

CHAPTER 156: ZONING CODE

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GENERAL PROVISIONS

§ 156.001 ENACTING CLAUSE.

This zoning code is enacted pursuant to the authority granted by KRS Chapter 100, KRS 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.

§ 156.002 TITLE.

This chapter shall be known as the "Zoning Code of Pikeville, Kentucky." The official zoning map is hereby made a part of the zoning code. Certified copies of this chapter and map are on file with the Planning Commission, the Finance Director/City Clerk/Tax Administrator and the County Clerk.

Cross reference:

Zoning code, amendments, see §§ [156.170](#) - [156.172](#)

Zoning map changes, see [T.S.O. VIII](#)

§ 156.003 PURPOSE.

This chapter 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 and to provide for administration and to prescribe penalties for violation of provisions thereof.

§ 156.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

ACCESSORY DWELLING UNIT (ADU). A self-contained dwelling unit located on the same lot as a lawful single-family dwelling, containing independent living facilities for sleeping, eating, cooking, and sanitation, and designed to function as a subordinate residential unit

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 and Zoning Enforcement Officer." The Administrative Official for the city may also serve as the Building Inspector.

ADVERTISING STRUCTURE. A free-standing permanent sign not attached to a building or other permanent structure.

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 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 commercial stockyards or feeding areas.

ALLEY or LANE. A public way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

ALTERATION, STRUCTURAL. As applied to a building or structure, 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.

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.

APARTMENT HOUSE. See **DWELLING.**

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.

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 profit.

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.

AUTOMOTIVE REPAIR, MAJOR. Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines or transmissions, collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle street cleaning.

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) ton capacity, but not including any operation named under **AUTOMOTIVE REPAIR, MAJOR** or any operation similar thereto. Cars and trucks being repaired or under repair shall not be stored outside a building more than forty eight (48) hours.

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.

BLOCK. In describing the boundaries of a district, refers to the legal description. In all other cases, the word **BLOCK** refers to the property abutting one side of a street between intersecting streets or a street and a railroad right-of-way or waterway.

BOARD. The Board of Zoning Adjustment unless the context otherwise indicates.

BOARDING or **LODGING HOUSE**. See **DWELLING** .

BUILDING LOT AREA. That part of the lot not included within the open areas required by this chapter.

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.

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.

BUILDING LINE. The line beyond which no building or part thereof shall project, except as otherwise provided by this zoning code.

BUILDING PERMIT. A document issued by the Codes and Zoning Enforcement Officer authorizing the use of lots and structures.

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 this zoning code.

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.

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

CITIZEN MEMBER. Any member of the Planning Commission or Board of Zoning Adjustment who is not elected or appointed official or employee of the city or county.

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.

CODES AND ZONING ENFORCEMENT OFFICER. See **ADMINISTRATIVE OFFICIAL** .

COMMISSION. The Planning Commission.

COMPATIBILITY STANDARDS. Standards that have been enacted under the authority of KRS 100.348 for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction.

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 these zoning regulations.

CONDITIONAL USE PERMIT. Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Zoning Adjustment consisting of two (2) parts:

(1) A statement of the factual determination by the Board of Zoning Adjustment which justifies the issuance of the permit; and

(2) A statement of the specific conditions which must be met in order for the use to be permitted.

CONDOMINIUM. System of separate ownership of individual units in a multiple-unit building.

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.

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

DAY NURSERY. A facility for the care of young children.

DENSITY. A unit of measurement; the number of dwelling units per acre of land.

(1) **GROSS DENSITY.** The number of dwelling units per acre of land to be developed.

(2) **NET DENSITY.** The number of dwelling units per acre of land devoted to residential uses.

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

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.

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.

DRIVEWAY. An improved surface connecting a garage or parking area with the street.

DWELLING.

(1) **BOARDING HOUSE** or **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.

(2) **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.

(3) **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.

(4) **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.

(5) **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.

(6) **SINGLE-FAMILY DWELLING.** A detached building containing one (1) dwelling unit.

(7) **TWO-FAMILY DWELLING (DUPLEX).** A building containing two (2) dwelling units built to the Kentucky Residential Building Code.

