

PIKEVILLE ZONING ORDINANCE

PIKEVILLE, KENTUCKY

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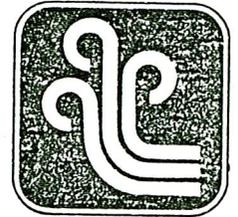
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Route 2, Box 205-1
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April, 1985

Final Revision September, 1986
Revised and Adopted - January, 1987

October 3, 1986



Will Linder &
Associates,
consultants

TO: All City Commissioners, Members of the
Planning Commission and Board of Zoning
Adjustment

FROM: 
Will Linder

RE: Revised Zoning Ordinance

Route 2
Box 205-1
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(606) 986-8406

Attached you will find the final revisions of the Pikeville Zoning Ordinance, dated September, 1986. Please insert/replace these pages in your copy of the Zoning Ordinance.

All revisions dated 9/86 are the result of citizen comments at the final public hearing and the joint work session held September 10, 1986.

Please contact either myself or Jennifer Bush of my staff if you have questions.

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PIKEVILLE ZONING ORDINANCE

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ZONING ORDINANCE (REVISED)

PIKEVILLE, KENTUCKY

PREAMBLE

Ordinance Number _____

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF PIKEVILLE, KENTUCKY, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 100, KENTUCKY REVISED STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Chapter 100, Kentucky Revised Statues, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Pikeville Board of Commissioners deems it necessary, for the purpose of promoting the public health, safety, morals, and general welfare, for facilitating orderly and harmonious development, and visual and historical character of the city, and for regulating the density of population and intensity of land use in order to provide for adequate light and air; and

WHEREAS, the City of Pikeville, pursuant to Kentucky Revised Statute 100.121, has entered into a Joint Planning Commission with Pike County, and the City of Elkhorn City; and

WHEREAS, the City of Pikeville, by agreement with the Joint Planning Commission, has established the Pikeville Board of Zoning Adjustments for the administration and enforcement of development regulations, for the issuance of conditional use permits, and the granting of variances peculiar to the City of Pikeville; and

WHEREAS, the Pikeville Board of Commissioners, pursuant to Section 100.133 of Chapter 100, Kentucky Revised Statutes, has appointed representative members to the Joint Planning Commission to recommend boundaries of the various zoning districts and the appropriate regulations to be enforced therein; and

WHEREAS, the Joint Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to provide for vehicle parking and loading space; to facilitate fire and police protection; to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, to prevent the loss of life, health, or property from fire, flood or other dangers; to protect airports, highways, and other transportation facilities, public facilities, including schools and public playgrounds, historical districts, central business district, natural resources, and other specific areas in need of special protection; and

WHEREAS, the Joint Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Joint Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Board; and

WHEREAS, the City Board of Commissioners has given due public notice of hearings relating to zoning districts, regulations, and has held such public hearings; and

WHEREAS all requirements of Chapter 100, Kentucky Revised Statutes, with regard to the preparation of the report of the Joint Planning Commission and subsequent action of the Board have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PIKEVILLE, KENTUCKY:

Z O N I N G

Preamble

- Art. I. Enacting Clause, Title, Purpose, Scope
- Art. II. Definitions
- Art. III. Administration and Enforcement
- Art. IV. The Board of Adjustment
- Art. V. General Development Regulations
- Art. VI. Districts and Boundaries Thereof
- Art. VII. Signs
- Art. VIII. Amendments

ARTICLE I. ENACTING CLAUSE, TITLE, PURPOSE AND SCOPE

100. Enacting Clause

In pursuance of the authority granted by Kentucky Revised Statutes, Chapter 100, Section 100.201 through 100.271 to a legislative body to regulate and restrict the height, number of stories, and the size of buildings and other structures. In addition, zoning may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, premature development, blight, danger, and congestion in circulation of people and commodities, and the loss of life, health, or property from fire or other danger.

110. Title

This ordinance shall be known as the "Zoning Ordinance of Pikeville, Kentucky". The official zoning map is hereby made a part of the zoning ordinance. Certified copies of this ordinance and map are on file with the Pikeville Planning Commission, the Pikeville City Clerk, and the Pike County Clerk.

120. Purpose and Scope

The subsequent ordinance is enacted for the purpose of promoting the public health, safety, morals, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of the land, and to facilitate adequate and economical provisions for public improvements in accordance with a comprehensive plan for the desirable future development of the City of Pikeville and to provide for administration and to prescribe penalties for violation of provisions thereof.

130. Separability Clause

If any section or provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of other sections, clauses, provisions, portions of this ordinance.

140. Repeal of Former Zoning Ordinance

The zoning ordinance, 920:1, adopted by the City of Pikeville as of January 12, 1972, with subsequent amendments thereto is hereby superseded by this ordinance without hiatus between them.

150. Effective Date

This ordinance shall take effect and be in force immediately and the previous ordinance shall stand repealed upon its adoption by the Planning Commission and the City Board of Commissioners.

ARTICLE II. DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance. Words used in the present tense shall include the future tense; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used"; and the word "shall" is mandatory and not directory. A word imparting the masculine gender only shall extend to and be applied to females as well as males.

1. Accessory use or structure: A use or structure subordinate to the principal use of a building or to the principal use of the land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

2. Administrative official: Any department, employee, or advisory elected or appointed body which is authorized to administer any provision of any regulation, subdivision regulation, and if delegated, any provision of any housing or building regulation or any other land use control regulation. Administrative official shall include the term "codes enforcement officer". The administrative official for the City of Pikeville may also serve as the city building inspector.

3. Advertising structure: A free-standing permanent sign not attached to a building or other permanent structure.

4. Agriculture or agricultural use: The preservation of land in its natural state; or the use of a tract of five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building developments for sale or lease to the public, and not including commercial stockyards or feeding areas.

5. Alley or lane: A public way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

6. Apartment: A room or suite of rooms in a multi-family building, together with kitchen or kitchenette and sanitary facilities, which is arranged, designed, or intended to be used as a housekeeping unit for a single family.

7. Alteration, structural: As applied to a building or structure means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

8. Apartment house: See "Dwelling, multi-family."
9. Automobile service station or filling station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, or when an auto repair business is carried on for a profit.
10. Automobile or trailer sales area: An open area, other than a street, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. No vehicles shall be placed or displayed forward of the building line required for the district.
11. Automobile wrecking: The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
12. Automotive repair, major: Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions, collision services including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
13. Automotive repair, minor: Incidental minor repairs, upholstering, replacing of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation named under "Automotive repair, major" or any similar thereto. Cars and trucks being repaired or under repair shall not be stored outside a building more than forty-eight (48) hours.
14. Basement: A story whose floor line is below grade and any entrance or exit or whose ceiling is not more than five (5) feet above grade at any such entrance or exit.
15. Block: In describing the boundaries of a district, the word "block" refers to the legal description. In all other cases, the word "block" refers to the property abutting one (1) side of a street between intersecting streets or a street and a railroad right-of-way or waterway.
16. Board: The board of zoning adjustment unless the content otherwise indicates.
17. Boarding or lodging house: See "Dwellings."
18. Buildable lot area: That part of the lot not included within the open areas required by this ordinance.
19. Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one (1) or more pierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.

20. Building, height of: The vertical distance measured from the established mean grade at the front of the building to the highest point of the building.

21. Building line: The line beyond which no building or part thereof shall project, except as otherwise provided by the zoning ordinance.

22. Building permit: A document issued by the codes enforcement officer authorizing the use of lots and structures.

23. Camper: A mobile living unit designed to be mounted upon and conveyed by another vehicle. No camper unit shall be occupied within the city limits except as provided in the zoning ordinance.

24. Cellar: That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

25. Cemetery: Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, if operated in connection with or within the boundaries of such cemetery.

26. Citizen member: Any member of a planning commission or board of adjustment who is not an elected or appointed official or employee of the city or county.

27. Club: A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

28. Codes enforcement officer: See "Administrative official."

29. Commission: Planning commission.

30. Conditional use: A use which is essential to or would promote the public health, safety or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on locations, size, and extent and character of performance are imposed in addition to those imposed in the zoning regulations.

31. Conditional use permit: Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment consisting of two parts: (a) a statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and (b) a statement of the specific conditions which must be met in order for the use to be permitted.

32. Condominium: System of separate ownership of individual units in a multiple unit building.

33. Convalescent or nursing home: An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are unrelated by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.

34. Court: An open unoccupied and unobstructed space, other than yard, on the same lot with a building or group of buildings.

35. Day nursery: A facility for the care of young children.

36. Density: A unit of measurement; the number of dwelling units per acre of land.

(a) Gross density - The number of dwelling units per acre of land to be developed.

(b) Net density - The number of dwelling units per acre of land devoted to residential uses.

37. Development plan: A plat or plan of a development which includes all items required for a major subdivision plat under the existing subdivision regulations.

38. Dimensional variance: A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, 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.

39. Driveway: An improved surface connecting a garage, or parking area with the street.

40. Display sign: A structure that is arranged, intended, designed, or used as an advertisement, announcement, or direction, including a sign, billboard, or advertising device of any kind.

41. Dwellings:

(a) Boarding house, tourist house: A building arranged or used for lodging, with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals.

(b) Dormitory: A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one (1) room, or in a series of closely associated rooms.

- (c) Hotel or motel: Any building containing six (6) or more guest rooms intended or designed to be used, or which is used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.
- (d) Lodging house: Any building or portion thereof containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements for dwellings.
- (e) Multiple family apartment house: A building or portion thereof containing more than two (2) dwelling units and not classified as a one- or two-family dwelling.
- (f) Single-family dwelling: A detached building containing one (1) dwelling unit.
- (g) Two-family dwelling: A building containing two (2) dwelling units.

42. Dwelling units: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

43. Easement: A right for a person, or the public generally, as the case may be, to use the land of another for access, provision of utilities, or similar uses.

44. 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, collections, communications, 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 in connection therewith; and the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

45. Family: A person living alone, or two (2) or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity or sorority house.

46. Frontage: Frontage shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Frontage shall be no less than required lot width if side lot lines are parallel; frontage shall be determined by Chart A if side lot lines are not parallel. Where a lot abuts more than one street, the board shall determine the frontage.

47. Garage, private: A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building without provision for repairing or servicing such vehicles for profit.

48. Home occupation: Professional offices, studios, and personal services maintained or conducted within a dwelling, including only those which meet the following performance standards: (a) Home occupations shall not result in exterior evidence excepting a permitted sign that the dwelling is used for a nonresidential use; (c) Home occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic; (d) No more than one person not a member of the occupant family may be employed in a home occupation.

49. Hospital or sanitarium: An establishment which provides accommodations, facilities, and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.

50. Housing or building regulation: The Kentucky Building Code, and any regulation incorporating any housing, building or safety code, including but not limited to, such codes as plumbing, electrical, elevator, boiler, fire safety and minimum housing, or other regulation.

51. Hotel or motel: See "Dwellings."

52. Junkyard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

53. Kennel: Any structure or premises on which five (5) or more dogs over four (4) months of age are kept.

54. Legislative body: The chief body of the city with legislative power whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners or otherwise; at times it also implies the county's fiscal court.

55. Loading space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

56. Lot: For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirement for use, coverage and area, and to provided such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

57. Lot, area: The computed area contained within the lot lines.

58. Lot, corner: A lot situated at the intersection of two (2) streets, of which the interior angle of such intersection does not exceed one hundred thirty-five (135) degrees.

59. Lot, depth: The mean horizontal distance between the front and rear lot lines.

60. Lot, line: The property lines bounding a lot.

61. Lot of record: A lot which is duly recorded in the office of the county clerk.

62. Lot, width: The length of a line tangent to and no closer than the building setback line. See Chart A.

63. Manufacturing, crafts: Any use permitted in I zone which does not employ more than three (3) persons.

64. Manufacturing: Manufacturing, processing, assembling, storage, testing, and similar industrial uses which are generally major operations and extensive in character; which require large sites, open storage, and service areas, extensive services and facilities, and ready access to regional transportation; however, which operations are generally controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust.

65. Mine: Any open pit or any underground workings from which coal is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine; this term shall refer only to commercial mining and shall in no instance be construed to include a mine where coal is produced for an individual/households own use.

66. Mining: The operation of a mine pursuant to KRS Chapter 350 and Chapter 352. Mining shall include "surface coal mining operations," "strip mining" and/or "deep mining."

67. Mobile home: A dwelling unit, factory-built and factory-assembled, designed for conveyance after fabrication, on streets and highways on its own wheels, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. A pre-fabricated home or structure, not defined above, which complies with currently enforceable building code, shall not be included in this definition.

68. Mobile home park: Any site, or tract of land under single ownership, upon which two (2) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

69. Mobile sign: See "Signs."

70. Nonconforming use or structure: An activity, building, sign, structure (or portion), or use of land existing at the time of enactment of this ordinance, but which does not conform to the regulations of the district or zone in which it is situated.

71. Noxious or toxic matter: Any matter such as dust, dirt, odors, vapors, gases, fumes, smoke or radiation, which is inherently harmful and likely to destroy life and impair health, or is capable of causing injury to the well-being of persons, or damage to property.

72. Nursery, nursing home: A home or facility for the care and treatment of babies, children, pensioners or elderly people.

73. Open space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the planning commission deems permissive. Streets, structures for habitation and the like shall not be included.

74. Parking area: An open surface, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for the parking of a motor vehicle.

75. Planned unit development: An area of land, in which variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that normally apply under those regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

76. Planning unit: Any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations.

77. Plat: The map of a subdivision.

78. Principal building: The building in which the primary activity on a certain lot is carried out.

79. Principal use: A use which is permitted outright in a district for which a building permit may be issued by the building official in accordance with the provisions of this ordinance.

80. Professional center: A professional center is a building, either connected or under one roof, in which professionals, each practicing the different branch of his profession, having joined together in some form of association, unification or central control for the use of the building, facilities of the building and the site.

88. Sign, gross surface area of: The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. Such perimeter, however, shall not include any structural elements lying outside the limits of such signs and not forming an integral part of the display.

89. Standard, performance: A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke toxic or noxious matter, vibrations, fire and explosive hazards and other objectionable or dangerous elements generated by or inherent in uses to land or buildings.

90. Story: That part of the building between a floor and the floor or roof next above which is not a basement or an attic.

91. Story, half: A partial 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 four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes shall be deemed a full story.

92. Streets: A right-of-way for vehicular traffic, excluding, however, private easements. Streets are classified as follows:

- (a) Expressways - Expressways rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes.
- (b) Arterials - Arterial streets rank second in the classification of streets, with possible access to abutting properties, and are used primarily for vehicular movement. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties rather than provide each abutting property its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.
- (c) Collector streets - Collector streets rank third in the classification of streets, and they are principally used for vehicular movement; however, access to abutting properties is planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets and generally rank next to minor streets in right-of-way widths and speed control.
- (d) Minor streets - Minor streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through traffic should be eliminated. Minor streets are primarily links between generator points (homes, offices, stores, etc.) and collector streets. Minor streets may be further classified into five (5) categories as follows:

1. Continuing streets: Are minor streets having two (2) open ends; each end generally connects with a different street. One or more streets may intersect such a street between its two (2) open ends, and property abuts both sides of such a street.
2. Marginal access streets: Are minor streets generally having two (2) or more access points to the major street system by connecting to a street of higher classification. Property abuts only one side of such a street, whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.
3. Loop streets: Are minor streets having two (2) open ends, each generally connecting with the same street. No other streets intersect between the two (2) ends, and property abuts both sides thereof.
4. Cul-de-sacs: Are minor streets having only one (1) open end providing access to another street, and a closed end providing a turnaround circle for vehicular movement. No street of this type shall deadend at the closed end, unless future plans provide for continuation of the street, or unless topography prohibits continuation. Turnaround circles of a radius of not less than fifty (50) feet shall be required where deemed necessary by the commission.
5. Alleys: Are streets generally having two (2) open ends with each end connecting to different streets. Such streets generally provide service and access to the rear of abutting properties on both sides.

