zoning permit;
 3. The required fee for a building permit as provided for in Section 19.0 of this ordinance;
 4. An approved development plan or site plan, if required by this ordinance;
- or
5. Plans in duplicate approved by the zoning administrator and designee of the legislative body and including any additional information required by the building code and/or building inspector, as may be necessary to determine conformance with and provide for the enforcement of the building code and the Kentucky Revised Statutes.

C. **ISSUANCE OF BUILDING PERMIT:** The building inspector and designee of the legislative body either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the building inspector and designee of the legislative body's signature. The second copy similarly marked, shall be retained by the building inspector and designee of the legislative body.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "approved". Such approval shall be attested by the building inspector and the designee of the legislative body's signature. The second copy, similarly marked, shall be retained by the building inspector and the designee of the legislative body. The building inspector and the designee of the legislative body 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 legislative body prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of 180 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 180 consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of this ordinance and the building code shall be required. For purposes of this ordinance and the building code shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.

F. **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within ninety (90) consecutive calendar days from the date of issuance thereof, said permit shall expire and be cancelled by the building inspector and designee of the legislative body, and no construction shall be permitted until a new building permit has been obtained, except. an extension may be permitted if sufficient evidence can be demonstrated why the work described in the building permit was not begun.

For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of 18 months, providing that an extension may be permitted if sufficient evidence 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 applications approved by the zoning administrator, building inspector, and/or designee of the legislative body 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 land or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building inspector, zoning administrator, and designee of the legislative body. Such certificate shall show that such building or land or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. It shall be the duty of the building inspector and designee of the legislative body to issue a certificate of occupancy, provided

that he/she has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this ordinance, the applicable requirements of the subdivision regulations, and the building code.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING:

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

SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all nonconforming uses of land or buildings created by this ordinance.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the building inspector and designee of the legislative body, 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 building inspector and designee of the legislative body 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 the building or land conforms to the applicable provisions of this ordinance and plans for which the building permits was issued.

SECTION 16.7 CERTIFICATE or OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the offices of the building inspector and by the designee of the legislative body 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 bases thereof shall be filled with the zoning administrator and the designee of the legislative body. The zoning administrator and the designee of the legislative body shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of this ordinance shall upon conviction be fined not less than ten (10) but no more than five hundred (\$500) dollars for each conviction. Each day of violation shall constitute a separate offense.

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

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

If, in the judgement of the Zoning Administrator and/or the designee of the legislative body, there is probable violation of the performance standards as set forth, the following procedures shall be followed:

- A. The Zoning Administrator and designee of the legislative body shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reason why the Zoning Administrator and designee of the legislative body believes there is a violation in fact, and shall require an answer or correction of the violation to the satisfaction of the Zoning Administrator and designee of the legislative body 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, addition to such other penalties as may be appropriate, but that if it is determined that no violations exist the cost of the investigation will be paid by the legislative body.
- C. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator and designee of the legislative body, he/she shall note "violation corrected" on his copy of

the notice, and shall retain it among his/her official records, taking such other action as may be warranted.

- D. If there is no reply within thirty (30) consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the Zoning Administrator and designee of the legislative body within the established time limit. he shall proceed to take or cause to be taken. such action as is warranted by continuation of a violation after notice to cease.
- E. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator and the designee of the legislative body, but requesting additional time, the Zoning Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
- F. If a reply is received within thirty (30) consecutive calendar days of receipt of said notice requesting technical determination as provided in this Ordinance, and if the alleged violations continue, the Zoning Administrator and designee of the legislative body shall call in properly qualified experts to investigate and determine whether violations exist.

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

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

ARTICLE XVII AMENDMENT PROCEDURE

SECTION 17.0 AMENDMENT PROCEDURE:

A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed, in writing, with the Zoning Administrator and the designee of the legislative body, to be transmitted to the planning commission on forms furnished by the Zoning Administrator (in duplicate). The fee required for applying for such amendment shall be as provided for by the planning commission.

B. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal for an amendment to this ordinance may originate with the planning commission, the legislative body or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission for its action before adoption.

C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN:** The planning commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times in a newspaper of general circulation in the county, provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in Section 17.0, C, above, the following notices shall also be given when a proposal is submitted to amend the official zoning map:

1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one or more signs, constructed of durable material and clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained; and

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail or by certified mail, return receipt requested, to the owners of all property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person(s) proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property.

E. FINDINGS NECESSARY FOR MAP AMENDMENT: Before any map amendment is granted the planning commission. or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan, or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the planning commission or legislative body.

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

F. MINIMUM SIZE OF NEW ZONES: No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than two (2) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the planning commission. For the purpose of computing the total size of an area to be rezoned for compliance herewith. there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed; (2) one-half the area of public rights-of-way abutting the area being changed; (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed.) For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line.

G. PLANNING COMMISSION ACTION: Following the public hearing held by the planning 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, above.

H. LEGISLATIVE BODY DISPOSITION: Within a reasonable time after receipt of the planning commission's recommendations and findings concerning the application the legislative body shall act on such application. A majority of the entire legislative body shall be required to override the recommendation of the planning commission. In the event a zoning amendment is denied the applicant shall be precluded from filing for the same amendment for a period of one year.

I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO COMMERCIAL OR MULTI-FAMILY RESIDENTIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment to any commercial, (i.e., NC, SC, HC, etc.) multi-family

residential, (i.e., R-2, R-3, etc.) shall be made in accordance with all applicable requirements of this ordinance, including the following:

1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be process in two stages:
 - a. Application for a zoning amendment shall be filed with the zoning administrator and the designee of the legislative body as required by Section 17.0, A, and shall include a Development Plan in accordance with the applicable requirements of Section 9.20, B, of this ordinance. The zoning administrator and the designee of the legislative body may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.
 - b. The planning commission shall hold a public hearing on the proposed application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Development Plan and the basis for their recommendation.
 - c. The legislative body shall, within forty-five (45) consecutive days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and recommended by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendations in accordance with the process required for the initial review.

Approval of the zoning map amendment shall require that development be in accordance with the approved Development Plan. Additionally, upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved development plan.

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

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

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

ARTICLE XVIII

BOARD OF ADJUSTMENT

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

- A. A Board of Adjustment is hereby established.
- B. The Board of Adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the Planning Commission.
- C. The mayor shall be the appointing authority of the Board of Adjustment, subject to the approval of the legislative body.
- D. The term of office for the Board of Adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years, respectively.
- E. Vacancies on the Board of Adjustment shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.
- F. All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace, within the district or county in which they reside.
- G. Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustment.
- H. Any member of the Board of Adjustment may be removed by the mayor, subject to the approval by the legislative body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the Board of Adjustment shall submit a written statement to the Planning Commission setting forth the reasons and the statement shall be read at the next 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/she resides.
- I. The Board of Adjustment shall elect annually a chairman, vice-chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of this term.
- J. Members of the Board of Adjustments shall be paid \$25.00 per meeting attended, excepting only the chairman who shall be paid \$50.00 per meeting.

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

- A. The Board of Adjustment shall conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the Board at least seven (7) days prior to the

- meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.
- B. A simple majority of the total membership of the Board of Adjustment, as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question,
 - C. The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, and findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact all of which shall, immediately after adoption, be filed in the office of the Board of Adjustment. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
 - D. The Board of Adjustment shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the State of Kentucky, including the United States Government.
 - E. The Board of Adjustment shall have the power to issue subpoenas to compel witnesses to attend its meeting and give evidence bearing upon the questions before it.
 - F. The chairman of the Board of Adjustment shall have the power to administer an oath to witnesses prior to their testifying before the board of any issue.
 - G. For any Zoning matters, not involving appeals, coming before the Board of Adjustments of the city of Crittenden, the applicant-owner shall be assessed and charged the following fees or charges: (a) The cost advertising or publishing the Notice of the date, time and place of the hearing on the matter before the Board to be paid at the time of filing or making the application: (b) The sum of \$150.00 for matters within Residential classification: the sum of \$200.00 for matter within a Commercial/Business classification: the sum of \$300.00 for matters within an industrial classification: and (c) the cost of advertising publication of any official entry, decision or ruling of the Board, if so required by law or ordinance to advertised or published with the aid applicant-owner, his agent or attorney so paying the actual expenses of such publication within forty-five (45) days of the date of the notice so sent by the City of Crittenden regarding such costs, and, if not so paid within the stated period, the entry decision, ruling or determination of the Board be deemed to have lapsed and voided so requiring the applicant-owner to re-apply to pay again the fees and charges herein provided, including the costs and expense of the of unpaid advertising/publication costs.

SECTION 18.2 PROCEDURE FOR ALL APPEALS TO BOARD:

1. Appeals to the Board of Adjustments may be taken by any person, or entity claiming to be injured or aggrieved by an official action or decision of the zoning administrator and/or the designee of the legislative body. Such appeal shall be taken within 10 days after the appellant or his agent receives notice of the action to be appealed by filing with the zoning administrator, designee of the legislative body and the Board of Adjustments a notice of appeal specifying the grounds and giving notice of such appeal to any and all parties of record. A fee as required by separate ordinance establishing costs for appeal hereunder shall be paid to the zoning administrator and/or designee of the legislative body at the time of filing. The zoning administrator shall forthwith transmit to the board all papers

constituting the record upon which the appeal is taken and shall be treated as and be the respondent in such further proceedings.

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, the zoning administrator, and the designee of the legislative body at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

SECTION 18.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENT:

Any appeal from the planning commission or board of adjustment action may be taken in the following

- A. Any person or entity claiming to be injured or aggrieved by any final action of the planning commission or board of adjustment may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the planning commission or board of adjustment. Final action shall not include the planning commission's recommendations made to other governmental bodies.
- B. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the planning commission or board of adjustment and all decisions. which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases. and shall cause it to be delivered for service as in any other law action.
- C. For any Zoning matter involving an appeal coming before the Board of Adjustments of the City of Crittenden, the applicant-owner shall be assessed and charged the following fees and charged: (a) The cost of advertising or publishing the Notice of the date, time and place of the hearing on the appeal, if so required by law or ordinance to be so advertised or published, with the costs of same being payable by the applicant-owner at the time the said appeal is filed or perfected: (b) The sum of \$150.00 for appeal matter within a Residential classification: the sum of \$200.00 for appeal matters within a Commercial/Business classification: and the sum of \$300.00 for appeal matters within an industrial classification; and (c) the costs and expenses of advertising or publishing the official entry, decision, determination or order of the Board, if so required by law to be advertised or published with the said applicant-owner, appellant or appellee to his agent or attorney paying the actual expenses and costs of publication within forty-five (45) days of the notices sent by the City Clerk regarding such costs and, if not so paid within the

stated period of time, the official entry, decision determination or order of the Board if so required by law to be advertised or published with the said applicant-owner, appellant or appellee or his agent or attorney paying the actual expenses and costs of publication within forty-five (45) days of the date of the notice sent by the City Clerk regarding such costs and, if not so paid within the stated period of time, the official entry, decision determination or order of the Board shall be deemed to have lapsed and voided so requiring the applicant-owner or appellant or appellee as the case may be to re-apply to the Board for a rehearing on or of the appeal paying again the fees and charges herein provided, including the costs and expenses of the overdue and unpaid advertising/publication costs.

SECTION 18.4 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless zoning administrator and designee of the legislative body 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 and designee of the legislative body, from whom the appeal is taken and on due cause shown.

SECTION 18.5 POWERS OF BOARDS OF ADJUSTMENT:

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

- A. To hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size or yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.
- B. To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a zoning administrator and designee of the legislative body 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, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.
- E. To hear and decide, in accordance with the provisions of this ordinance and the adopted comprehensive plan, requests for change from one non-conforming use to another.