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

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.

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.

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, or fraternity or sorority house.

FRONTAGE. 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 (1) street, the Board of Zoning Adjustment shall determine the frontage.

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.

HOME OCCUPATION. A business, profession, service, or trade conducted within a dwelling unit or its attached accessory spaces which is clearly secondary to the residential use of the property and operates in a manner that does not significantly alter the residential character of the neighborhood.

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.

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.

HOTEL or MOTEL. See **DWELLING**.

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 or used, discarded, or salvaged materials as a minor part of manufacturing operations.

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

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.

LIVING AREA (HABITABLE FLOOR AREA / LIVABLE SPACE). The total interior floor area of a dwelling unit that is enclosed, heated, and designed for residential occupancy, including areas used for living, sleeping, eating, cooking, bathrooms, and interior laundry facilities.

For purposes of this Code and consistency with KRS 100.348, the terms *living area*, *habitable floor area*, and *livable space* shall be considered equivalent.

Living area does not include garages, carports, unfinished basements or attics, crawl spaces, mechanical rooms used solely for building equipment, storage areas not designed for habitation, stairwells, porches, balconies, decks, or other spaces not intended for residential occupancy under the applicable building code.

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.

LOT. A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

(1) **LOT, AREA.** The computed area contained within the lot lines.

(2) **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.

(3) **LOT, DEPTH.** The mean horizontal distance between the front and rear lot lines.

(4) **LOT, LINE.** The property lines bounding a lot.

(5) **LOT, WIDTH.** The length of a line tangent to and no closer than the building setback line. See Chart A.

LOT OF RECORD. A lot which is duly recorded in the office of the County Clerk.

MANUFACTURED HOME. A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

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.

MANUFACTURING, CRAFTS. Any use permitted in an I Zone which does not employ more than three (3) persons.

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's or household's own use.

MINING. The operation of a mine pursuant to KRS Chapters 350 and 352. **MINING** shall include surface coal mining operations, strip mining, and deep mining.

MOBILE HOME. A factory-built dwelling unit constructed prior to June 15, 1976, that was not built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, and which was designed to be transported on its own chassis and used as a dwelling unit.

MOBILE HOME PARK (MANUFACTURED OR MOBILE HOME COMMUNITY). Any site, or parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the cabinet; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MOBILE SIGN. See **SIGN**.

NONCONFORMING USE OR STRUCTURE. An activity, building, sign, structure (or portion), or use of land existing at the time of enactment of this chapter, but which does not conform to the regulations of the district or zone in which it is situated.

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.

NURSERY or NURSING HOME. A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

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.

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.

PERMANENT FOUNDATION. A system of supports that is:

1. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure and complies with KRS 227.570;
 2. Constructed with materials that are compatible with surrounding residential structures so long as the materials do not compromise the structural engineering of the home in conflict with KRS 227.570; and
 3. Placed at a depth below grade adequate to prevent frost damage, in accordance with the manufacturer's installation requirements and KRS 227.570.
- PLANNED UNIT DEVELOPMENT.** An area of land, in which a variety of housing types or related commercial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that normally apply under those

regulations. The procedures for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

PLANNING UNIT. Any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations.

PLAT. The map of a subdivision.

PRINCIPAL BUILDING. The building in which the primary activity on a certain lot is carried out.

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 chapter.

PROFESSIONAL CENTER. A building, either connected or under one (1) 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.

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, and recreational centers, including parks and cemeteries.

QUALIFIED MANUFACTURED HOME. A manufactured home that meets all of the following criteria:

1. Is manufactured on a date not to exceed five (5) years prior to the date of installation and has all parts that operate only during transport removed;
2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
3. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street; and
4. Has a minimum total living area of nine hundred (900) square feet

RECREATIONAL VEHICLE. 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**.

REGULATION. Any enactment by the legislative body of the city or the county whether it is an ordinance, resolution, or an order and shall include regulations for the subdivision of land adopted by the Planning Commission.

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**.

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

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

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

(1) **MOBILE SIGN.** A sign affixed to a frame having wheels 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.