93. Strip Mining: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process of the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him; the extraction of coal as an incidental part of federal, state or local government financed highway or other construction under regulations established by the cabinet; the extraction of, or intent to extract, two hundred fifty (250) tons or less of coal by an person by surface coal mining operations within twelve successive calendar months; nor shall it include the surface effects or surface impacts of underground coal mining.

94. Structure: Anything constructed or made, the use of which requires permanent location in or on the ground or attachment of something having a permanent location in or on the ground, including building and signs.

95. Subdivisions: The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediately 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 parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or the land subdivided: Any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

81. Public use: Any use of land whether publicly or privately owned for transportation, utilities or communication, or for the benefit of the general public, including but not limited to, libraries, schools, streets, fire or police stations, county buildings, municipal buildings, recreational centers, including parks and cemeteries.

82. Recreational vehicles: Any vehicle or similar portable structure used or constructed as to permit its being used as a conveyance upon streets, as a dwelling for one (1) or more persons, with or without wheels; or, any vehicle or similar portable structure used off the premises for recreational purposes, excluding any structure or vehicle included in the definition of "mobile home."

83. Regulation: Any enactment by the legislative body of a city or county whether it is an ordinance, resolution, or an order and shall include regulations for the subdivision of land adopted by the planning commission.

84. Right-of-way: The portion of land which the general public (either by declaration or by prescription) has the right to travel upon; also denominated herein as "way" or "public way."

85. Roadway: That portion of a street between the regularly established curb lines, or that part of a street or alley devoted to vehicular traffic.

86. Sidewalk: That portion of a street not included in the roadway and devoted in whole or in part to pedestrian traffic.

87. Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

- (a) Permanent sign - A sign of permanent nature, either free-standing or attached.
- (b) Temporary sign - A sign or banner of nonpermanent nature, designed to give notice of:
 1. Architectural, engineering or construction firm engaged in work on a construction site;
 2. Political campaigns;
 3. Campaign, drive or event of civic, philanthropic, educational or religious organization.
- (c) Mobile sign - A sign affixed to a frame having wheels and/or capable of being carried, or otherwise portable, and designed to stand free from a building or other structure. The mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.
- (d) Off-premises or nonaccessory sign - A sign not directly relating to the use of the premises on which the sign is located.

96. Surface Coal Mining Operations: Activities conducted on the surface of lands in connection with a surface coal mine and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, extended depth secondary recovery systems, mountaintop removal, box cut, open pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and cleaning, concentrating or other processing or preparation, and the loading of coal at or near the mine site. Such activities shall not include the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him; the extraction of coal as an incidental part of federal, state or local government financed highway or other construction under regulations established by the cabinet; or the extraction of, or intent to extract, two hundred fifty (250) tons or less of coal by any person by surface coal mining operations within twelve (12) successive calendar months. Surface coal mining operations shall also include the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface resulting from or incident to such activities. This definition includes the terms "strip mining" of coal and the "surface effects or underground mining" of coal.

97. Temporary sign: See "Sign."

98. Townhouse: A single-family dwelling unit containing one (1) or more stories, attached on one (1) or both sides to another single-family dwelling and usually arranged in rows of three (3) or more units.

99. Trailer (Including automobile trailer or house trailer): Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping or living quarters or the conduct of business, trade, or occupation or use for storage or conveyance of tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motor power.

100. Unit: See Planning unit.

101. Yard: The open space surrounding the principal building on any lot, measured from the edge of the lot line to the foundation line allowing a two-inch overhang.

102. Yard, front depth - How measured: Such depth shall be measured from the right-of-way line (front lot line) of the existing street on which the lot fronts to the building line; providing, however, that if the proposed location of such street as established on the official map of the city differs from that of the existing street, then the required front yard depth shall be measured from the right-of-way of such street as designated on the official map. See Chart B.

103. Yard, side, least width - How measured: Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street is established or on the official map of the city differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the official map.

104. Variance: A departure from the strict conformance with the dimension and area regulations which must first receive the approval of the board of zoning adjustments and appeals.

105. Veterinary animal hospital or clinic: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

ARTICLE III.
ADMINISTRATION AND ENFORCEMENT

300. Administrative Official

An administrative official designated by the Mayor, with the approval of the City Board of Commissioners, shall administer and enforce this ordinance. The administrative official may be provided with the assistance of such other persons as the Board of Commissioners may direct.

310. Purpose of the Administrative Official in Ordinance

For the purpose of the ordinance the Administrative Official shall:

310.1 Issue building permits or zoning compliance, or both, but may not have the power to permit any use or any change or use which does not conform to the literal terms of the zoning regulations;

310.2 Upon finding that any of the provisions of this ordinance are being violated, notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violations;

310.3 Order discontinuance of illegal uses of land, buildings or structures;

310.4 Order removal of illegal buildings or structures or illegal additions or structural alterations;

310.5 Order discontinuance of any illegal work being done;

310.6 Take any other action authorized by this ordinance or Article 119.0 of the Kentucky Building Code to ensure compliance with or to prevent violation(s) of this ordinance.

310.7 Make records of all official actions of his office relating to the administration and enforcement of the provisions of this ordinance including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of all such matters.

311. Fee Schedule. The Codes Enforcement Officer is the Administrative Official for the enforcement of this ordinance. All applications for action by the planning commission or board of adjustment relating to the zoning ordinance shall be made to the Secretary/Treasurer of the Pikeville Board of Zoning Adjustments and shall be accompanied by the following fees:

Fee Schedule

Building permits - See Section 9, Pikeville City Code

Certificates of Zoning Compliance - ten dollars (\$10.00)

Sign Permits - twenty-five dollars (\$25.00) minimum up to one thousand dollar (\$1,000.00) value; ten dollars (\$10.00) per thousand additional value; and thirty-five dollars (\$35.00) temporary sign. Fees shall be doubled where conforming sign is erected without permit.

Applications for variance - fifteen dollars (\$15.00)

Conditional use applications - twenty dollars (\$20.00) An additional seventy-five dollar (\$75.00) fee shall be paid when a variance for mining operations is requested.

Development Plan (PUD) - five dollars (\$5.00) per structure on plan.

Zone change application - twenty-five dollar (\$25.00) non-returnable filing fee plus seventy-five dollar (\$75.00) deposit for costs.

320. Application for Building Permit

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Administrative Official except as specified in Section 323 of this ordinance or Section 114 of the KBC. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance, unless he receives a written order from the board of adjustment in the form of an administrative review, conditional use permit, or variance as provided by this ordinance.

If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

321. Building Permits Required. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and locations of the buildings already existing, if any, and the locations and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building or the land, the number of families, housekeeping or rental units the building is designed to accommodate; conditions existing on the lot; and such matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance and Section 113 of the KY Building Code.

One (1) copy of the plans shall be returned to the applicant by the Administrative Official after he shall have marked such copy either approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official.

322. Expiration of building permit. If the work described in any building permit has not begun within 1 year, 12 months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Administrative Official; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

323. Exceptions: No bulding permit or certificate of occupancy shall be required in the following cases:

- A. Recurring maintenance work regardless of cost.
- B. Installation of required improvements according to an approved and recorded planned development project final plat.

330. Zoning Compliance

331. It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the Administrative Official has issued a Certificate of Zoning Compliance authorizing such use.

332. Applications for Certificate of Zoning Compliance. The applicant shall notify the Administrative Official in writing of the date on which the use of any new or altered structure or the changed use of any premises will be ready to commence. Certification of service by public sewer and water from the Pikeville water and sewer system or State Department of Plumbing approval of an installed septic system must accompany all applications.

333. The Administrative Official shall keep a permanent file of all applications and all certificates issued.

334. If the newly erected or altered structure and the new use of the premises conform with all applicable ordinances, regulations and codes, the Administrative Official shall issue a Certificate of Zoning Compliance authorizing the use thereof. If the structure or use fails to conform, the Administrative Official shall refuse to issue a Certificate of Zoning Compliance and shall deliver written notice to the applicant stating the reasons for refusal.

335. Inspections: The Administrative official shall inspect the newly constructed or altered structure or the premises for which a changed use is proposed and shall issue or refuse to issue a Certificate of Zoning Compliance 30 days after the date on which the new use is ready to commence and where said 30 day notice period expires on or before the date shown in the application for the new use to commence, without the inspection by the administrative official above provided for, the new use shall be deemed to have been approved without a certificate of occupancy.

336. Validity: The issuance of a Certificate of Zoning Compliance by the Administrative Official shall not waive any provision of regulation of this ordinance.

340. Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof, with the Administrative Official. The Administrative Official shall record properly such complaint, immediately investigate and take action thereon as provided by the ordinance.

341. Penalties for violations. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor.

Any person who so violates this ordinance or fails to comply with any of its requirements except as provided in Section 332 of this ordinance shall upon conviction thereof be fined not less than one hundred dollars (\$100) but no more than five thousand dollars (\$5,000) for each offense. Each day of violation shall constitute a separate offense.

342. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

350. Advertisement and Notification

Applicants will be responsible for paying the necessary costs of advertisement and notification.

ARTICLE IV.
THE BOARD OF ADJUSTMENT

400. Establishment of the Board

A Board of Zoning Adjustment is hereby established in accordance with the Kentucky Revised Statutes, section 100.217. The Board of Zoning Adjustment shall consist of five (5) citizen members, not more than two (2) of whom may be a member of the Planning Commission. The initial terms of the membership shall be as follows: One member for a two (2) year term; two members for a three (3) year term; and two members for a four (4) year term. Subsequent appointments shall be for a term of four (4) years. They shall be appointed by the Mayor, with the approval of the City Board of Commissioners. Vacancies on the Board of Zoning Adjustment shall be filled within sixty (60) days by the appropriate appointing authority. If the authority shall fail to act within that time, the Planning Commission shall fill that vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

The chairman, or in his absence the acting chairman, may administer oaths and the board may compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings.

401. Quorum. Three (3) members of the board shall constitute a quorum. The board shall act by resolution, and the concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building official or any other duly authorized administrative officer, or to decide in favor of an applicant in any matter on which it is required to pass under this ordinance, or to grant any variance from the requirements stipulated in this ordinance. The grounds of every such determination shall be stated. A member of the board shall not be qualified to vote if he has not attended the public hearing or if he has a direct or indirect interest in the issue appealed.

410. Applications, Appeals, Hearings

410.1. Applications: An application (including conditional use permit requests), in cases in which the board has original jurisdiction under the provisions of this article, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. All applications hereunder shall be accompanied by payment of the fee prescribed herein, except when the city is the applicant. Such Application shall be filed with the Administrative Official who shall transmit same to the board.

410.2. Appeals: An appeal to the board may be taken by any person aggrieved or affected by any decision of the Administrative Official. Such appeal shall be taken within thirty (30) days after the date of the decision and is taken by filing with the Administrative Official a notice of appeal specifying the grounds thereof together with the filing fee required by the Board. The Administrative Official shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

410.3. Hearings: If any application or appeal is received at least five (5) working days before a regularly scheduled meeting of the board, it shall act within forty-five (45) days after such meeting. Failure to act within such period shall be considered approval. Before making any decision on an application or appeal, the board shall hold a public hearing at such times as shall be determined by the board itself. Special hearings can be arranged at the call of the chairman. Notices of the time and place of hearings shall be mailed to applicants and be published for one (1) week prior thereto in a newspaper of general circulation in the city. Each application or appeal shall be accompanied by a check payable to the treasurer of the City of Pikeville, or a cash payment in the following amounts as specified in Section 311. If additional costs are incurred, the applicant shall pay upon receipt of a statement from the appropriate city official.

420. Powers and Duties

The Board of Zoning Adjustment shall have the following powers and duties:

- 420.1 Administrative review: To hear and decide appeals where it is alleged by the applicants that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative officials in the carrying out or enforcement of any provision in this ordinance and the interpretation of the zoning map. The concurring vote of three (3) members of the board shall be necessary to reverse or modify any order or decision of an administrative official.
- 420.2 Bylaws: The board shall adopt bylaws for its own government subject to approval of the Board of Commissioners.
- 420.3 Conditional uses: The board 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 in the zoning regulations which may be suitable only in specific locations in the zone, only if certain conditions are met. (See Article V for procedures.)
- 420.4 Variance: The board shall have the power to hear and decide on applications for dimensional variance whereby reason of the exceptional narrowness, shallowness or unusual shape of the site on the effective date of the zoning 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 buildings, size of yards, but not population densities) of the zoning regulations would deprive the applicant of the reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

420.41 Before any variance is granted, the board 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:

420.411 The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone;

420.412 The manner in which the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone;

420.413 Reasons that the variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood;

420.414 Proof that the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning ordinance.

420.42 Limits of authority: The Board of Zoning Adjustment shall not possess the power to grant a variance, to permit a use of any land, building or structure which is not permitted by the zoning regulations in the zone in question or to alter density requirements in the zone in question. The board does not possess the power to permit a use not authorized by the ordinance.

420.43 Application of variance: A dimensional variance applies to the property for which it is granted and not to the applicant. A variance also runs with the land, but it cannot be transferred by the applicant to a different site.

420.44 Additional powers: In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable to the furtherance of the purpose of this ordinance.

420.45 Limitations: Before any variance is granted, the board must find present conditions which must be sustained by evidence presented by the applicant that the property will not yield a reasonable return if used in compliance with the ordinance; that the conditions causing the hardship are unique and are not shared by neighboring property in the same zone; that the granting of the variance will not be in conflict with the zoning ordinance. These conditions must be alleged by the applicant and evidence must be produced by him to substantiate those allegations.

420.46 Parking: Where there is no clear standard for off-street parking, the board shall determine adequacy.

425. Compensation and fees. Compensation shall be limited to expenses allowed by the Board for special assignments. The Board may establish a schedule of reasonable fees in all matters to come before it and may require the applicant to pay, directly, any necessary publication costs.

ARTICLE V.
GENERAL DEVELOPMENT REGULATIONS

500. Application of Regulations

In all cases arising under this zoning ordinance, including but not limited to, change of zoning classification, eventual development of any kind, or application for approval of a development plan, the provisions of the Pikeville Subdivision Regulations shall apply in addition to the provisions of the zoning ordinance.

510. Coordination with Subdivision Regulations

No land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located. Each District is established to permit only those uses specifically listed as permitted, except as hereinafter provided and is intended for the protection of those uses.

520. Additional Uses

A use other than those specifically mentioned in each district also may be allowed by the Board of Zoning Adjustment if, in the judgment of the board, such use will not be incompatible with the character of the district in which it is located and will have no adverse influence on adjacent properties or the neighborhood or the community.

530. Conversion of Dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within the district in which a new building for similar occupancy would be permitted, and only when the resulting occupancy will comply with requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimension of yards and other open spaces, and off-street parking.

540. Rural Uses

Agricultural land or buildings which are used solely for agricultural purposes or uses shall have no regulations imposed as to building permits, certificates of occupancy, height or yard, for agricultural building including and limited to one (1) mobile home used as a dwelling as except otherwise provided in this ordinance, and as otherwise provided by state law.

550. Conditional Use Regulations

Conditional uses may be permitted in districts as designated under this zoning ordinance but only when specifically approved by the Board of Zoning Adjustment. All conditional uses shall be subject to the following regulations unless otherwise stated in this ordinance.