SECTION 18.6 DIMENSIONAL VARIANCES; CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES.

- A. DIMENSIONAL VARIANCES: Before any dimensional variance is granted, the board of adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the board of adjustment unless and until:
1. A written application for a dimensional variance (including the required fee as per Section 19.0 of this ordinance) and a site plan, subject to the application requirements of Section 9.19, are submitted demonstrating:
 - a. That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone;
 - b. That the manner in which the strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of land in the manner equivalent to the use permitted other land owners in the same zone;
 - c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequently to the adoption of this ordinance;
 - d. Reasons that the dimensional variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood; and
 - e. That granting the dimensional variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No non-conforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a dimensional variance.
 2. Notice of public hearing shall be given in accordance with Section 18.2 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 dimensional variance:
 - a. The board of adjustment shall make findings that the requirements of this section have been met by the applicant for a dimensional variance.
 - b. The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a dimensional variance and the dimensional variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and under no circumstances shall the board of adjustment:
 1. Grant a dimensional variance which would vary by more than fifty (50) percent of the applicable regulation when the development is occurring in newly platted areas; and
 2. Grant a dimensional variance which would vary by more than fifty (50) percent of the average height, yard, and setback of existing surrounding development when the proposed construction occurs on lots or parcels of land already platted and where more than fifty-one (51) percent of said lots or parcels of land are improved with structures. If less than fifty-one (51) percent of the surrounding lots or parcels of land are improved with

structures, then said development shall be governed by the requirements of Section 18.6.

- c. The board of adjustment shall further make a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this ordinance as well as the adopted comprehensive plan, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.
5. In granting any dimensional variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the dimensional variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.9 of this ordinance.
- B. **DIMENSIONAL VARIANCE CANNOT CONTRADICT ZONING REGULATION:** The board of adjustment shall not possess the power to grant a dimensional variance to permit a use of any land, building, or structure which is not permitted by this ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.
- C. **DIMENSIONAL VARIANCE RUNS WITH LAND:** A dimensional variance applies to the property for which it is granted and not to the individual who applied for it. A dimensional variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.
- D. **CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER:** A non-conforming use shall not be changed to another non-conforming use without the specific approval of the board of adjustment, as provided herein.
 1. The board of adjustment shall have the power to hear and decide on applications to convert or change an existing non-conforming use to another non-conforming use, subject to the following:
 - a. A written application for a change from one non-conforming use to another (including the required fee as per Section 19.0 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, by agent, or by attorney;
 - d. Prior to granting a change from one non-conforming use to another, the board of adjustment shall find that the new non-conforming use is in the same or more restrictive classification of use as the prior non-conforming use. In 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 non-conforming use shall generate less vehicular traffic (automobile and truck) than the prior non-conforming use;
 - 2) That the new non-conforming use is of a nature which will emit less noise and air pollution than the prior non-conforming use;
 - 3) That the new non-conforming use will be more in character with the existing neighborhood than the prior non-conforming use, in that it is more in conformance with the adopted comprehensive plan, and also, more in

conformance with the uses permitted in the zone in which the use is located, than the prior non-conforming use.

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

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

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

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 and the designee of the legislative body, from whom the appeal is taken.
- B. A simple majority of the total membership of the board of adjustment, as established by regulation or agreement, shall be necessary to reverse any order, requirement,

decision or determination of the zoning administrator and the designee of the legislative body, 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, and the designee of the legislative body.

**ARTICLE XIX
SCHEDULE OF FEES**

Fees shall be as established from time to time by the legislative body.