(2) **OFF-PREMISES** or **NONACCESSORY SIGN.** A sign not directly relating to the use of the premises on which the sign is located.

(3) **PERMANENT SIGN.** A sign of permanent nature, either free-standing or attached.

(4) **TEMPORARY SIGN.** A sign or banner of nonpermanent nature, designed to give notice of:

(a) Architectural, engineering, or construction firm engaged in work on a construction site;

(b) Political campaigns;

(c) Campaign, drive, or event of a civic, philanthropic, educational, or religious organization.

SIGN, GROSS SURFACE AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no cases 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 sign and not forming an integral part of the display.

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 of land or buildings.

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

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.

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

(1) **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.

(2) **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.

(3) **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 the 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.

(4) **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, and the like) and collector streets. **MINOR STREETS** may be further classified into five (5) categories as follows:

(a) **ALLEYS**. 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.

(b) **CONTINUING STREETS**. Minor streets having two (2) open ends; each end generally connects with a different street. One (1) or more streets may intersect such a street between its two (2) open ends, and property abuts both sides of such a street.

(c) **CUL-DE-SACS**. Minor streets having only one (1) open end and providing access to another street, and a closed end providing a turnaround circle for vehicular movement. No street of this type shall dead end 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 Planning Commission.

(d) **LOOP STREETS**. 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.

(e) **MARGINAL ACCESS STREETS**. 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 (1) 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.

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 any person by surface coal mining operations within twelve (12) successive calendar months; nor shall it include the surface effects or surface impacts of underground coal mining.

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 buildings and signs.

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** .

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 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 site 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 of underground mining” of coal.

TEMPORARY SIGN. See **SIGN**.

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.

TRAILER. Includes 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.

UNIT. See **PLANNING UNIT.**

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 (2) inch overhang.

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; however, 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.

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; however, if the proposed location of the right-of-way line of such street as 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.

VARIANCE. A departure from the strict conformance with the dimension and area regulations which must first receive the approval of the Board of Zoning Adjustment.

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 or recuperation.

ADMINISTRATION AND ENFORCEMENT

§ 156.015 ADMINISTRATIVE OFFICIAL.

(A) An Administrative Official designed by the Mayor, with the approval of the Board of Commissioners, shall administer and enforce this chapter. The Administrative Official may be provided with the assistance of such other persons as the Board of Commissioners may direct.

(B) For the purpose of this chapter the Administrative Official shall:

(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;

(2) Upon finding that any of the provisions of this chapter are being violated, notify in writing the person responsible for the violation and order the action necessary to correct such violation;

(3) Order discontinuance of illegal uses of land, buildings, or structures;

(4) Order removal of illegal buildings or structures or illegal additions or structural alterations;

(5) Order discontinuance of any illegal work being done;

(6) Take any other action authorized by this chapter or Article 119.0 of the State Building Code to ensure compliance with or to prevent violations of this chapter.

(7) Make records of all official actions of his office relating to the administration and enforcement of the provisions of this chapter 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.

§ 156.016 FEE SCHEDULE.

The Codes and Zoning Enforcement Officer is the Administrative Official for the enforcement of this chapter. All applications for action by the Planning Commission or Board of Zoning Adjustment relating to the zoning code shall be made to the Secretary/Treasurer of the Board of Zoning Adjustment and shall be accompanied by the following fees:

Fee		
	Fee	
Building permits (See § 150.15)		
Certificates of zoning compliance	\$10.00	

Sign permits		
Signs up to \$1,000.00 in value	25.00	(minimum)
For each \$1,000.00 additional value	10.00	
Temporary sign	35.00	
(Fees shall be doubled where conforming sign is erected without permit).		
Applications for variance	15.00	
Conditional use applications	20.00	
Additional fee to be paid when a variance for mining operations is requested	75.00	
Development plan (PUD)	5.00	Per structure on plan
Zoning change application nonreturnable filing fee plus \$75.00 deposit for costs	25.00	

§ 156.017 BUILDING PERMIT REQUIRED; EXCEPTIONS.