551. Conditional approval in all districts. The following conditional uses only may be approved in all zoning districts:

551.1 Local Public utilities and private transmission lines and pipes;

551.2 Radio, television, telephone transmission towers;

551.3 Large utility structures and public service buildings;

551.4 Expansion of railroads and appurtenances;

551.5 Agricultural uses which are preferred (and conditional) uses in all districts where use existing at time of adoption of this ordinance is agricultural;

551.6 Mining which is subject to approval by the Kentucky Natural Resources and Environmental Protection Cabinet pursuant to KRS Chapter 350-351, as amended.

551.7 Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations of this ordinance.

552. Applications and procedures. In applying for a conditional use permit, the applicant shall submit an application to the Administrative Official and shall follow all procedures set forth in this ordinance, regarding the procedure for building permit application. (See Article IV.) The administrative officer shall then refer the application to the Board of Zoning Adjustment. The board shall charge a fee (see Section 311) for reviewing all conditional use permit applications, and shall notify all adjacent property owners by certified mail of the time and place of the meeting at which such review will occur. The applicant shall pay costs of notification upon receipt of a statement from the appropriate city official.

553. Requirement. The Board of Zoning Adjustment may approve, modify or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated or conditions of a continuing nature that there shall be no departure from this zoning ordinance. The Board of Zoning Adjustment shall especially consider the effect of the conditional uses on surrounding uses in determining whether a conditional use should be approved, modified or disapproved. In such conditions, it shall be recorded in the board's minutes and on the conditional use permit along with reference to the specific section of the zoning ordinance listing the conditional use under consideration. If the conditional use application is approved by the Board of Zoning Adjustment it shall issue written authorization to the administrative officer to issue a conditional mining permit, a building permit, or certificate of occupancy in conformance with this ordinance. Such written authorization by the Board of Zoning Adjustment shall include a statement of the factual determination

by the Board of Zoning Adjustment 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. Granting of conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

553.1 No request for a conditional use permit for mining shall be considered until the owner, operator, or leasee of each mine shall submit to the Board of Zoning Adjustment a copy of the Preliminary Mining Application Document as submitted to the Kentucky Natural Resources and Environmental Protection Cabinet (KNREP). The Board of Zoning Adjustment may issue an Interim Conditional Use Permit for Mining, after all other requirements of this Ordinance have been met (see Article IV), contingent upon the permittee receiving a permit from KNREP to operate such a mine. Such final conditional use permit shall be applicable to the specific property and transferred with the property is said property is sold.

The Board of Zoning Adjustment will not issue a Final Conditional Use Permit for mining until the permittee presents the State mining permit as issued by KNREP.

As a stipulation of a conditional use permit for mining within the city limits, the owner, operator or leasee of each mine shall be required to meet and comply with all requirements and regulations of the Kentucky Department of Surface Mining Reclamation and Enforcement, Kentucky Department of Mines and Minerals, the Federal Mine Safety and Health Administration and the Federal Office of Surface Mining.

554. Recording. All conditional use permits and accompanying final plats approved by the Board of Zoning Adjustment shall be recorded at the expense of the applicant in the office of the Pike County Court Clerk, per KRS 100.344.

554.1 The administrative officer shall not issue any building permits or certificates of occupancy for any conditional use permit or accompanying final plats until such conditional use permit and final plat, if any, have been properly recorded by the applicant.

554.2 An approved and recorded conditional use permit shall limit and control the issuance of all building permits and shall restrict the construction, location, use and operation of all land and structures to all conditions set forth in the conditional use permit and accompanying final plat; provided, however, that upon application to and approval by the Board of Zoning Adjustment, minor changes in the location of structures and other minor details, may be permitted. No change shall be authorized which violates the spirit and intent of the originally approved conditional use permit or the provisions of this ordinance. A conditional use permit applies to the property for which it is granted and not to the individual who applied for it. A conditional use permit and accompanying final plat also run with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

555. Review of conditional use permits. The administrative office 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 owner is complying with all of the conditions listed on the conditional use permit. A written report of the annual review shall be submitted to the mayor and Council. If the owner is not complying with all the conditions listed on the conditional use permit, the administrative officer shall report the fact in writing to the chairman of the Board of Zoning Adjustment. The report shall state specifically the manner in which the owner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the chairman of the Board of Zoning Adjustment. The Board of Zoning Adjustment 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 owner at least one (1) week prior to the meeting. If the Board of Zoning Adjustment finds that the facts alleged in the report of the administrative officer are true and that the owner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Zoning Adjustment shall have the power to authorize the administrative officer to revoke the conditional use permit authorized.

Futhermore, the Board of Zoning Adjustment 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.

556. Exercise of conditional use permits. In any case where a conditional use permit has not been exercised within the time limit set by the Board of Zoning Adjustment or within one (1) year, if no specific time has been set, such conditional use permit shall revert to its original designation. "Exercised", as set forth herein, shall mean that binding contracts for the construction of the main building, buildings or other improvements have been awarded, or in the absence of contracts that the main building, buildings or other improvements, are 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 as set forth in the permit. In respect to Conditional Use Permits for Mining, "exercised" shall be satisfied by presentation of KNREP mining permit to the Board of Zoning Adjustment.

557. Completion of conditions. Once the Board of Zoning Adjustment has completed a conditional use permit and all the conditions required are of such type that can be completely and permanently satisfied, the administrative officer, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Court Clerk. Thereafter, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

560. Development Plan

Unless a development plan, as required in this ordinance, has been approved, only one (1) principal building may be erected on any lot of record. Temporary structures are permitted during construction only.

570. Non-Conformities

571 Intent. It is the intent of this Ordinance to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and welfare as is the prevention of the

establishment of new uses or structures that would violate the provisions of this chapter. It is also the intent of this chapter that any elimination of nonconformities shall be effected so as to avoid any unreasonable invasion of established private property rights.

572 Nonconforming lots.

572.1 Definition. A nonconforming lot is a lot that was lawfully created prior to the effective date of this chapter or a subsequent amendment thereto, but does not conform to the minimum gross land area or minimum gross land area or minimum lot width requirements established in Article VI for the zoning district in which it is located.

572.2 Required Combination or Recombination of Nonconforming Lots.

Where a nonconforming lot abuts another lot of record (whether conforming or nonconforming) held in the same ownership at or subsequent to enactment of this chapter, such lots shall be combined or recombined as necessary to form a conforming lot or lots and shall not thereafter be subdivided except in compliance with all of the requirements of this chapter.

Where a nonconforming lot was created by public taking action or as a result of a court order, the above combination or recombination of lots shall not be required.

572.3 Use of nonconforming lots. Where a nonconforming lot cannot be combined or recombined with other lots to form a conforming lot or lots, such nonconforming lot may be used subject to the compliance of the intended use and structure(s) with applicable use regulations and with applicable setback and height regulations. However, any use (e.g. two-family or multi-family dwelling) that requires a greater gross land area than the minimum gross land area listed in Article VI for the appropriate zoning district shall not be permitted on a lot which does not conform to such minimum gross land area requirement.

If compliance of the structure (s) intended on the nonconforming lot with applicable setback regulations is not reasonably possible, the nonconforming lot may be used as a building site subject to the granting of a variance from such setback regulations by the Board of Zoning Adjustments in accord with the provisions of Article IV.

573 Nonconforming uses.

573.1 Definition. A nonconforming use is a use of land, buildings, or structures that was lawfully established prior to the effective date of this chapter or a subsequent amendment thereto, but does not conform to the Use Regulations of Article VI for the zoning district in which it is located.

573.2 Regulations. Nonconforming uses may be continued subject to the following limitations:

- a) No nonconforming use shall be extended, expanded, enlarged, or moved to occupy a different or greater area of land, buildings, or structures than was occupied by such use at the time it became nonconforming, provided that a nonconforming use may be extended throughout any parts of a building which were specifically designed and arranged for such use at the time it became nonconforming.

- b) No building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such building or structure is thereafter devoted to a conforming use.
- c) When a building or structure devoted to a nonconforming use is damaged to the extent of fifty percent (50%) or more of its current assessed taxable value, such building, if restored, shall thereafter be devoted to conforming uses.
- d) If a nonconforming use ceases for more than a twelve (12) month period, subsequent use of the land, or structures previously devoted to such use shall thereafter be devoted to conforming uses.

573.3 Discontinuance. Any nonconforming use of land and any nonconforming use involving structures with a total replacement cost of less than five thousand dollars (\$5,000) at the time such use became nonconforming shall cease within five (5) years after the date of the notice of nonconformity required in Section 576.

Any nonconforming use involving structures with a total replacement cost of five thousand dollars (\$5,000) or more at the time such use became nonconforming shall cease within fifteen (15) years after the date of the notice of nonconformity required in Section 576, or within forty (40) years after the construction of such structures, whichever is later.

574 Nonconforming features.

574.1 Definition. A nonconforming feature is a physical feature or characteristic of a use, building, structure or other development of land that was lawfully established prior to the effective date of this section or a subsequent amendment thereto, but does not conform to the regulations of the Performance Standards of Article VII applicable to such use, building, structure, or development of land, including but not limited to, nonconforming structures, nonconforming signs, nonconforming parking facilities, and nonconforming lighting.

574.2 Regulations. Nonconforming features may be continued subject to the following limitations:

- a) No enlargement, extension, or structural alteration of any building, structure, or other development of land having a nonconforming feature shall increase the degree or extent of the nonconforming feature.
- b) When a building, structure, or other development of land having a nonconforming feature is damaged to the extent of fifty percent (50%) or more of its assessed taxable value, such building, structure, or development of land may be reconstructed only if the nonconforming feature is eliminated and the building or structure shall thereafter conform to the provisions of this section.

permit shall be made within six (6) months of damage to structure, discontinued use, or declaration of unsafe status to the Administrative Official with payment of the appropriate fee.

The Board of Zoning Adjustment shall consider such applications within sixty (60) days of receipt, and, if the board reasonably concludes that strict application of the nonconforming use provisions of this ordinance practically destroys or greatly decreases the value of specific piece(s) of property and adjacent property, it may set conditions for re-establishment and/or repair of the nonconforming use which promote substantial justice for all persons concerned. Such conditions may include, but are not limited to, presentation of a security bond acceptable to the city attorney. A unanimous vote of the entire board shall be required for approval.

578. Appeal. Appeal of the decision may be made as provided in KRS 100.

579. Restrictions. The board shall be governed by the following restrictions pursuant to KRS 100.253:

579.1 The board shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming is adopted;

579.2 The board shall not permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification;

579.3 In addition, the board shall not permit replacement or repair of nonconforming mobile homes.

580. General Regulation for Lots and Yards

581. Visibility. No wall, fence, sign or shrubbery, or any other similar obstruction shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes in traffic visibility on a curb or at a street intersection.

582. Application of yards to one building only. No part of a yard required for any building may be included as filling the yard requirement for an adjacent building.

583. Use of yards for accessory building. No accessory structures permitted in front yards. They are permitted in rear or side yards according to dimensional and area regulations in each zone.

584. Uses prohibited in all districts.

584.1 Stockyards

574.3 Discontinuance. Any sign having a nonconforming feature shall be either eliminated or made to conform with the provisions of this section within twelve (12) months after the date of the notice of nonconformity required in Section 576.

Any building, structurally independent or free-standing structure other than a sign, or other development of land (lighting, fencing, parking area, or accessory structure) having a nonconforming feature and having a replacement or correction cost of less than five thousand dollars (\$5,000) shall be either eliminated or made to conform with the provisions of this section within five (5) years after the date of the notice of nonconformity required in Section 576.

575. Repairs and maintenance. Minor repairs to and routine maintenance of land, buildings, structures, or other development of land or portion thereof, devoted to a nonconforming use or having nonconforming features are permitted, provided the cost of such repairs and maintenance within any twelve (12) month period does not exceed ten percent (10%) of the current assessed taxable value of the land, buildings, structure, or other development of land, or portion thereof.

Any structure or other development of land, or portion thereof, devoted to a nonconforming use or having a nonconforming feature, that is declared unsafe by the Building Inspector because of lack of repairs and maintenance shall not be restored, repaired, reconstructed, or used except in conformity with the provisions of this section.

Any structure or other development of land, or portion thereof, devoted to a nonconforming use or having a nonconforming feature, that is declared unsafe by the Building Inspector, but not because of lack of repairs and maintenance, may be repaired and restored subject to the requirements of subsections 573.2 and 574.2.

576. Nonconformity survey and notice. Within eighteen (18) months after the effective date of this chapter, or subsequent amendment thereto, the Codes Enforcement Officer shall make an inventory of all nonconforming uses, signs having nonconforming features, and other significant nonconforming features existing within the City jurisdiction.

On completion of the inventory, the Codes Enforcement Officer shall notify the owner(s) of the property on which each nonconformity is located of the determination of nonconformity, the reasons therefor, and the deadlines, where applicable, for compliance with the provision of this chapter.

The above requirement shall not preclude the further inventory and subsequent notices of nonconformity.

577. Applications. In any of the above cases where the owner of the property on which the nonconforming use exists desires to obtain a permit for re-establishment or repair of said nonconforming use, application for that

584.2 Recreational vehicles within the city limits used for habitation, over seven (7) days, except in a conditionally approved commercial location.

584.3 Junkyards: The administrative official shall ensure that all junkyards existing as nonconforming uses maintain valid permits to operate issued by the Kentucky Department of Transportation, as required by KRS 177.905 through 177.99, and shall ensure that all screening required by the Department of Transportation is maintained as long as the junkyard remains in operation.

584.4 No manufacturing or other process shall be carried on that is objectionable by reason of odor, dust, smoke, gas, fumes, noise, vibration, refuse matter or water-carried waste.

585. Exception to height regulation. The height limitations contained in the district regulations do not apply to antennas, water tanks, ventilators, chimneys or other appurtenances.

590. Planned-Unit Development Regulations (PUD)

591. A planned unit development project, which may depart from conformance with the regulations for principle building and single lot development, may be permitted in those districts where it is designated as a conditional use under the zoning district regulations or may be permitted in any district after an amendment to the zoning map. All Planned Unit Development (PUD) projects shall be subject to the following regulations:

591.1 Procedure. The procedure for review and approval of all Planned Unit Development projects shall be as follows:

591.11 The developer of a proposed PUD project shall meet with the planning commission prior to the preparation or submission of a preliminary plat of a proposed planned development project. The purpose of this meeting shall be to discuss informally with the Planning Commission the minimum requirements and performance standards for PUD projects as well as to discuss existing or proposed development which may affect or be affected by the proposed development. For the purpose of such discussion, the developer shall provide a sketch plan indicating the proposed project area, its relationship to the surrounding area and the general development schedule. The advisory meeting and informal review is designed to prevent unnecessary and costly revisions in the design and development plan to be presented in the preliminary plat application. Formal application or filing of a plat is not required for this advisory meeting.

591.12 After the advisory meeting, the developer of a proposed planned unit development project shall submit an application for a conditional use permit or zoning amendment, as applicable to the planning commission along with a preliminary plat of the

proposed PUD project. The preliminary plat shall reflect the standards of design set forth in this ordinance for planned unit development projects and shall provide at least the following information.

591.13 The preliminary plat shall be drawn to scale appropriate to the size and nature of the project and shall show the proposed dimensions, size, location, and arrangement of the following:

- A. Buildings
- B. Parking areas with arrangement and number of parking spaces. (For the CBD (C-3), if parking is not available on-site, a statement assuring compliance with Article VII, Section 751.1 b(1) of this Ordinance.)
- C. Entrance and exit roads and their relationship to existing and proposed streets, alleys and other public ways.
- D. Set back lines, permanent open spaces separation strips and landscaped areas.
- E. The name of the planned unit development project.
- F. Date, approximate north arrow, and graphic scale.
- G. Acreage of land within the project
- H. Names and addresses of the owner, contractor, architect, engineer or surveyor and all owners of adjacent properties.
- I. Boundary lines of the project and their bearings and distances.
- J. Existing and proposed easements and their locations, widths, and distances.
- K. Streets on and adjacent to the project and their names and widths.
- L. Utilities on and adjacent to the project.