APPENDIX A

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

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

A. ASPHALT CONCRETE PAVEMENT

1. General Design Requirements –

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

TABLE A-1

**PAVEMENT THICKNESS REQUIREMENTS OF SURFACE AND
BASE COURSES FOR AUTOMOBILE AND TRUCK PARKING AREAS,
INCLUDING ACCESS DRIVES**

Vehicle Type	FULL-DEPTH ASPHALT CONCRETE		ASPHALT CONCRETE WITH GRANULAR BASE	
	Surface	Base	Asphalt surf. And base	Granular Base
Auto parking facilities	1 ½	4 ½	3	6
Truck Parking Facilities	1 ½	6 ½	4	8

2. Construction Materials and Procedures:
 - a. Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.
 1. Asphalt Concrete Base Course – Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of Highways’ Specifications for Asphalt Concrete Base Course, Class I, except as noted herein.
 - b. Asphalt Treated Base Course – Materials and construction procedures shall conform to the following requirements:
 1. Hot-mix sand asphalt base materials may be substituted for asphalt concrete base in a ratio of 1.3 inches of sand-asphalt base per inch of asphaltic concrete base.
 2. Liquid and emulsified asphalt bases, designed and mixed in accordance with the Asphalt Institute Asphalt Mixed-In-Place Manual, may be substituted for asphaltic concrete base in a ratio of 1.4 inches of liquid or emulsified asphalt base per inch of asphaltic concrete base.
 - c. Crushed Stone Base Course shall conform to all the current requirements of the Kentucky Department of Transportation, Kentucky Bureau of Highways for Dense Graded Aggregate Base Course.
 - d. Asphalt Concrete Surface Course – Materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Kentucky Bureau of Highways for Asphalt Concrete Surface, Class I.
 - e. Asphalt Prime and Tack Coat –
 1. Asphalt Prime shall conform to the Kentucky Department of Transportation, Kentucky Bureau of Highways’ requirements for Cutback Asphalt Emulsion Primer Type L. Prime shall be applied to the surface of granular base course, as directed by the legislative body’s engineer.
 2. Tack Coat shall meet the current requirements of the Kentucky Department of Transportation, Kentucky Bureau of Highways. Tack coat shall be applied, upon direction of the legislative body’s engineer, to the surface of asphalt courses that have become dusty or dry.

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

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

may be substituted for granular base course in the ratio of 1.5 inches of soil-cement base to one-inch granular base course.

C. CONCRETE PARKING AREAS:

1. General Requirements – Thickness of concrete parking shall be:
 - a. A minimum of four (4) inches for driveways and parking area serving single- and two-family dwellings.
 - b. A minimum of five (5) inches for passenger cars and panel or pickup truck parking serving industrial, commercial, and multi-family areas.
 - c. A minimum of six (6) inches for driveways accommodating light trucks and for light truck parking serving industrial, commercial and multi-family areas.
 - d. A minimum of seven (7) inches for heavier commercial or industrial needs.
2. General Requirements – Concrete paving.
 - a. Minimum cement content – 564 lb./cu. Yd. of concrete (6 U.S. bags)
 - b. Maximum size of aggregate – 2 ½ inches.
 - c. Maximum water content – 0.49 lb./1lb. of cement (5.5 gal./bag)
 - d. Maximum Slump – Five (5) inches when using hand finishing techniques; three (3) inches when using a mechanical finishing machine.
 - e. Strength of Concrete – The concrete shall attain a minimum expected strength of concrete at 28 day of 3,500 pounds per square inch compressive strength and/or 550 pounds per square inch flexural strength “modules of rupture”.
 - f. Air entrainment –

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

3. Construction Procedures:
 - a. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or taped shall be removed and replaced with suitable material, placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum (AASHO-T99).
 - b. Longitudinal joint spacing shall not exceed 12.5 feet and designed in accordance with the joint details.
 - c. Transverse joint spacings shall be at regular intervals of twenty (20) feet.

- d. All transverse construction joints shall be designed in accordance with the joint details.
- e. Form offsets at radius points shall be at least two (2) feet.
- f. Pavement joints must be continuous through the curbs.
- g. Where curbs are required, they shall be cast integrally.
- h. The pavement shall be struck-off, consolidated, and finished to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed 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 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 until the concrete is at least fourteen (14) days old or has attained a comprehensive strength of 3,500 pounds per square inch flexural strength.