(A) 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 division (F) of this section or Section 114 of the State Building Code. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this chapter, unless he receives a written order from the Board of Zoning Adjustment in the form of an administrative review, conditional use permit, or variance as provided by this chapter. Regardless of the provisions of the Kentucky Building Code, any modifications to buildings or other structures which meet any one (1) of the criteria described below will in all cases require a building permit:

(1) Any repair, modification, construction or reconstruction of a building or structure which results in an addition to the enclosed portion of a building or structure which extends outside its existing footprint. This would include, but not be limited to, extending or modification of rootline, the enclosure of carports, decks, porches, or similar external structures.

(2) Any modification or construction which will result in a change in use of the building or structure. For example, the conversion of a single-family dwelling into a multi-family

dwelling, conversion of a commercial use to a residential use or residential use to a commercial use.

(3) Any modification or construction to a building or structure which is contracted for a sum of more than ten thousand dollars (\$10,000) or which requires the purchase or use of materials having a fair retail value or actual cost in this amount regardless of whether the owner is being charged for labor.

(4) Any new utility or utility service established as part of any repair, modification, construction or reconstruction of a building or structure.

(B) 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.

(C) All applications for building permits shall be subject to the following requirements to ensure proper setbacks, lot area and yard requirements, etc.:

(1) They shall be accompanied by plans in duplicate, consisting of a plat or site plan which is drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and location of the buildings already existing, if any, and the locations and dimensions of the proposed building or alteration, and a parking plan demonstrating compliance with § [156.130](#).

(2) In the event the building permit application proposes modifications to a building or structure on a nonconforming lot, with a nonconforming use, or which is a nonconforming feature, as defined in § [156.052](#), the plans required above shall be required to be certified by either a professional engineer or a surveyor licensed to practice in Kentucky.

(3) In the event the building permit application proposes to build within the same “footprint” of a structure which has been demolished within the previous two (2) years and which will have a different use from that of the demolished building, the plans required above shall be required to be certified by either a professional engineer or a surveyor licensed to practice in Kentucky.

(4) 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 chapter and Section 113 of the State Building Code.

(D) One 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.

(E) If the work described in any building permit has not begun within one (1) year, twelve (12) months from the date of issuance thereof, the 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.

(F) Exceptions. No building permit or certificate or occupancy shall be required in the following cases:

(1) Recurring maintenance work regardless of cost.

(2) Installation of required improvements according to an approved and recorded planned development project final plat.

(G) Electronic submissions. The administrative official may elect to allow electronic submission of all required documents and may elect to conduct all correspondence using electronic means. Such changes to procedure will be posted and maintained on the city website.

Penalty, see § [156.999](#)

§ 156.018 CERTIFICATE OF ZONING COMPLIANCE.

(A) 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.

(B) 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 city water and sewer system or State Department of Plumbing approval of an installed septic system must accompany all applications.

(C) The Administrative Official shall keep a permanent file of all applications and all certificates issued.

(D) 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.

(E) 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 thirty (30) days after the date on which the new use is ready to commence and where the thirty (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.

(F) The issuance of a certificate of zoning compliance by the Administrative Official shall not waive any provision or regulation of this chapter.

Penalty, see § [156.999](#)

§ 156.019 COSTS OF ADVERTISEMENT AND NOTIFICATION.

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

BOARD OF ZONING ADJUSTMENT

§ 156.030 ESTABLISHMENT; MEMBERS; MEETINGS.

(A) A Board of Zoning Adjustment is hereby established in accordance with KRS 100.217. The Board of Zoning Adjustment shall consist of five (5) citizen members, not more than two (2) of whom may be members of the Planning Commission. The initial terms of the membership shall be as follows: one (1) member for a two (2) year term; two (2) members for a three (3) year term; and two (2) 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 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.

(B) The Chairperson, or in his or her absence the acting chairperson, may administer oaths and the Board of Zoning Adjustment may compel the attendance of witnesses. All meetings of the Board of Zoning Adjustment shall be open to the public. The Board of Zoning Adjustment shall keep minutes of its proceedings.

(C) Three (3) members of the Board of Zoning Adjustment 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 chapter, or to grant any variance from the requirements stipulated in this chapter. The grounds of every such determination shall be stated. A member of the Board shall not be qualified to vote if he or she has not attended the public hearing or if he or she has a direct interest in the issue appealed.