591.14 Proposed restrictions or mandatory dedications, if any, shall be attached to the preliminary plat.

591.15 The Planning Commission may also require that the developer provide additional supporting data such as economic justification, financing, and construction scheduling when deemed necessary for project review.

591.16 Planning Commission's Review of the preliminary plat. The planning commission shall review the preliminary plat in regard to its design and compatability with surrounding uses, major streets, the regulations of the planned unit development provisions, and the performance standards of this ordinance. Since a planned unit development project is inherently more complex than individual lot development and because each project must be tailored to the topography and neighboring uses, the conditions for such project cannot be inflexible. The Planning Commission may require revised or additional plats, data, drawings or profiles of the proposed project when necessary to insure that there will be no departure from the intent of this zoning ordinance.

591.17 Public hearing and recommendation. After complete review of the proposed project, the Planning Commission shall hold a public hearing after notice as required as KRS 424 and make its recommendation to the Board of Zoning Adjustments if the project is being proposed as a conditional use and to the Pikeville

Board of Commissioners if the project is being proposed as a zoning amendment. Such recommendation shall include a statement of the Planning Commission's determination and a statement of any special conditions which may have been attached by the Planning Commission.

591.18 Action by the Board of Zoning Adjustments or Board of Commissioners on preliminary plat. Upon receipt of the proposed PUD project preliminary plat and Planning Commission's recommendation, the Board of Commissioners or Board of Zoning Adjustments, as applicable, shall follow their normal procedure of action regarding conditional use permits or zoning amendments.

- a) If the Board of Zoning Adjustment approves the proposed project preliminary plat, it shall issue written authorization to the applicant to prepare a final plat to be submitted to the Planning Commission for review and approval.
- b) If the Pikeville Board of Commissioners approves the proposed project preliminary plat, it shall issue written authorization to the applicant to prepare a final plat to be submitted to the Planning Commission for review and approval.

591.2 Final Plat Review: Upon receiving written authorization by the Board of Zoning Adjustments or the Pikeville Board of Commissioners, as applicable, the applicant shall submit the final plat of the proposed planned unit development project to the Planning Commission for its review and approval within one (1) year from the date of such written authorization.

591.21 The final plat shall be drawn at a scale appropriate to the size and nature of the project and shall be essentially and substantially the same as the preliminary plat and shall reflect all special conditions attached during the project preliminary plat review and shall contain all information required in the project preliminary plat with the following exceptions:

- a) The final plat shall show a true north line.
- b) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Location and description of such control points shall be given.
- c) Certification, on plat, of title showing that the applicant is the owner and a statement by such owner dedicating street, rights-of-way and any other site or payment in liens of sites as may be required.
- d) Certification, on plat, by surveyor or engineer as to the accuracy of survey and plat.
- e) All special conditions attached to preliminary approval and any restriction specified by the owner shall be placed directly on the final plat or attached thereto.
- f) Certification attached to plat stating that the owner has posted with the City a surety bond or certified check in sufficient amount to assure completion of all such required improvements.

g) Certification on plat by the Chairman of the Planning Commission and Board of Zoning Adjustment that the final plat has been approved for recording in the office of the County Court Clerk.

591.22 Planning Commission action on final plat. Upon receipt of the final plat of the proposed PUD project, the Planning Commission shall review the plat for completeness and adherence to the approved preliminary plat and attached special conditions. If the Planning Commission finds that final plat is in accord with the approved preliminary plat and fulfills the attached special conditions of preliminary approval, the Planning Commission may approve the final plat and the Chairman of the Planning Commission shall indicate such approval. The approved final plat, including those PUD projects approved under the zoning amendment procedure of this ordinance shall be referred to the Board of Zoning Adjustments for final approval.

591.23 Board of Zoning Adjustment actions on final plat. If the Board of Zoning Adjustment approves the final plat, the Chairman of the Board of Zoning Adjustments shall indicate such approval on final plat and shall follow all procedures set forth in Section 550 regarding the approval of a conditional use permit application. The Planned Unit Development project shall thereafter be subject to all of the provisions of this Ordinance regarding conditional use permits including recording, effect, non-compliance, time limits and permanently satisfied permits.

591.24 The Board of Zoning Adjustments shall not issue approval of final plat unless all fees required by this Ordinance are paid, except that:

a) No fee shall be charged for the advisory meeting and informal review with the Planning Commission.

b) The fees to be charged for reviewing preliminary and final plats are shown in Section 3 11.

592. General regulations for all Planned Unit Development projects.

592.1 Construction of all planned unit development project shall be started within one year after approval of the final plat.

592.2 The applicant of a planned unit development project may be required to provide detailed statement of proposal, including covenants, agreements of other specific documents showing the ownership and the method of assuring perpetual maintenance to be applied to these areas within the project that are to be used for open space, recreational or other common or public purposes. Such a statement, if required, shall be attached to the preliminary and final plats as special conditions.

592.3 The posting of a surety bond or certified check payable to the City of Pikeville shall be required of the applicant of a Planned Unit Development project to assure the installation of improvements as required as special conditions. The bond or check shall be subject to the condition that the improvements will be completed within two years after final plat approval.

592.4 There shall be no change, alteration, amendment or extension of any approved planned unit development project final plat unless such change, alteration, amendment or extension is approved in conformance with Section 550 or Section 591.1 of this ordinance.

592.5 Whenever there is a conflict or difference between the provisions of this article and those of other articles of this ordinance the provisions of this article shall prevail for the development of Planned Unit Development projects. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in the ordinance and/or in the subdivision regulations. Regulations particular to the zone in which the proposed planned unit development is situated shall apply except to the extent that the departure there from is specifically allowed as a result of the planned unit development.

592.6 All buildings constructed in a planned unit development project shall conform to all local, state, and federal regulations pertaining to the particular type of building or buildings proposed. The Planning Commission may require that any building construction be of an approved fire resistant material or that before a certificate of occupancy is approved the developer must provide the Administrative Official with a written certificate of approval from the state fire marshal.

593. Planned Unit Development - Residential (PDR): All residential planned unit developments shall be subject to the following regulations.

593.1 The premises of a residential planned development project shall be used only for single-family and multi-family dwelling units and accessory buildings normally used with such units.

593.2 The proposed site must be suitable for residential development by virtue of its location, shape, topography and the nature of surrounding development.

593.3 Land use intensity standards, minimum land area and regulations are as follows:

A. Land Use Intensity Standards area contained in the following table:

	PDR-1	PDR-2	PDR-3
Minimum Land Area	15,000	15,000	20,000
Maximum Floor Area Ratio *	.2	.3	.4
Minimum Open Space Ratio **	.76	.50	.36
Minimum Livability Space Ratio	.52	.32	.22
Minimum Recreational Space Ratio	.036	.030	.026
Minimum Total Car Ratio	1.5	1.0	.98

* All ratios are multiplied by land area

** Open space contains both the liveable space and the recreation space

- B. Maximum number of dwelling units permitted shall not exceed the total gross floor area divided by 650 sq. feet.
- C. All project access points on a public street shall be located at least 100 feet from the intersection of any street right-of-way lines.

594. Planned Unit Development - Commercial: All planned commercial development projects shall be subject to the following regulations:

594.1 The premises of a planned unit commercial development project shall be used only for the following commercial uses and those accessory buildings normally associated with these uses.

594.11 Retail Sales: Processing of products is permitted only if all products are sold at retail on the premises

594.12 Consumer Services:

594.13 Professional, Business and Government Offices:

594.14 Organizational Meeting Places.

594.2 The development site must be suitable for commercial purposes by virtue of its location, shape, topography, access to arterial and collector streets, and by the nature of surrounding development.

594.3 Development Standards:

594.31 Commercial planned development projects shall contain at least 15,000 square feet of land area.

594.32 Parking requirements shall be the same as provided in Article VII performance standards.

594.33 Access points on a public street shall be at a minimum 200 feet apart and shall be located at least 250 feet from the intersection of any street right-of-way lines. The Planning Commission may require wider spacing between access points and intersecting street right-of-way lines. All access points must be approved by the Planning Commission.

594.34 All buildings shall be located at least 35 feet from all property lines and at least 50 feet from the right-of-way of any public street on which access to the development is located.

594.35 No building shall exceed 7 stories in height.

594.36 Landscaped separation strips shall be installed in compliance with the performance standards, Article VII, Section 770 of this Ordinance. The project shall be permanently screened from adjoining and contiguous properties in the manner set forth in Section 770 of Article VII - Performance Standards.

595. Industrial Planned Unit Development: All industrial planned development projects will be subject to the following regulations:

595.1 Uses: The site of an industrial planned unit development project shall be used for the following buildings and uses and accessory building and uses only:

- 595.11 Non-retail sales and services.
- 595.12 Light Industry: The Board of Zoning Adjustments shall distinguish between light and heavy industry according to the definition in Article II of this zoning ordinance upon application by the Administrative Official when the Classification is in doubt.
- 595.13 Research Laboratories.
- 595.14 Heavy Industry; Extractive Uses: Outdoor storage or processing; retail sales and consumer services accessory to and provided for employees of the planned industrial project shall be permitted only if they are approved along with the final plat of the planned industrial project or if they are subsequently approved as conditional use by the Board of Zoning Adjustments.
- 595.2 Compatibility: The tract of land must be suitable for an industrial development by virtue of its location, shape, topography and the nature of surrounding development.
- 595.3 Standards: Minimum land area, dimensions standards and regulations for planned industrial projects are as follows:
- 595.31 Planned Unit Industrial projects shall contain at least ten acres of land.
- 595.32 At least one parking space shall be provided for every two employees employed during the largest single shift, and one parking space for every vehicle operated by the plant. Where no conflict exists the parking standards shall comply with the parking provisions established in Article VII of this Ordinance. Where conflict exists this section shall prevail.
- 595.33 Loading Standards: In addition to the loading and unloading standards established in Article VII of the Ordinance, additional loading and unloading facilities shall be provided as required by the Planning Commission.
- 595.34 The minimum lot frontage on-a public street should be 500 feet.
- 595.35 All project access points shall be located on a collector arterial or marginal street and should be located at least 600 feet apart. All project access points should be located at least 600 feet from the intersection of any street right-of-way lines. The Planning Commission may require wider spacing between accesspoints and intersecting street right-of-way lines when the project has more than the minimum required lot frontage on a collector arterial or marginal street. All access points shall be specifically approved by the Planning Commission.
- 595.36 All buildings shall be located at least 75 feet from all property lines and at least 75 feet from the right-of-way of any public street on which the project is located. The Planning Commission may reduce the required building set backs where such buildings would be adjacent to railroad sidings if such reductions would not be detrimental to surrounding areas.
- 595.37 No building shall exceed three stories in height.

595.38 Landscaping and screening shall be required along all property lines as provided in Article VII of the Ordinance. The Planning Commission may reduce the required separation strip where such separation strips would prevent building from locating adjacent to railroad sidings provided such reductions would not be detrimental to surrounding areas.

595.39 Signs and signage shall conform to the sign regulations contained in Article VII of this Ordinance.

596. Mixed-Use Planned Unit Development Project: All planned unit development combining more than one of the described uses shall be subject to the following regulations.

596.1 Uses: A mixed-use planned unit development project may include any two or more of the following planned unit development projects: residential, commercial, or industrial. The site shall conform to the uses permitted in the respective planned unit development project regulations of this ordinance.

596.2 Compatibility: The tract of land must be suitable for a mixed use planned development project by virtue of its location, shape, topography, and the nature of surrounding development.

596.3 Standards: In any mixed-use planned unit development project, although it is permissible to provide a mixed and integrated development, there shall be no reduction in the required land area, parking and circulation area, open spaces, dimensions, standards, and regulations that would be required for each type of building and use if it were submitted as separate planned unit development projects.

ARTICLE VI.
DISTRICTS AND BOUNDARIES THEREOF

600. Zoning Districts

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, and to realize the general purposes set forth in Article I of this ordinance, the City of Pikeville is divided into zoning districts. The specific purpose of each zoning district is set forth in this article.

610. Number of Zones

For purposes of this ordinance, the City of Pikeville is hereby divided into the following categories:

- 610.1 R-1, One-Family Residential District
- 610.2 R-1A, Inner-City One-Family Residential District
- 610.3 R-1T, Townhouses Residential District
- 610.4 R-2, One- and Two-Family Residential District
- 610.5 R-3, One- and Multiple-Family Residential District
- 610.6 MP, Mobile Home Park District
- 610.7 C-1, Neighborhood Commercial District
- 610.8 C-2, Highway Commercial District
- 610.9 C-3, Central Business District
- 610.10 I, Manufacturing District
- 610.11 INS, Institutional District
- 610.12 PUD, Planned Unit Development District
- 610.13 Riverfill District
- 610.14 Overlay Zones

620. Official Zoning Map

The boundaries of these zoning districts are hereby established as shown on a map entitled "Official Zoning Atlas for the City of Pikeville, Kentucky." Said zoning atlas and all notations and references and other matters shown thereon shall be and are hereby made a part of this ordinance.

The official zoning atlas shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the seal of the city under the following words: "This is to certify that this is the Official Zoning Atlas for the City of Pikeville, Kentucky, referred to in Section 620 of the Official Zoning Ordinance for Pikeville, Kentucky, adopted by the City Board of Commissioners on _____ (date) _____."

If, in accordance with the provision of this ordinance and the Kentucky Revised Statutes, changes are made in zoning districts boundaries or other matters portrayed on the Official Zoning Atlas, such changes shall be made on the Official Zoning Atlas promptly after the amendment has been approved by the legislative body, together with an entry on the Official Zoning Atlas as follows: "By official action of the City Board of Commissioners, this map was amended as authorized by ordinance as listed below: (amendment, date, brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Clerk.

No change of any nature shall be made in the Official Zoning Atlas or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided in Article III, Section 331.

Regardless of the existence of purported copies of the Official Zoning Atlas which may from time to time be made or published, the Official Zoning Atlas which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

621. Replacement of Official Zoning Atlas. In the event that the Official Zoning Atlas becomes damaged, destroyed, lost or difficult to interpret because of the nature of the number of changes and additions, the City Board of Commissioners may, by resolution, adopt a new Official Zoning Atlas which shall supersede the prior Official Zoning Map. The new Official Zoning Atlas may correct drafting or other errors or omissions in the prior zoning map. The new Official Zoning Atlas shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the city under the following words: "This is to certify that this Official Zoning Atlas supersedes and replaces the Official Zoning Map adopted as part of the Official Zoning Ordinance for Pikeville, Kentucky."