§ 156.031 POWERS AND DUTIES.

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

(A) Administrative review. The Board of Zoning Adjustment shall hear and decide appeals where it is alleged by an applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision in this chapter 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 the Administrative Official.

(B) Bylaws. The Board shall adopt bylaws for its own government subject to approval of the Board of Commissioners.

(C) 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.

(D) Variances. The Board shall have the power to hear and decide on applications for off-street parking and loading variances as provided in § [156.130\(B\)\(1\)](#) and for dimensional variance where by reason of the exceptional narrowness, shallowness, or unusual shape of the site on the effective date of the zoning code 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.

(1) Before any variance is granted, the Board of Zoning Adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its

minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

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

(b) 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;

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

(d) Proof that the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning code.

(2) Limits of authority.

(a) 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 of Zoning Adjustment does not possess the power to permit a use not authorized by this chapter.

(b) The Board of Zoning Adjustment shall not possess the authority to grant variances from any adopted architectural or compatibility standards, including but not limited to minimum dwelling size, roof pitch, exterior materials, foundation requirements, porch or entrance design requirements, or other design standards, unless the specific zoning district regulations expressly authorize modification or variance of such standards.

(3) 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.

(4) Additional powers. In granting a variance, the Board of Zoning Adjustment 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 chapter.

(5) Limitations. Before any variance is granted, the Board of Zoning Adjustment 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 this chapter; 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 code. These conditions must be alleged by the applicant and evidence must be produced by him or her to substantiate those allegations.

(6) Parking. Where there is no clear standard for off-street parking, the Board shall determine adequacy.

§ 156.032 APPLICATIONS; APPEALS; HEARINGS.

(A) Applications. An application (including conditional use permit requests), in cases in which the Board of Zoning Adjustment has original jurisdiction under the provisions of this subchapter, 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 of Zoning Adjustment.

(B) Appeals. An appeal to the Board of Zoning Adjustment 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.

(C) Hearings. If any application or appeal is received at least five (5) working days before a regularly scheduled meeting of the Board of Zoning Adjustment, it shall act within forty-five (45) days after such meeting. Failure to act within such period shall be considered approval. Before making an 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 Chairperson. 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 City Treasurer or a cash payment in the following amounts as specified in § [156.016](#). If additional costs are incurred, the applicant shall pay upon receipt of a statement from the appropriate city official.

§ 156.033 COMPENSATION AND FEES.

Compensation shall be limited to expenses allowed by the Board of Zoning Adjustment 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.

GENERAL DEVELOPMENT REGULATIONS

§ 156.044 USE CLASSIFICATION TABLE.

(A) Establishment of Use Classification Tables

The uses permitted within the zoning districts established in this chapter are set forth in the Use Classification Tables contained in this section. Two Use Classification Tables that constitute the official statement of permitted and conditional uses within the city are hereby established:

1. Table 156.044-1 — Residential and Mixed-Use Districts, identifying uses customarily associated with areas primarily intended for residential living; and
2. Table 156.044-2 — Commercial, Industrial, and Special Districts, identifying uses customarily associated with employment, commerce, institutional activity, and community gathering.

(B) Determination and Classification of Uses

The Zoning Administrator or other city employee designated by the City Manager shall determine whether a proposed use is permitted, conditional, or prohibited within a zoning district based on the Use Classification Tables. When a proposed use is not expressly listed, or when its classification is unclear, the Zoning Administrator shall determine whether the use is substantially similar to a listed permitted use by considering:

1. The purpose and intent of the zoning district;
2. The operational characteristics and potential impacts of the proposed use; and
3. The most current version of the North American Industry Classification System (NAICS), as a reference tool.

A proposed use that is not listed and is not determined to be substantially similar to a listed permitted use shall be deemed prohibited in that zoning district. A determination by the Zoning Administrator regarding whether a proposed use is substantially similar to a permitted use may be appealed to the Board of Zoning Adjustment in accordance with KRS Chapter 100. On appeal, the Board shall be limited to reviewing the interpretation made by the Zoning Administrator and shall not classify a prohibited use as permitted or conditional. The Board of Zoning Adjustment shall not determine that an unlisted use is a conditional use unless the use is expressly listed as a conditional use in the applicable zoning district.

A proposed use that is prohibited may be allowed only if:

- (a) The use is expressly listed as a conditional use in the applicable zoning district and approved by the Board of Zoning Adjustment;
- (b) The use is approved as part of a Planned Unit Development by the Joint Planning Commission and legislative body; or
- (c) The use is added to this code by ordinance through a text amendment.

(C) Multiple Principal Uses

More than one principal use may be located on a single lot in any zoning district, provided that:

- 1. Each use is permitted or conditionally permitted in the zoning district;
- 2. Any required conditional use approval has been granted by the Board of Zoning Adjustment;
- 3. All applicable use-specific standards are satisfied; and
- 4. The development complies with all applicable dimensional, density, parking, and performance standards.

(D) Interpretation and Application of Use Classification Tables

1. General. The Use Classification Tables identify permitted and conditional uses for each base zoning district within the City. The tables regulate whether a use may occur in a zoning district but do not, by themselves, regulate how a use must be developed or operated.

2. Symbols.

(a) Permitted Uses. Where the symbol “P” is shown, the use is permitted by right in the indicated zoning district, subject to compliance with all applicable provisions of this code.

(b) Conditional Uses. Where the symbol “C” is shown, the use is permitted only upon approval of a conditional use permit by the Board of Zoning Adjustment in accordance with KRS 100.237. The Board may impose reasonable conditions necessary to ensure compatibility with surrounding development and compliance with this code.

(c) Prohibited Uses. Where the cell is left blank, the use is prohibited in the corresponding district. A prohibited use may be allowed only if the use is approved as part of a Planned Unit Development in accordance with this code or the use is added to this code by ordinance through a text amendment.

3. Use-Specific Standards and Other Regulations. The designation of a use as permitted or conditional does not exempt the use from compliance with:

- (a) Use-specific standards, which may appear anywhere within this chapter or elsewhere in the City Code;
- (b) Compatibility standards adopted pursuant to KRS 100.348;
- (c) Overlay district regulations, where applicable; or
- (d) Any other applicable local, state, or federal regulations.

4. Planned Unit Developments. Uses within a Planned Unit Development (PUD) shall be those approved as part of the adopted development plan. The Use Classification Tables shall be used as a guide but shall not be controlling where modified by an approved PUD.

(E) Residential Zone Classification Table

R-1A (Traditional Single-Family) R-1B (Neighborhood Single-Family) R-1C (Estate Single-Family) R-1H (Historic Single-Family)		R-2 (Urban Residential) R-3 (Neighborhood Residential) MP (Mobile Home Park)							
Use Category	Specific Use Type	R-1A	R-1B	R-1C	R-1H	R-2	R-3	MP	
P = Permitted Use C = Conditional Use *Specific Use Standards Apply									
RESIDENTIAL									
	Single Family	P*	P*	P*	P*	P*	P*	C*	
	Multi-Family					P	P		
	Mobile Home Parks							P	
	Manufactured Home (Non-qualified)							P	
	Qualified Manufactured Home	P*	P*	P*	P*	P*	P*	C*	
	Home Occupation	P*	P*	P*	P*	P*	P*	P*	
	Short-Term Rental	C*			C*	P*	P*		
	Accessory Dwelling Unit	P*	P*	P*	P*	P*	P*	P*	
	Bed & Breakfast					C	C		
	Fraternity or Sorority House					C	C		
COMMERCIAL									
Food and Beverage Establishment	Food Sales (Bakery, etc.)					P			
	Restaurant No Drive-Thru					P			
	Restaurant with Drive-Thru								
	Mobile Food Vendor								
	Bar/Tavern								
	Malt Beverage								
	Package Sales								
COMMERCIAL									
Retail Sales and Service	Adult Oriented								
	Automotive Sales								
	Automotive Rentals								
	Automotive Repair Service								
	Automotive Washing								