622. Interpretation of district boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown in the Official Zoning Atlas, the following rules shall apply:

622.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

622.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

622.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits;

622.4 Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks;

622.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;

- 622.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 622.1 through 622.4 above shall be so construed. Distances not specifically indicated on the Official Zoning Atlas shall be determined by the scale of the maps contained in said atlas.
- 622.7 Where physical features existing on the ground are at variance with those shown in the Official Zoning Atlas, or in other circumstances not covered by subsections 622.1 through 622.5 above, the Board of Adjustment shall interpret the district boundaries;
- 622.8 Where a district boundary divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Adjustment may permit, conditionally, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
- 622.9 Vacated street or alley. Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such land reverts, to include the right-of-way of such vacated public way; thus, all regulations of the adjoining district or districts shall be extended to include such public ways or rights-of-way..
- 622.10 Property not included. In every case where property has not been specifically included in a particular zoning district, the same is hereby declared to be in the R-1 District.
623. Annexed territory. Territory annexed to, or consolidated with, the city subsequent to the effective date of this ordinance shall be temporarily zoned per-current use, as-of date of annexation or consolidation. Such districting shall be temporary; and within one (1) year, the Planning Commission shall recommend to the Pikeville Board of Commissioners final zoning atlas maps for the annexed territory. In the absence of such action by the Planning Commission, the temporary zoning classification at time of annexation or consolidation shall remain as the applicable zoning of the area until amendment upon proper application and the zoning atlas shall be updated accordingly.
630. Residential Districts.
631. R-1, One-Family Residential District.
- 631.1 Purpose. To establish and preserve low density single-family residences on large lots.
- 631.2 Principal permitted uses.
- Single-family dwellings, except that no more than one (1) such residential structure shall be permitted on any one tract of land without approval of a development plan by the Planning Commission.

631.3 Conditionally permitted uses.

The following uses shall be permitted only if expressly authorized by the Board of Zoning Adjustment:

Agricultural uses.

Churches and other places of worship and Sunday school buildings located not less than twenty (20) feet from any other lot in any District and fronting on an arterial or collector street.

Schools and colleges for academic instruction, located not less than forty (40) feet from any other lot in any R District and fronting on an arterial or collector street.

Public libraries, public museums, public art galleries, and similar public cultural uses, located not less than twenty (20) feet from any other lot in any R District and fronting on an arterial or collector street.

Public parks, playgrounds, golf courses, country clubs, provided that any principal buildings used therefor shall be located not less than forty (40) feet from any other lot in any R District.

Private noncommercial recreation areas and facilities not listed above including tennis courts, club swimming pools, provided that no such swimming pool be nearer than one hundred (100) feet from any other lot in any R District.

Any hospital for human care, sanitoriums, medical centers, religious and charitable institutions, provided that any buildings which are used for the treatment of contagious disease, the care of drug addicts, or the mentally ill shall be at least one hundred (100) feet from any lot in any R District and are located on an arterial, collector, or marginal street.

Cemeteries.

Lodging houses.

Day nurseries.

An office or studio in the residence of a physician, dentist, artist, lawyer, engineer, teacher (with musical instruction limited to one (1) pupil at a time), accountant, architect, realtor, insurance agent, but not including beauty parlors, barber shops, schools of any kind with organized classes; provided that not more than one-half (1/2) of the floor area of the dwelling is devoted to such uses, that not more than one (1) person not as resident of the premises is employed, and that no such use shall require structural alterations or involve construction not customary in dwellings. Such use shall result in no exterior evidence, excepting a permitted sign, that the residence is used for a nonresidential use; and such use shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy traffic.

Two-family dwellings, except that no more than one (1) such residential structure shall be permitted on any lot of record.

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Buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed; provided that such accessory uses shall not involve the conduct of any business, trade or industry.

Any other uses that are deemed compatible with the above mentioned uses and which are acted upon by the Board of Zoning Adjustment.

631.4 Parking. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. A minimum of one (1) off-street parking spaces shall be provided for each dwelling unit.

631.5 Lot area, yard and height regulations. The following table stipulates the minimum lot area, yard, and height requirements which shall be observed, except as otherwise provided in this zoning ordinance.

631.6 Accessory uses.

Garages, swimming pools, storage sheds, carports, greenhouses or the like.

Table No. R1

MINIMUM LOT AREA AND YARD REQUIREMENTS (R-1)

	Lot Area Sq. Ft.	Front Yard Depth	Side Yard	Rear Yard Depth	Lot Width
Dwellings:					
1 and 1-1/2 stories	5,000	15 ft.	8 ft.	20 ft.	50 ft.
2 and 2-1/2 stories	5,000	15 ft.	10 ft.	20 ft.	50 ft.
Conditionally permitted uses:					
Two-Family dwellings:					
1 and 1-1/2 stories	10,000	25 ft.	10 ft.	25 ft.	80 ft.
2 and 2-1/2 stories	10,000	25 ft.	10 ft.	25 ft.	80 ft.
Accessory buildings	Same as principal use				
Hospitals	5 acres				

632. R-1A Inner-City One-Family Residential District.

632.1 Purpose. To allow single-family housing on small lots where surrounding neighborhood consists of similar development.

632.2 Principal permitted uses. Same as in R-1.

632.3 Conditionally permitted uses. Same as in R-1.

632.4 Planned Unit Development PDR-2; Accessory uses. Same as in R-1.

632.5 Parking. Same as in R-1.

632.6 Lot area, yard, and height regulations. The following table stipulates the minimum lot area, yard, and height requirements which shall be observed, except as otherwise provided in this zoning ordinance.

Table No. R-1A

MINIMUM LOT AREA AND YARD REQUIREMENTS (R-1A)

	Lot Area Sq. Ft.	Front Yard Depth	Side Yard	Rear Yard Depth	Lot Width
Dwellings:					
1 and 1-1/2 stories	4,000	15 ft.	8 ft.	25 ft.	40 ft.
2 and 2-1/2 stories	4,000	15 ft.	10 ft.	25 ft.	40 ft.
Conditionally permitted uses: (Except agriculture)					
1 and 1-1/2 stories	8,000	15 ft.	10 ft.	25 ft.	80 ft.
2 and 2-1/2 stories	8,000	15 ft.	10 ft.	25 ft.	80 ft.
Accessory buildings	Same as principal use				
Hospitals	5 acres				

633. R-1T Townhouses Residential Zone.

633.1 Purpose. To provide for attached and detached single-family dwellings and supporting uses, at a higher density than would be possible in other single-family districts. Zero lot line houses and patio houses are permitted.

633.2 Principal permitted uses.

Single-family attached and/or detached residences except that no more than twelve (12) shall be attached. No such development shall be permitted on any one (1) tract of land without approval of a development plan by the Planning Commission.

633.3 Conditionally permitted uses.

Same as in R-1 and R-1A.

Temporary real estate offices.

Other uses which are deemed compatible with the above-mentioned uses and which are acted upon by the Board of Zoning Adjustment.

633.4 Accessory uses. Same as in R-1.

633.5 Parking. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit.

633.6 Lot area, yard, and height regulations. The following table stipulates the minimum lot area, yard, and height requirements which shall be observed, except as otherwise provided in this zoning ordinance.

Table No. [R-1T]

[MINIMUM LOT AREA AND YARD REQUIREMENTS (R-1T)]

	Lot Area Sq. Ft.	Front Yard Depth	Side Yard	Rear Yard Depth	Lot Width
Dwellings: Minimum	1,500	10 ft.	(See 633.7)	10 ft.	16 ft.

Height: Maximum 35 ft.

Open space: Not less than ten (10) per cent of the total lot area for any townhouse shall be devoted to private usable open space either on each lot or on land adjacent and accessible to each lot. Such open space shall be for the private use of the residents of the townhouse and shall be physically separated from other private open space by planting, fences, or walls. The least dimension for such open space shall be eight (8) feet.

633.7 Special provisions.

- (a) The final plat of record shall designate which lots are to have zero lot lines under this provision.
- (b) No more than three (3) contiguous townhouse units may be established at the same setback. A variation of at least three (3) feet shall be required where there is a break in setback. Buildings may penetrate up to eighteen (18) inches over the building line into the required front yard, but the average setback of the contiguous units shall be at least as great as the required front yard setback.
- (c) Required side yard for unattached sides of townhouses shall be six (6) feet or more when no unit or only one (1) unit fronts on a side yard. Side yard of twenty (20) feet shall be required when more than one (1) unit fronts on that side yard.
- (d) Side yard of twenty-five (25) feet shall be required where the R-1T zone abuts another zoning classification.
- (e) Where one (1) wall of the structure is to be located on the side lot line, the yard on the opposite side shall be at least six (6) feet.
- (f) All other structures shall have a minimum side yard of three (3) feet on each side.

634. R-2, One- and Two-Family Residential District.

634.1 Purpose. To establish and preserve neighborhoods of single- and two-family homes.

634.2 Principal permitted uses.

Any principal permitted use and as regulated in the R-1 District, and as hereinafter specified in this article.

Duplexes, except that no more than one (1) such residential structure shall be permitted on any tract of land without approval of a development plan by the Planning Commission.

634.3 Conditionally permitted uses.

Same as in R-1 and R-1A.

Professional offices, offices of financial use; insurance, real estate, civic, educational or religious establishments or organizations.

Nursing homes, rest homes, lodging or boarding houses.

Mobile homes.

Funeral homes.

Ambulance service.

Any other uses which are deemed compatible with the above-mentioned uses and which are acted upon by the Board of Zoning Adjustment.

634.4 Accessory uses. Same as in R-1.

634.5 Parking. Same as in R-1.

634.6 Lot area, yard and height regulations. The following table stipulates the minimum lot area, yard, and height requirements which shall be observed, except as otherwise provided in this zoning ordinance.

Table No. R-II

MINIMUM LOT AREA AND YARD REQUIREMENTS (R-2)

	Lot Area Sq. Ft.	Front Yard Depth	Rear Yard Depth	Lot Width	Side Yard
One-family dwellings:					
1 and 1-1/2 stories	5,000	25 ft.	25 ft.	50 ft.	8 ft.
2 and 2-1/2 stories	5,000	25 ft.	25 ft.	50 ft.	10 ft.

Table No. II - continued:

	Lot Area Sq. Ft.	Front Yard Depth	Rear Yard Depth	Lot Width	Side Yard
Two-family dwellings:					
1 and 1-1/2 stories	10,000	25 ft.	25 ft.	80 ft.	10 ft.
2 and 2-1/2 stories	10,000	25 ft.	25 ft.	80 ft.	10 ft.

635. R-3, One- and Multiple-Family Residential District.

635.1 Purpose. To establish and preserve high density residential areas.

635.2 Principal permitted uses.

Apartment buildings.

Any principal use permitted and as regulated in the R-1 and R-2 Districts, and as hereinafter specified in this article, except that no more than one (1) such use shall be permitted on any one (1) tract of land without approval of a development plan by the planning commission, and further excepting that no more than one (1) apartment building shall be permitted on any one (1) tract of land without approval of a development plan by the Planning Commission.

635.3 Conditionally permitted uses.

Same as in R-1 and R-2 Districts.

Planned Unit Development PDR-3

Boarding houses, lodging houses, nursery schools, day nurseries, senior citizen facilities, private kindergartens, mobile home parks.

And any other uses which are deemed compatible with the above-mentioned uses and which are acted upon by the Board of Zoning Adjustment.

Mobile homes on individual lots shall be conditionally permitted provided the structure conforms with all other district regulations.

635.4 Accessory uses. Same as in R-2.

635.5 Parking. Same as in R-1 for one- and two-family dwellings; one and one-half (1/2) parking spaces per unit for multiple-family dwellings.

635.6 Lot area, yard, and height regulations. The following table stipulates the minimum lot area, yard, and height requirements which shall be observed, except as otherwise provided in this zoning ordinance.

Table No. III

MINIMUM LOT AREA AND YARD REQUIREMENTS (R-3)

	Lot Area Sq.Ft.	Front Yard Depth	Rear Yard Depth	Lot Width	Side Yard
One-family dwellings:					
1 and 1-1/2 stories	7,000	25 ft.	20 ft.	70 ft.	8 ft.
2 and 2-1/2 stories	7,000	25 ft.	20 ft.	70 ft.	8 ft.

Multifamily dwellings:
 Six stories maximum
 height - 6,000 square feet
 for the first unit, plus
 1,500 square feet for each
 additional multifamily dwelling

635.7 Additional yard requirements for certain multiple-family structures: In addition to other yard requirements, whenever the principal entrances to individual dwelling units in a multiple-family structure face side lot lines, side yard requirements shall be no less than front yard requirements.

636. MP, Mobile Home Park District

636.1 Purpose. To regulate the location of and to encourage, stabilize, and protect the development of well-planned mobile home parks.

636.2 Nonconforming mobile home. All mobile homes not in conforming mobile home parks but existing in the City of Pikeville before the passage of this ordinance shall continue as nonconforming uses. No other mobile home will be permitted within the City of Pikeville unless located in an approved mobile home park.

636.3 Mobile home park requirements. Mobile home parks shall meet all requirements of Kentucky law, including KRS 219.310 through 219.410, and any regulations adopted thereunder.

636.4 Application to construct, alter, or zone. Application to construct or alter any existing mobile home park shall be made in writing to the appropriate state agency or agencies and to the Pikeville Planning Commission, and shall contain:

- (1) Name and address of applicant.
- (2) Name and location of mobile home park.
- (3) Number and size of all mobile home lots.
- (4) Number and size of lights.
- (5) Source of water supply.
- (6) Type of sewage and solid waste disposal.
- (7) Source of electrical service.
- (8) Appropriate fees.
- (9) Construction plan.

Application for a change of zoning to Mobile Home Park District shall be the same as that described in Article VIII, Amendments. In addition, the applicant shall provide a construction plan as outlined below.

636.5 Construction plan. Each application for a permit to construct or alter a mobile home park in existing Mobile Home Park Districts, or each application for a change of zoning to Mobile Home Park District shall be accompanied by a complete construction plan, drawn to scale, submitted in triplicate, of the proposed construction or alteration, showing the following:

- (1) A vicinity map showing the location of the park.
- (2) A site plan showing all existing facilities and proposed facilities as follows:
 - (a) Area and dimension of the tract to be developed.
 - (b) Number, location and size of all mobile home lots.
 - (c) Area within lots planned for location of mobile homes including setback distances.
 - (d) Location and width of roadways, driveways, parking areas and walkways.
 - (e) Location of all utilities: public and private water, sewage, drainage electrical facilities and easements.
 - (f) Numbers of each lot.
 - (g) Location of planned landscaping and protective screening as required.
 - (h) Protective screening as required by the commission.
 - (i) Location and dimension of open spaces intended for recreational purposes of residents.

636.6 Standards. All mobile home parks shall conform to the following standards for development:

- (1) All mobile home parks shall include lots for at least ten (10) mobile homes.
- (2) Each mobile home lot shall have four thousand (4,000) square feet with public sewer, or one (1) acre if not connected to a public sewer.
- (3) All mobile home parks shall front on an arterial or collector street for at least one hundred (100) feet.
- (4) No mobile home shall be located closer than twenty (20) feet from another mobile home.
- (5) Front yard setback shall be at least twenty-five (25) feet if fronting on a public right-of-way. Rear yard setback shall be at least fifteen (15) feet unless adjacent to any R zone in which case rear yard setback shall conform to nearest R District requirements. Minimum side yard requirements shall be ten (10) feet unless adjacent to any R zone in which case side yard requirements shall conform to nearest R District requirements.
- (6) An accessory structure which has a floor area exceeding twenty-five (25) square feet, with an opaque top or roof that is higher than the nearest window, shall if attached to the mobile home or located within ten (10) feet of its window, be considered a part of the mobile home.

- (7) All mobile home parks shall be located in well-drained areas, not subject to recurring flooding. Lots shall be properly graded so as to prevent the accumulation of storm water.
- (8) Two (2) paved automobile parking spaces shall be provided on every mobile home lot.
- (9) Streets shall be twenty-seven (27) feet in width and shall be paved according to city specifications, excluding curbs and gutters. Streets shall be maintained in good condition.
- (10) Adequate lighting shall be provided at park entrances, intersections, and at two hundred (200) foot intervals within the park.
- (11) All construction plans shall be reviewed by the city engineer who will report to the Planning Commission if plans are received no less than ten (10) days before public hearing on the matter.
- (12) The Planning Commission may attach reasonable special conditions to its approval of a mobile home park.

636.7 Procedure

- (1) Upon receipt of an application to construct or alter sections of existing mobile home park districts, the Planning Commission shall hold a public hearing, advertised according to KRS 424, with notification of adjacent property owners by certified mail no less than five (5) days before the hearing.
- (2) Upon receipt of an application for amendment to the official zoning map, the Planning Commission shall follow the procedure outlined in Article VIII of this ordinance.
The construction plan shall be considered as the "development plan" required for map amendments, pursuant to Section 820 of this ordinance.

636.8 Issuance of mobile home park permit. The administrative official shall not issue a permit until all conditions in the construction plan have been met and City Commission has approved the plan. The applicant shall not start construction until he has received this permit and valid construction permit from the appropriate state agency.

636.9 Certificate of occupancy. The administrative official shall issue a certificate of occupancy only after he has determined that the mobile home park has been prepared according to all applicable regulations. The applicant must also obtain a valid permit to operate from the appropriate state agency. A certificate of occupancy shall be issued on each individual mobile home.

636.10 Access limitations. No vehicular entrance to or exit from any tourist court, trailer park, recreational vehicle park, or mobile home park shall be within two hundred (200) feet along street frontage from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such building or property is in another block, or fronts on a street on which facility has no entrance or exit.

640. Commercial districts.

641. C-1, Neighborhood Commercial District.

641.1 Purpose. To encourage development for commercial purposes of small areas of land located in largely residential neighborhoods where such purposes are compatible with residential uses.

641.2 Principal permitted uses. Any retail businesses or service establishments which supply services primarily for residents of the neighborhood, or which generate small traffic volume which is not disruptive to the neighborhood. Such businesses or establishments must front on arterial, collector or major streets. Uses include the following:

Business offices.

Food stores (grocery, bakery). (Less than 4500 sq. ft. usable space)

Apparel and accessories (clothing, bridal, shoes).

Eating and drinking places without drive-in windows or drive-through service.

Drug stores.

Bookstores, newsstands.

Jewelry stores.

Florist shops.

Gift shops, coin shops, art supply stores.

Bicycle shops.

Musical equipment and supply stores.

Banks.

Credit agencies.

Photo studios.

Shoe repair shops.

Travel services.

Watch and clock repair facilities.

Churches

Laundry

641.3 Conditionally permitted uses.

Agricultural uses.

Automobile repair, minor.

Filling Stations.

Other uses compatible with the character of surrounding residential districts as authorized by the Board of Zoning Adjustments, including any use permitted in or C-2 Districts which would not overburden the street on which the use fronts.

641.4 Prohibited Uses - Eating and drinking places with drive-in windows or drive-through service.

641.5 Required Conditions.

All businesses, services or processing shall be conducted wholly within a completely enclosed building except in filling stations (a conditional use). All products processed shall be sold primarily on the premises.

Processes and equipment used shall be limited to those which are not objectionable by reason of odor, dust, smoke, gas fumes, noise vibration, refuse matter or water-carried waste.

641.6 Residential uses.

All residences existing before the adoption of this ordinance shall be permitted to continue as conforming structures. All future residential development within this district shall conform to R-3 requirements.

641.7 Height and yard regulations.

No principal structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.)

Lot frontage shall be no less than fifty (50) feet.

Front yard depth shall be at least ten (10) feet.

Rear yard depth shall not be less than twenty (20) feet.

Side lot requirements in business establishments adjacent to any R District shall be the same as those of the adjacent R District. Otherwise, no side lot requirement shall apply.

641.8 Accessory uses. Any accessory use of building customarily incidental to the above-mentioned permitted uses.

641.9 Parking and Screening. See Article VII, Performance Standards.

642. C-2. Highway Commercial District.

642.1 Purpose. To encourage logical and timely development of land for commercial purposes which generate large amounts of traffic and which require separation from residential uses and/or major parking facilities.

642.2. Principal permitted uses. Any use permitted and as regulated in the C-1, and as hereinafter specified, except that all such uses must front on arterial, collector or marginal access streets. Uses include the following:

Wholesale trade (motor vehicles, furniture, hardware, paper, food, drugs).

Building materials, hardware, home improvements.

Farm supplies and equipment.

Food sales over 4500 square feet of usable space.

General merchandise (department or variety stores).

Vehicle dealers (autos, boats, trucks, motorcycles).

Furniture, furnishings, appliances.

Office supplies and equipment.

Eating and drinking places (including drive-ins).

Used merchandise, antiques, pawn shops.

Auto parts, tires.

Monument sales.

Glass dealers

Funeral services.

Health clubs, spas.

Advertising, public relations firms.

Credit bureaus.

Mobile Home Sales & Repairs.

Hospitals.

Professional offices and office parks.

Steno/typing, answering services.

Printing, copying.

Janitorial, maintenance services.

Computer, data processing.

Rentals.

Research, testing.

Auto repair services, garages, service stations.

Reupholstery shops.

Heating, plumbing, air-conditioning repair or sales.

Amusement, recreation facilities (including dancing, theatre, bowling, billiards, skating, riding, or electronic games center).

Health services (including professional offices, hospitals, clinics, medical and dental labs, nursing, and personal care facilities).

Veterinary services.

Hotels and motels.

Taverns.

Business, professional, civic clubs.

Government services (city/county offices, fire/police offices or stations, community centers, auditoria, schools, libraries, courts, etc).

642.3 Conditionally permitted uses.

Agricultural uses.

Contract construction firms.

Recreational vehicle parks.

Planned unit development - commercial.

Any other use decided upon by the Board of Zoning Adjustment which is substantially similar to either principal or conditional uses listed above.

642.4 Required conditions. Same as for C-1 District.

*Wh-Res
642.5
Permitted*

642.5 Height and yard regulations. Same as for C-1, except that maximum height may be seven (7) stories or seventy-five (75) feet.

642.6 Residential uses.

642.7 Accessory uses. Accessory uses and structures are permitted and as regulated in the C-1 District and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the foregoing C-2 uses.

642.8 Parking. See Article VII - Performance Standards

642.9 Screening. See Article VII - Performance Standards

643. C-3, Central Business District.

643.1 Purpose. The Central Business District Zone (CBD) is intended to provide for the continuing development of this district as the commercial, service, and social center of Pikeville; to maintain its existing character as a pedestrian-oriented concentration of business, administrative, financial, governmental, and other support functions serving the entire City and Pike County and to encourage further residential development in this central area.

643.2 Permitted principal uses at street level.

All uses permitted in C-1 and C-2 except those prohibited in Section 643.42 and those permitted with conditions as provided in Section 643.4.

643.21 Principal uses permitted at levels other than street level:

1. All uses permitted in Section 643.2.
2. Clubs and other professional, social, or civic organizations.
3. Business, office type.

643.3 Accessory Uses:

643.31 At street level: business, office type; business, wholesale; business, service; places of assembly; publishing and printing; temporary building, construction related only.

643.32 Parking and loading space and structures intended primarily for use by employees, customers, or visitors to the related primary structure and not as a separate commercial enterprise available to the public-at-large.

643.33 Agricultural, Non Livestock.

643.4 Conditionally permitted uses. After public notice and hearing and appropriate conditions and safeguards, the Board of Adjustment may approve and permit as special exceptions:

643.41 Business, office type, and clubs at street level when, and only when, none of the enumerated uses of Section 643.2 are to occupy space at levels above the office space.

643.42 Multi-family dwellings above the first story of any structure having the first story devoted to uses enumerated in Section 643.2 and as a special use and none of the uses enumerated in these sections are to occupy space in levels above the dwelling units.

643.43 Multi-family dwellings at ground level providing the entire structure is devoted exclusively to residential use.

643.44 Parking lots and parking structures.

643.45 Drive-in windows, banks only.

643.46 Child care or group care facility.

643.47 Churches when located along arterial or collector street.

643.48 Funeral Home.

643.49 Planned Unit Development; PDR-3 or PDC.

643.5 Prohibited Uses:

Agricultural, Livestock

Automotive repair

Automobile, trailer, or farm implement sales or rental

Cemetery

Dwellings, single-family, or two-family detached, mobile home or mobile home park.

Gasoline and filling stations

Hospital

Maintenance or storage facility

Manufacturing

Veterinary hospital or clinic

643.6 Use Limitations:

643.61 Except for enumerated accessory uses, all business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

643.62 No use shall produce noise of such volume or pitch as to cause any nuisance in any adjacent residential district at any time or within any residential dwelling unit in any district between the hours of 10 p.m. and 7 a.m.

643.63 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district.

643.64 All business, service, and storage of goods other than off-street parking and loading shall be conducted within completely enclosed structures except for outdoor restaurant seating.

643.65 No business, except a private bank when permitted as a special exception, shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

643.6 Minimum lot requirements

Minimum Lot Area: 2,000 square feet

Minimum Street Frontage: 15 feet

Minimum Lot Width: 15 feet

643.61 Minimum Yard Requirements. No yard setback is required except where a use of one intensity Use Group is directly adjacent to a use of a different intensity Use Group. Where properties with different intensity Use Groups are adjacent, buffer yards must be constructed in accordance with the Pikeville Design Manual, Section 5 of this part.

643.62 Maximum lot coverage by all buildings

Interior Lot: 100%

Corner Lot: 100%

643.63 Maximum height of principal structures. The maximum height of principal structures will be 12 stories.

643.64 Floor area requirements.

A. Minimum floor area requirements for conditionally permitted multi-family dwelling units, the following minimum livable floor area, as defined in this ordinance shall apply:

1. Bedroom or efficiency: 350 square feet.

2. Two-Bedroom: 550 square feet.

3. Three Bedroom: 1,100 square feet.

B. Floor area ratio. In the CBD Zoning District, buildings and their required service area shall be allowed to occupy the total site, if the building is no higher than four stories. The ratio of gross floor area of the principle structure(s) to the gross lot area shall be 4.0, subject to the following bonus adjustments:

1. If a developed exterior public plaza or landscaped open space is provided, the building floor area ratio may be increased by 0.25.

2. If first floor setbacks are provided, the building floor area ratio may be increased by 0.1.

3. If an internal public pedestrian arcade is provided, the building floor area ratio may be increased by 0.25.
4. If elevated pedestrian-ways are provided, the building floor area ratio may be increased by 0.5
5. If parking requirements are met by contributions to the Pikeville Parking Authority Fund, rather than by on-street parking, the building floor area may be increased by 65% of the required parking space area.

643.55 Minimum parking and loading requirements. All off-street parking and loading facilities must be in compliance with the Performance Standards, Section VII of this ordinance.

650. Industrial Districts

651. I, Manufacturing District

651.1 Purpose. The purpose of the I District is to encourage the development of manufacturing and wholesale business establishments that are clean, quiet and free of hazardous or objectionable elements such as odor, dust, smoke or glare, and that are located along arterials or collector streets with adequate city services.

651.2 Principal permitted uses. Manufacturing and/or storage of:

Beverage Bottling

Signs, electrical.

Wearing apparel.

Lumber and wood products.

Printing and publishing.

Instruments, optical goods, watches, jewelry, etc.

Pharmaceuticals.

Toys, novelties.

Electronics.

Fabricated Metals.

Food and related manufacturing or storage.

Furniture and fixtures.

Glass Manufacturing.

Textile products.

Metal working shops.

Pottery.

Light sheet metal products.

Experimental firms or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and noxious or offensive conditions.

Transportation equipment and other similar manufacturing processes as may be approved by the Planning Commission.

651.3 Conditionally permitted uses.

Agricultural uses; and

Provided that the property improvements, and schedule of operation meets with the conditions set forth by the Planning Commission:

Extractives uses.

Mining, gas/oil wells.

Quarrying.

Logging.

651.4 Accessory uses. Any use is permitted which is customarily accessory and incidental to any of the foregoing principal permitted uses.

651.5 Prohibited uses. Dwellings and residences of any kind, including motels, schools, hospitals, clinics, or nursing homes, and other institutions for human care, except where incidental to the permitted principal use.

651.6 Structural regulations.

Minimum lot size: Ten thousand (10,000) square feet.

Minimum lot width: Fifty (50) feet.

Minimum front yard depth: Twenty-five (25) feet.

Minimum rear yard depth: Thirty (30) feet, with five (5) additional feet for each additional story in excess of one (1) story.

No industrial structure shall be erected less than one hundred (100) feet from any R District.

651.7 Parking.

Adequate off-street parking space must be provided for each separate building in this zoning classification. Parking areas and structures shall be located in the rear of the building whenever possible.

Guidelines for parking area shall be one (1) space per four hundred (400) square feet of gross floor area.

Notwithstanding any other requirement of this ordinance there shall be provided one (1) off-street loading space for each ten thousand (10,000) square feet or fraction thereof of aggregate floor space of all buildings on the site. At least one-third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

651.8 Development Plan. All development in the I District shall require the submission of a development plan to the commission; such plan shall include all parking and loading facilities as well as screening from residential uses, which shall be the responsibility of the industrial developer.

660. INS, Institutional District

660.1 Purpose. To preserve and provide for development of institutional uses with the City of Pikeville.

660.2 Permitted uses.

Educational activities directly related to an institution offering full-time courses leading to an accredited degree.

Proprietary-type functions which are customarily performed by private businesses or entities for a profit, not directly related to the educational purposes of the institution, shall not be permitted in the INS Zone.

660.3 Accessory uses. Activities incidental to the function of the institution which are managed and operated by the institution, but not including proprietary-type functions.

660.4 Development. All proposed development within the INS District which alters the traffic patterns on existing city streets shall be presented to the Planning Commission for review. No building permit shall be issued until such development is approved by the Planning Commission.

670. Planned Unit Development Districts

The following regulations shall apply in all Planned Unit Development Districts:

671. Conditional Uses.

671.1 Residential Planned Unit Development

PDR - 1

PDR - 2

PDR - 3

671.2 Commercial Planned Unit Development - PDC

671.3 Industrial Planned Unit Development - PDI

671.4 Mixed Use Planned Unit Development, PD-MU

672. Dimensions and area regulations for structures and uses in planned unit development districts shall be as provided for in the planned unit development project and conditional use regulations (Sections 550 and 590) of this Ordinance.

680. Riverfill District - RF

680.1 Intent. To provide for high density development of commercial and residential uses adjacent to the Central Business District.

681. Permitted Uses

681.1 High Density Residential Planned Unit Development, PDR-3

681.2 Commercial Planned Unit Development, PD-C

681.3 Mixed Use Planned Development, PD-MU

690. Overlay Zoning Districts

690.1 It is the intent of this section to provide for Flood Hazard Districts, Historic Districts, Airport Hazard Districts and Special Appearance Districts which shall overlay Zoning Districts enumerated in Article 610 and which shall provide for special review of development within such overlay Districts in accord with the intents, procedures, and standards established for the underlying districts.

691. Flood Hazard District. For the purposes of this Ordinance, land subject to flood shall be considered land below the 100 year flood boundary elevations as is shown on Floodway: Flood Boundary and Floodway Map, City of Pikeville, Kentucky, Pike County; Community Panels:

- a) 210193 0001
- b) 210193 0002
- c) 210193 0003

published by the Federal Emergency Management Agency and dated September 5, 1984, and which is made part of this Ordinance.

692. Floodway: The Floodway as shown on the Community Panels is established to meet the needs of the Levisa Fork of the Big Sandy River to carry abnormal flows of water in time of flood. To prevent encroachments into the floodway which will unduly increase flood heights and damage and to prevent the loss of life and excessive damage to property in the area of the greatest flood hazard the following regulations shall apply:

692.1 The following uses are permitted within the floodway subject to the approval of the Planning Commission and to such conditions as the Planning Commissions may specify to protect the public interest, and which do not conflict with uses permitted in the underlying Zoning Districts.