Consumer Service (general)									
Consumer Service (outdoor storage)									
Convenience Store									
Service (gas) Station									
Drugstores					P				
Financial Services (banks, credit unions, etc.)									
Funeral Services									
Hotel-Motel									
Indoor Entertainment									
Kennel									
Laundry Service					P	P			
Medical or Dental Office									
Office									
Outdoor Entertainment									
Outpatient Drug or Alcohol Treatment Clinic									
Performance Venue									
Personal Improvement Services									
Personal Services (barber and beauty shops, etc.)					P	P	C		
Pet Service (Veterinary, etc.)					C				
Photography Studio									
Plant Nursery									
Printing and Publishing									
Recreational Equipment Sales									
Scrap and Salvage Services (Junkyards)									
Shared Commercial Kitchen/Food Incubator									
Special Events Venue									
Storage Buildings									
Transient									
Theater									
INDUSTRIAL									
Manufacturing	Small scale Craft-Style					P	P		

	Basic								
	Light								
Non-Retail Sales and Service	Recycling Center								
	Trucking Terminals								
	Warehousing								
	Wholesaling								
AGRICULTURAL									
Farming and Stock Raising	Animal Production						C		
	Aquaponics System						C		
	Crop Production						P		
	Horticulture					C	P		
	Agritourism					C	P		
CIVIC									
Public Service	Administrative Services								
	Aviation Facilities								
	Camp								
	Cemetery								
	Club or Lodge								
	College and University Facilities	C	C	C	C	P	C	C	
	Community Service Facilities								
	Community Events	C	C	C	C	P	C	C	
	Congregate Living								
	Convalescent Services					C	C		
	Convention Center								
	Counseling Services								
	Cultural Services								
	Day Care Services	C	C	C	C	P	P	C	
	Detention Facilities								
	Health Care Facilities								
	Government-owned public corporations or agencies								
	Local Utility Services								
	Parks and Recreation Services					P	P	P	
	Public Schools	C				C	C		
Religious Assembly	C	C	C	C	C	C	C		
Safety Services									

(E) Commercial and Miscellaneous Zone Classification Table

C-1 (Neighborhood Commercial) C-2 (Highway Commercial) C-3 (Central Business District)		I (Manufacturing District) INS, (Institutional) RF (Riverfill)							
Use Category	Specific Use Type	C-1	C-2	C-3	I	INS	RF		
P = Permitted Use C = Conditional Use *Specific Use Standards Apply									
RESIDENTIAL									
	Single Family	P*	C*						
	Multi-Family	P	P	P		P*	P		
	Mobile Home Parks								
	Manufactured Home (Non-qualified)								
	Qualified Manufactured Home	P*	C*						
	Home Occupation	P*	P*	P*		P*	P*		
	Short-Term Rental	P*	P*	P*		C*	P*		
	Accessory Dwelling Unit	P*	P*						
	Bed & Breakfast	C	P	P		P	P		
	Fraternity or Sorority House	C				C			
COMMERCIAL									
Food and Beverage Establishment	Food Sales (Bakery, etc.)	P	P	P		C	P		
	Restaurant No Drive-Thru	P	P	P		C	P		
	Restaurant with Drive-Thru	C	P	C		C	C		
	Mobile Food Vendor	P	P	P	P	P	P		
	Bar/Tavern		P	P			P		
	Malt Beverage		P	P			P		
	Package Sales		P	P			P		
COMMERCIAL									
Retail Sales and Service	Adult Oriented		C*	C*			C*		
	Automotive Sales		P	P			P		
	Automotive Rentals		P	P			P		
	Automotive Repair Service		P			C			
	Automotive Washing		P			C			
	Consumer Service (general)	C	P	P		C	P		