- 692.11 Open type uses, such as loading and unloading areas, parking lots, used car lots, mobile home sales lots, signs and gardens auxiliary to uses permitted in underlying districts.
- 692.12 Storage yards for equipment and material not subject to major damage by floods, provided such use is auxiliary to uses permitted in the underlying districts and the materials do not include flammables such as gasoline.
- 692.13 Open type public and private recreation facilities such as public parks, golf courses, driving ranges, drive-in theatres, and amphitheatres.
- 692.14 Circus, carnival and similar transient amusement enterprises.
- 692.15 Agricultural uses.
- 692.16 Utilities, road and railroad bridges, electric and other transmission lines.
- 692.17 Any other use customarily accessory or incidental to the above uses.

693. Floodway Fringe: Areas lying outside the floodway but within the area below the 100 year flood elevation, shall be subject to the following regulations:

- 693.1 No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the main floor of solid structure is placed above the elevation of the 100 year flood boundary. No living space shall be below the 100-year flood elevation.
 - 693.2 Foundations of all structures shall be designed to withstand flood conditions at the site.
 - 693.3 Land may be filled within the floodway fringe provided such fill areas extend twenty-five (25) feet beyond the limits of any structure erected thereon.
 - 693.4 Any structure proposed to be located outside the Flood Hazard District but within one hundred (100) feet of any main drainage channel or stream within the City's jurisdiction must be approved by the City Engineer. The City Engineer shall determine, on the basis of the area of the water shed and the probable sum of the openings needed for the stream, the size of needed retention reservoirs or how close a structure may be built to the stream in order to assure adequate space for the flow of flood water.
694. Approval of the Planning Commission.
- 694.1 No permit shall be issued for the construction of any building for any use within the floodway until the plans for such construction or use have been submitted to the Planning Commission and approval is

given in writing for such construction or use. The Planning Commission may make its approval subject to such conditions necessary to carry out the purpose of the Flood Hazard District. In its review of plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of the flood plain is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

694.11 Any use permitted shall be a type not appreciably damaged by floodwaters, provided no structures for human habitation shall be permitted.

694.12 No filling of land shall be permitted, except where express permission is granted by the Planning Commission.

694.13 Any structure permitted shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to the flow of water.

694.14 Any structure permitted shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream.

694.15 Where, in the opinion of the Planning Commission, topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure or the effects of the structure on the flow of water, the Planning Commission may require the applicant to submit such data or other studies prepared by competent technical specialists.

694.16 The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the City of Pikeville, the Pikeville Planning Commission or any city official or staff member of either the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant to the granting of approval.

694.17 All construction in the identified flood hazard area shall in all aspects be in compliance with the Pikeville Floodplain Ordinance.

ARTICLE VII
PERFORMANCE STANDARDS

700. Legislative Intent

It is the intent of this Article to provide general performance standards to ensure that all redevelopment and new development taking place in Pikeville will be designed, arranged, constructed, altered or renovated in a safe, decent, and visually harmonious manner, that reflects the basic character of the area as well as the nature of the proposed use of the site.

710. Applicability

Except as otherwise specifically provided in this Article no land or structure shall be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on land contemplated for development, and no structure, or part thereof, shall be constructed, erected, altered, renovated, or moved except in compliance with the general performance standards listed in this Ordinance and the specific standards contained in the adopted codes of the City of Pikeville which make up the City's Design Manual.

720. Design Manual

This design manual shall consist of two parts. Part one being the general performance standards set forth in the following sections, and part two being the selection of specific development regulations referenced here and listed below:

A. Kentucky Building Code

730. General Site Arrangement

Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but are not limited to the removal of lateral support, the creation of hazards, nuisances, danger or inconveniences, unreasonable loss of light, air, or privacy.

Developments shall be arranged so as to be visually harmonious both with the site and with adjacent developments.

740. Access and Circulation

740.1 External Circulation. The type and arrangement of streets and driveways within the development area shall be coordinated with the redevelopment area's street classification system.

740.12 Principal vehicular access to any parcel shall be designed to encourage smooth traffic flow with a minimum of hazards to pedestrians, bicycles, and other vehicular traffic.

740.13 Vehicular access will not be permitted within 150 feet of an intersection where both streets are classified as an arterial or a collector street or where one is an arterial and the other a collector street.

740.14 A five-foot sidewalk shall be constructed along all collector or arterial streets. A five-foot earthen border shall be constructed between the sidewalk and the curb where arterial streets front residential uses.

740.15 On-street parking will not be permitted along streets classified as arterial.

740.16 Where street width is adequate on-street parking shall be permitted on collector and local streets.

740.17 One point of access shall be permitted to every zoning lot from all streets fronting the property for the first fifty feet of frontage. An additional access will be allowed for the next 100 feet of a zoning lot fronting a collector or arterial street. Access points to the same street from the same parcel shall be 100 feet apart from the center line of each driveway. Driveways may not exceed 26 feet in width at the right-of-way line.

740.18 Pedestrian sidewalks crossing vehicular driveways shall be clearly indicated and at the same grade as the remainder of the sidewalk.

740.2 Internal Circulation.

740.21 Internal Circulation shall provide the types, amounts, and locations of accessibility appropriate to the type and size of the development, and shall be designed so as to facilitate the movement of persons, goods, services, and waste products in a safe and efficient manner.

740.22 Safe and convenient vehicular access shall be provided for emergency and service vehicles.

740.23 The separation and integration of circulation systems and patterns (eg. vehicular circulation, pedestrian circulation, and loading and unloading systems) shall be provided as is appropriate for the type and size of the development.

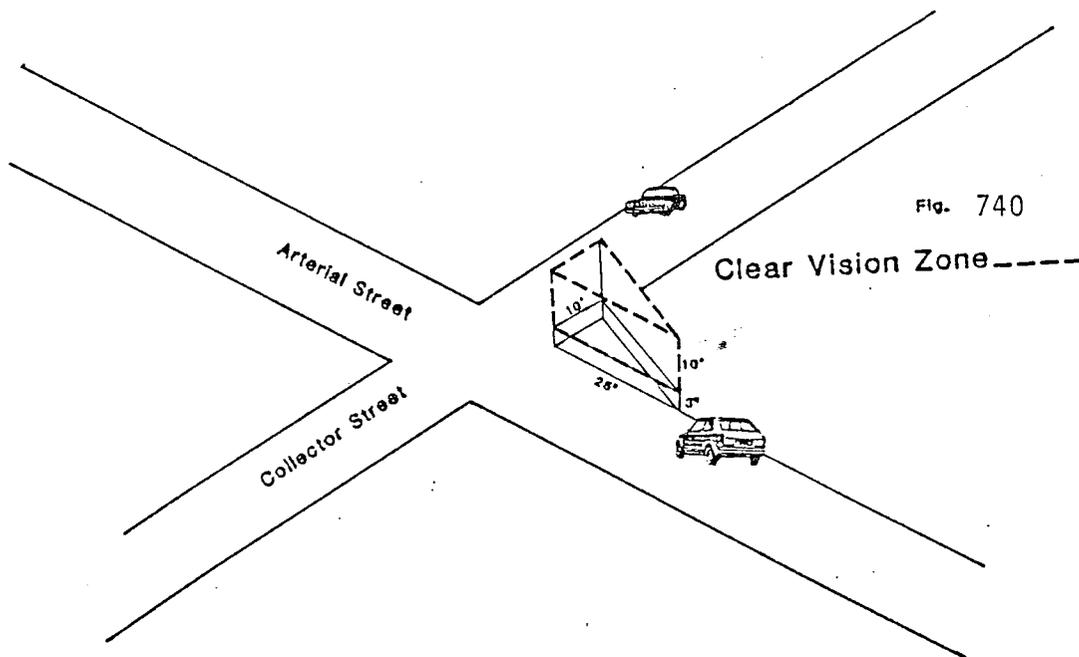
740.3 Clear-vision areas. To assure safe sight distances at street and driveway intersections and pedestrian crossings, a minimum clear vision area shall be provided at each corner of such intersections and crossings. No structure or planting that would impair visibility between the heights of three feet and ten feet above the street, driveway, or sidewalk center line grade shall be erected or established in the clear-vision area, provided that the above requirement shall not apply to:

740.31 An official traffic control sign or signal.

740.32 Any structure or planting having a maximum horizontal cross sectional diameter of eighteen inches between the heights of three and ten feet above the street, driveway or sidewalk grade, providing that said structure of planting is isolated and solitary and that any combination of such which impairs the required cross-corner vision shall be prohibited.

740.33 Grading of land within the clear-vision area may be required where such topography impairs the required cross-corner visibility.

740.34 The minimum clear-vision area shall consist of a triangular prism of unobstructed space between the heights of three feet and ten feet of the street grade and bounded by the edges of the intersecting streets and driveways, and by a straight line connecting points located on these edges at a distance of ten feet from the intersection, for intersections with arterial streets these points shall be located on the edges of the arterial streets at a distance of twenty-five feet from the intersections. (see figure 740).



750. Off-Street Parking and Loading

Except for approved on-street loading spaces designated by the city on existing streets and public alleyways, off-street loading space shall be provided for all retail uses as well as for any expansion of such uses or for changes in use requiring regular delivery or shipping of goods, merchandise, or equipment by semi-trailer trucks, in accordance with the requirements of this section.

Off-street parking shall be provided for all uses of land, structures and buildings as well as for any expansions of such uses or changes in use in accordance with the requirements of this section. No parking spaces required for any use located in any other zoning district shall be located in any other zoning district. In the case of mixed uses, the total requirements for off-street parking or loading space shall be the sum of the requirements for the various uses computed separately.

751. All required parking or loading space shall be located on the same zoning lot as the principal use or uses it serves, except as is provided for in accordance with the following provisions.

In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this section may be provided by the following means:

751.1 Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to the approval and certification by the Board of Adjustments that the following requirements have been met.

- (a) The land use being served by the off-site parking shall be a permitted principal or special use in the zoning district within which the zoning lot containing such parking is located.
- (b) For all zones except C-3, the off-site parking spaces are located within seven hundred feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route exists or shall be provided between the off-site parking and the use being served.
- (c) The continued availability of off-site parking spaces necessary to meet the parking requirements of this section shall be assured by an appropriate restriction on the title to the land providing the off-site parking spaces, in the form of a declaration, covenant, or contract.

751.2 Up to one-half of the parking spaces required for one use may be used to satisfy the parking requirements for either a second use on the same zoning lot or a use for which the provisions of subsection 751.1 above are used, subject to the approval and certification of the Board of Adjustments that such joint usage of parking complies with the following provisions:

- (a) The peak usage of the parking facility by one use will be at night or on Sundays (such as theaters, assembly halls, churches or residences), and the peak usage of the parking facility by the second use will be at other times.
- (b) The second use is an ancillary use to the first use, such as restaurants and meeting rooms to hotels and motels.
- (c) Required parking area shall be available for the parking of operable vehicles of residents, customers, and employees, and shall not be used for the storage of vehicles or materials, or for the parking of vehicles used for loading or unloading, or in conducting the use.

Required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.

752. Parking Design Standards. All parking areas shall meet the following minimum design requirements:

752.1 Ingress and egress to and from parking areas shall conform to the city's performance standards for access (section 740).

752.2 In the C-3 zone (Central Business District), if a setback is provided between a principal structure and its fronting street such setback shall not be used for off-street parking.

752.3 Except for single-family detached or two-family semi-detached dwellings, all parking spaces and maneuvering space shall be surfaced with an all weather, dustless, paving material of a depth approved by the City Street Department which shall be maintained in a safe, litter free conditions.

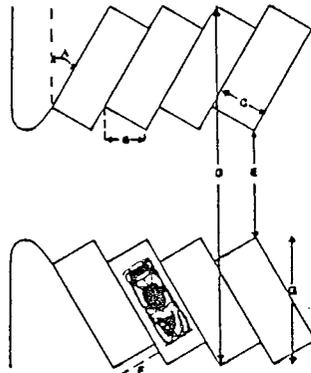
752.4 No parking area or maneuvering space shall be located within a public street right-of-way. Parking vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheelstops, or other appropriate means.

752.5 The size of parking spaces shall be adequate for the safe parking of vehicles. Sufficient maneuvering space shall be provided so that parking and unparking can be accomplished in one continuous maneuver. Except for single- and two-family dwellings, each parking space shall be arranged so that any vehicle may be parked or unparked without moving another vehicle.

725.6 The minimum area for each parking space, including circulation and maneuvering space shall be a minimum of 370 square feet. Parking facilities designed to accommodate five or more vehicles shall be designed in accordance with the standards for stalls and aisles as set forth in Table 725A and illustrated in Figure 725B. Where parking facilities are designed to accommodate more than ten vehicles, up to fifty percent of the parking spaces may be designed in accordance with the standards set forth in Table 725C, provided the smaller spaces are designated to be used only by compact vehicles. For parking facilities designed for twenty-five or more vehicles at least one parking space, twelve feet in width, shall be provided for each fifty spaces or major fraction thereof, and designated for use only by handicapped persons.

OFF STREET PARKING LOT DESIGN STANDARDS

- A) PARKING ANGLE
- B) STALL WIDTH PARALLEL TO AISLE
- C) STALL WIDTH
- D) MODULE WIDTH
- E) AISLE WIDTH
- F) BUMPER OVERHANG
- G) STALL DEPTH



A	B	C	D	E*	F	G
0°	23.0'	9.5'	31.0'	12.0'	N/A	N/A
45°	12.7	9.0	47.2	12.0	2.0'	17.5'
60°	10.4	9.0	54.0	16.0	2.0	19.0
75°	9.3	9.0	62.0	23.0	2.0	19.5
90°	9.0	9.0	63.0	26.0	2.0	18.5

TABLE 9.F.C. - Compact Automobiles

A	B	C	D	E*	F	G
0°	19.0'	8.0'	27.0'	11.0	N/A	N/A
45°	10.5	7.5'	43.0	11.0	2.0'	16.0'
60°	8.7	7.5'	47.4	14.0	2.0	16.7
75°	7.8	7.5	50.0	17.4	2.0	16.3
90°	7.5	7.5	50.0	20.0	2.0	15.0

752.7 Curbed islands shall be required at the ends of or between parking aisles where necessary for traffic control or drainage control.

752.8 Except for single- or two-family dwellings, parking spaces shall be provided with adequate aisle or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.

752.9 Parking facilities shall be designed where appropriate to connect with parking facilities on adjacent lots to eliminate the need to enter adjacent streets for cross movement.

752.10 All off-street parking facilities, except as otherwise noted must conform to all other design standards pertaining to their development.

753. Parking Landscape Standards. Except for one- or two-family dwellings, all parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements:

753.1 All open off-street parking areas containing more than four spaces and the ground level of parking structures shall be screened from adjacent streets by means of an effective screening device which is at least three (3) feet in height above the grade of the edge of the parking area.

753.2 Entry ways into parking facilities shall be bordered by a landscaped buffer strip at least five feet in width and ten feet in length, except in the Central Business District.

754. Loading Space Design Standards

754.1 Off-street loading spaces shall be located and arranged so that a semi-trailer truck shall be able to gain access to and use such by means of one continuous parking maneuver.

754.2 All loading spaces and maneuvering space shall be surfaced with a dustless, all weather paving material which shall be maintained in a safe, litter-free condition.

754.3 No loading space shall be located so that a vehicle using such space intrudes on travel lanes, walkways, public or private streets, or adjacent properties.

754.4 Each required off-street loading space shall have a minimum width of twelve feet, a minimum depth of fifty-five feet, and a vertical clearance of fourteen feet.

756. Minimum Parking and Loading Requirements.

A. Minimum number of parking spaces

<u>Use</u>	<u>CBD (C-3) District*</u>	<u>All Other Districts Except Institutional (INS)</u>
<u>Residential:</u>		
Dwelling, single-family	1/dwelling unit	2/dwelling unit
Dwelling, two-family & Multi-family:		
Efficiency	1/dwelling unit	1/dwelling unit
1 or 2 Bedrm.	1/dwelling unit	1/dwelling unit
3 or more Bedrm.	1/dwelling unit	1.5/dwelling unit
Motel/Hotel	1/lodging unit	
Mobile Home & Mobile Home Park	N/A	2/unit
Rooming House	1/lodging unit	1/lodging unit
Hospital	1.5 per bed	1.5 per bed
<u>Commercial Uses:</u>		
Places of Assembly	1 per each 4 persons structure was designed to accommodate	1/each 4 persons structure was designed to accommodate
Restaurants and Taverns	1 per 400 square feet of floor area	1 per 4 seats
All other Commercial Uses	1/400 square feet of floor space	1/400 square feet of floor space
<u>Industrial Uses:</u>		
All Industrial Uses	N/A	1 per 2 employees on largest shift
<u>Conditionally Permitted Uses:</u>		
Elementary Schools	1/staff member	1/staff member
Secondary Schools	1/4 students	1/4 students
Vocational Schools	1/4 students	1/4 students

*to the maximum extent feasible; subject to review by Pikeville Board of Zoning Adjustment.

B. Minimum off-street loading space requirements.

<u>USE</u>	<u>Minimum Loading Space</u>
All Commercial Uses	1 space for 10,000 to 20,000 sq. feet of floor area; 2 spaces for floor area of 30,000 square feet or more
Industrial Uses	1 per 10,000 square feet of floor area - not exceeding 3 spaces.

760. Drainage and Storm Water Management

Natural Drainage systems and storm water management installations shall be designed, constructed, and maintained so as to:

- 760.1 provide for natural infiltration of storm water;
- 760.2 control the velocity of runoff;
- 760.3 extend the time of storm water accumulation and its release into the drainage system;
- 760.4 collect and transmit excess storm water flows into either the city drainage system or into a natural drainage system.

761. Water and Sewer

- 761.1 All developments shall be served by a public water supply and either a public sanitary sewer system or an approved septic system
- 761.2 Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided where necessary.
- 761.3 No occupancy permit or Certificate of Occupancy shall be issued unless service by a public sewer and water system has been certified by the Pikeville Water and Sewer system or a health department approval of an installed septic system.

762. Solid Waste Storage and Removal

- 762.1 All developments shall provide safe, secure, covered, sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and appropriate to the type and size of the development being served.
- 762.2 Except for single- and two-family dwellings, all refuse storage facilities shall be screened from any adjacent residential uses, adjacent street, and adjacent properties by a solid wall, fence, tight evergreen hedge, or any combination of the above. Such screening shall be of sufficient height and design to screen the facility from view.

770. Buffering And Screening

771. Legislative Intent. In order to reduce the impacts of a use of land on adjacent uses which are of a significantly different type of use, buffers and screening shall be required in accordance with the following provisions of this subsection.

771.1 Buffers Required. A buffer consists of a horizontal distance from a property line which may only be occupied by screening, utilities, access ways, and landscaping materials. The required buffering distance between land uses on adjoining zoning lots is set forth in the matrix shown in Figure 16-1. Such buffer shall be provided unless the abutting use has already provided a buffer in compliance with the provisions of this subsection.

771.2 Screening Required. Within buffers, screening is required and shall consist of at least the following:

771.21 A row of deciduous and/or evergreen trees which are not less than fifteen feet high at the time of planting and are spaced not more than fifteen feet apart; and

771.22 A row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least six feet in height within two years of planting; and

771.23 Lawn, low-growing evergreen shrubs, evergreen ground cover, or vegetable or rock mulch covering the balance of the buffer.

All business, service, repair, processing, storage, or merchandise display conducted outside of an enclosed building shall be screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Appropriate screening devices may include solid decorative brick walls, wood fences, berms, tight evergreen hedges which shall reach the necessary height within two years of planting, or combination of the above.

771.3 Alternative Buffers and Screening. In lieu of compliance with the above buffer and screening requirements, a developer may submit to the Planning Commission for its approval a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the above requirements.

771.4 Existing Vegetation. The retention of existing vegetation shall be maximized to the extent practical wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

771.5 Maintenance of Landscaping. All landscaping and screening providing required buffering and screening shall be maintained so as to continue their effectiveness.

FIGURE 16-1 BUFFER MATRIX

PROPOSED USE USE GROUPS	ABUTTING USE				
	A	B	C	D	E
A	0	5	10	20	15
B	5	0	10	20	15
C	10	10	0	15	10
D	20	20	15	0	5
E	15	15	10	5	0

USE GROUPS

Use Group A: Single-family or two-family detached dwellings

Use Group B: Multi-family dwellings

Use Group C: Accessory use customarily incidental to a permitted group C principal use
 Business, office
 Child Day Care
 Church
 Clinic
 Clubs
 Funeral Home
 Group Care
 Hospital
 Hotel or motel
 Public cultural
 Public use
 Residence hall
 Rooming house
 School
 Tourist home

Use Group D: Automotive repairs, maintenance, and/or storage facility, light manufacturing, and supply yards.

Use Group E: Accessory use customarily incidental to a permitted Group C principal use
 Automotive, trailer, & farm implement sales or rental
 Bank
 Business, convenience
 Business, general
 Extraction of earth products
 Gasoline or filling station
 Hangar, medical aircraft
 Kennel
 Landfill
 Parking, off-street
 Personal services
 Public service facility
 Publishing and/or printing
 Radio or television transmitting and/or receiving facility
 Recreation facility, non-profit
 Recreation facility, commercial
 Supply yard
 Temporary portable building
 Veterinary hospital or clinic
 Vocational School

780. Signs

780.1 Intent. The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, billboards and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, protect the physical appearance, and enhance the historic and cultural character of the community. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents and to curb deterioration of the natural environment.

781. Governmental Signs Excluded. For the purpose of this ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any city governmental function.

782. General Provisions

782.1 Sign and outdoor advertising displays shall be permitted in districts subject to the provisions and regulations contained herein.

782.11 Signs allowed in all districts not requiring a permit.

a. Temporary signs (not to exceed 32 square feet) or banners

1) advertise sale, lease rental of the premises

2) denoting information at construction site

3) announcing civic, philanthropic, educational, cultural, or religious event

4) relating to a political campaign

Temporary signs and banners must be removed not more than 15 days after the completion of the purpose advertised.

b. Professional nameplates (not to exceed 4 square feet in area)

c. Identification of the occupant. (not to exceed 2 square feet in area)

782.12 Residential Districts

No sign or outdoor advertising shall be erected or placed in a residential zone, unless provided for a Conditional Use Permit for Home Occupation, or for permanent identification for multi-family dwellings, or for permanent identification of a subdivision. There shall be one (1) permitted sign for each aforementioned use not exceeding twelve (12) feet in area. Such signs can be illuminated, but nonflashing. A free standing sign shall not exceed a height of six (6) feet above the ground. Each conditional use for a sign shall be determined on a case by case basis depending on the compatibility to surrounding neighborhoods.

782.13 Commercial and Industrial Districts

Outdoor advertising shall be classified as a business use and shall be permitted only in the following zoning districts:

1. All Commercial Districts

2. Central Business District

3. All Manufacturing (I) Districts

No outdoor advertising sign or display shall be erected, placed, painted, repainted, or hung nearer to the street right-of-way

line upon which said display faces than the building lines provided in districts where the use is permitted, except one (1) sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than five (5) feet to the street right-of-way line, but shall in no case be permitted to obstruct the view of traffic nor exceed an area of twelve (12) square feet. However, in the Central Business District where buildings may be built up to the street right-of-way line, overhanging and projecting signs shall be permitted provided they comply with other provisions of this ordinance and with the regulations contained in the City's Building Code as now or hereafter amended.

- 1) Signs suspended from any building in the Central Commercial District shall not project more than twenty-four (24) inches over any sidewalk or right-of-way line, and the bottom of such sign shall not be less than twelve (12) feet above the finished grade of the sidewalk.
- 2) The area of all permanent advertising signs for any single enterprise shall not exceed three hundred (300) square feet.
- 3) Signs or other outdoor advertising which involve traffic lighting or motion resembling traffic or directional signals, warnings such as "stop" or "danger" or any other similar signals which are normally associated with highway safety or regulations are prohibited.
- 4) Additionally, no sign, outdoor commercial advertising device constituting a nuisance because of light, glare, focus, animation, or flashing, or any illuminated signs of such "intensity of illumination" as to unduly disturb the use of residential property shall be erected or continue in operation.
- 5) For manufacturing districts (I) only:
One (1) free-standing identification sign displaying only the name and address of the industry may be erected for each separate street frontage, not to exceed one hundred (100) square feet in size. Such signs shall have a maximum height of twenty-five (25) feet.

782.14 Planned Unit Developments and Riverfill District.

Signage for planned unit developments will be determined by the Board of Zoning Adjustment as a normal portion of the review process prior to issuing an approval of final plat.

783. Procedure

783.1 Sign permits. Permits may be obtained from the codes enforcement officer with payment of appropriate fee (see fee schedule, section 311). All applications for sign permits shall be accompanied by a drawing of the sign, indicating its dimensions and the location of the sign on the building or premises. Written permission of the owner of the land on which the sign appears must be filed with the sign permit.

783.2 Maintenance of signs. All signs or outdoor advertising structures or surfaces shall be properly maintained and repaired to prevent threats to public health and safety and to preserve the aesthetic appeal. The codes enforcement officer shall have the authority to order the repair, repainting, alteration, or removal of any sign which constitutes a hazard to the health, safety, or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation, or obsolescence. If an outdoor advertising structure or surface is not maintained, the codes enforcement officer shall notify in writing the owner, agent or persons having the beneficial use of the building, structure or lot upon which the sign may be found, to alter such sign as to comply with this ordinance, within thirty (30) days.

783.3 Violations. In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the codes enforcement officer shall notify in writing the owner, agent or person having the beneficial use of the building, structure or lot upon which sign may be found to alter such sign so as to comply with this ordinance within thirty (30) days. Upon failure to comply with such notice, within the time specified, the codes enforcement officer is hereby authorized to cause removal or such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached and same shall constitute a lien against the property in the same manner as the city ad valorem taxes.

783.4 Prohibited signs; removal. Prohibited signs shall be removed upon enactment of this ordinance.

783.5 Prohibited signs.

783.51 The following prohibitions shall apply to signs in all districts, except as permitted elsewhere in this zoning ordinance:

783.52 No streamers or other additions or apparatus shall be added to any sign except as permitted elsewhere in this ordinance.

783.53 No spot light, flood light, luminous tubes or lighted signs shall be installed in any way which will permit the direct rays of such light to penetrate into any residential building.

783.54 No advertising device, of which all or part is set in motion by movement of the atmosphere, including fluttering or rotating, shall be permitted.

783.55 Neon lighting and tubing may be used on permitted signs, but it is not permitted to outline buildings or structures or ornamental features by use of exposed neon tubing, strings of lights or otherwise.

783.56 No sign, whether illuminated or not, shall project into the line of vision of a motorist or an official traffic sign at a street or railroad intersection within one hundred fifty (150) feet of such signal and no sign visible from the street shall contain the word "danger" or "stop" with the intent of simulating street, traffic or other official signs.

783.57 No wall sign shall be attached to, or obstruct, any window, door, stairway, fire escape or other opening intended for egress and ingress or for needed ventilation and light.

783.58 No sign shall be attached to any tree, fence or utility pole.

- 783.59 Any sign now or hereafter existing, which no longer advertises a bona fide business conducted, product sold, or activity or campaign being conducted, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found, within ten (10) days after written notification from the codes enforcement officer within the time specified in such order. Upon failure to comply with such notice within the time specified in such order, the codes enforcement officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.
- 783.60 Gooseneck and thinline reflectors and lighting shall be permitted on indirectly illuminated signs provided such reflectors and lights do not extend more than six (6) feet beyond the sign structure to which attached and such illuminations is directed upon the face of the sign to reduce the possibility of direct light rays shining into adjoining property or the public way.
- 783.61 No light, sign or other advertising structure shall be erected in such a manner or location as to be confused by reason of position, shape or color with any authorized sign, signal or device.

ARTICLE VIII.
AMENDMENTS

800. General

Whenever the public necessity, convenience, general welfare or good zoning practices require, the legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, amend, supplement, change or repeal the regulations and restrictions of this ordinance, and the boundaries or classifications of property.

810. Application For Amendment

A proposal for amendment to the official zoning map may originate with the Planning Commission, the Board of Commissioners, any other government body, the owner of the subject property, or with a person having written authorization from the owner(s) of the subject property. A proposal or text amendment of this ordinance may originate with any person or governmental body.

Regardless of the origin of the proposed amendment, an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. The Planning Commission may require the submission of further information subsequent to the filing of an application as provided by the ordinance and the Planning Commission.

At the time of filing an application, the applicant shall pay a twenty-five dollar (\$25.00) nonreturnable filing fee to the Codes Enforcement Officer and shall further make a seventy-five dollar (\$75.00) deposit to defray advertising, mailing and other costs incurred by the city as a result of the application. The clerk shall pay advertising and mailing costs from the deposit, and at the end of the proceedings, refund the balance, if any, to the applicant, or send a statement to the applicant for any additional amounts owed. However, there shall be no filing fee for an amendment requested by the Board of Commissioners, the Planning Commission, or any other governmental agency.

All applications for a map amendment shall be accompanied by a plat of the subject property; a legal description shall also be required, as well as a vicinity map for publication of the zone change hearing. Such map shall show area to be considered and shall be to scale of 1 inch to 600 feet. However, applications originating from the Planning Commission, the Board of Commissioners or other governmental body may be effected by reference to a map without the necessity of filing a plat and/or legal description. Requests for rezoning portions of lots shall not be considered.

820. Planning Commission Procedure

Upon the filing of an application for an amendment to the official zoning map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission. All information concerning the requested changes must be filed no less than twenty-one (21) days before the expected hearing date.

Upon the filing of an application for a map amendment, the Planning Commission shall promptly notify the owner of the subject property, as well as adjacent property owners, of a public hearing by registered mail or certified mail, receipt requested. It shall be the duty of the person or persons proposing the amendment to furnish the Planning Commission with correct names and addresses of all owners of adjacent property and addressed envelopes to each.

Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given by publication in the newspaper of general circulation in the city, not earlier than twenty-one (21) days nor later than seven (7) days before such public hearing. Notice of the hearing on a map amendment shall be posted conspicuously on the property the classification of which is proposed to be changed, for fourteen (14) consecutive days before the hearing, and the applicant shall be responsible for compliance with this provision.

830. Findings

Before any map amendment is granted, the Planning Commission or the Board of Commissioners must find that the map amendment is in agreement with the community's Comprehensive Plan, or, in the absence of such findings, that one (1) or more of the following apply; and such finding shall be recorded in the minutes and records of the Planning Commission and the legislative body.

- (a) The original zoning classification given to the property was inappropriate or improper.
- (b) There have been major changes of an economic, social or physical nature with the area involved which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such areas.

The Planning Commission shall make recommendations concerning these findings to the legislative body involved, and it shall take a majority of the entire legislative body to override the recommendation of the Planning Commission.