Consumer Service (outdoor storage)	C	P			C			
Convenience Store	P	P			P			
Service (gas) Station		P			C			
Drugstores	P	P	P		C	P		
Financial Services (banks, credit unions, etc.)	C	P	P		C	P		
Funeral Services		P	P			P		
Hotel-Motel		P	P			P		
Indoor Entertainment	C	P	P		C	P		
Kennel		P						
Laundry Service	P	P	P		P	P		
Medical or Dental Office	P	P	P		P	P		
Office	P	P	P		P	P		
Outdoor Entertainment	C	P	C		C	C		
Outpatient Drug or Alcohol Treatment Clinic		P*	P*					
Performance Venue	C	P	C		C	C		
Personal Improvement Services	C	P	P		C	P		
Personal Services (barber and beauty shops, etc.)	P	P	P		P	P		
Pet Service (Veterinary, etc.)	C	P	P		C	P		
Photography Studio	P	P	P		P	P		
Plant Nursery		P						
Printing and Publishing	C	P	P		P	P		
Recreational Equipment Sales		P						
Scrap and Salvage Services (Junkyards)		C						
Shared Commercial Kitchen/Food Incubator		P	P		P	P		
Special Events Venue	C	P	P		C	P		
Storage Buildings		P	C		C	P		
Transient	C	P	P		C	P		
Theater		P	P		C	P		
INDUSTRIAL								
Manufacturing	Small scale Craft-Style	P	P	P	C	P	P	
	Basic				C			

	Light				P				
Non-Retail Sales and Service	Recycling Center		C		P				
	Trucking Terminals		C		P				
	Warehousing		C		P				
	Wholesaling		C		P				
AGRICULTURAL									
Farming and Stock Raising	Animal Production		C		P				
	Aquaponics System		C		P				
	Crop Production	C	C	C	P	C	C		
	Horticulture	C	P	C	P	C	C		
	Agritourism	C	P	C	C	C	C		
CIVIC									
Public Service	Administrative Services		P	P		P	P		
	Aviation Facilities		C			C			
	Camp		P						
	Cemetery	C	P						
	Club or Lodge		P	P		P	P		
	College and University Facilities	C	P	P		P	P		
	Community Service Facilities		P	C		P	C		
	Community Events	C	P	P		P	P		
	Congregate Living					P			
	Convalescent Services	C	P	C		P	C		
	Convention Center		C	P		C	C		
	Counseling Services	C	P	P		P	P		
	Cultural Services	C	P	P		P	P		
	Day Care Services	P	P	P		P	P		
	Detention Facilities		C	C			C		
	Health Care Facilities		P	P		P	P		
	Government-owned public corporations or agencies	C	P	P		P	P		
	Local Utility Services		P	P		P	P		
	Parks and Recreation Services	C	P	C		P	C		
	Public Schools	C	P	C		C	C		
Religious Assembly	P	P	P		P	P			
Safety Services	P	P	P		P	P			

§ 156.045 CONFORMANCE WITH REGULATIONS REQUIRED.

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.

Penalty, see § [156.999](#)

§ 156.046 COORDINATION WITH SUBDIVISION REGULATIONS AND PRIVATE RESTRICTIONS.

(1) In all cases arising under this zoning code, 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 city subdivision regulations shall apply in addition to the provisions of the zoning code.

(2) Approval under this zoning code authorizes only compliance with municipal zoning regulations and does not constitute approval or waiver of any applicable subdivision regulations, recorded deed restrictions, covenants, easements, homeowners' association rules, or other private land-use restrictions.

(3) Compliance with such private restrictions remains the responsibility of the property owner or applicant. The City shall neither enforce nor interpret private restrictions and shall not be liable for any conflict between municipal approvals and private restrictions.

§ 156.047 CLASSIFICATION OF RESIDENTIAL USE.

A dwelling qualifies as a single-family residence only when it is occupied by:

- (1) One (1) family, or
- (2) Not more than five (5) unrelated persons living together as a single housekeeping unit.

When a dwelling exceeds either of the following conditions, it is no longer considered a single-family residence:

- (1) More than five (5) unrelated persons occupy the dwelling; or
- (2) The dwelling is operated for lodging or rental of rooms to multiple separate tenants for compensation, including boarding or dormitory-style arrangements.

Dwellings operated under either of the above conditions shall be classified as boarding houses, lodging houses, dormitories, or other applicable residential uses as defined in §156.004 and shall be permitted only in zoning districts where such uses are allowed or approved. **§ 156.048 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 that 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.

Penalty, see § [156.999](#)

§ 156.049 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) manufactured home used as a dwelling except as otherwise provided in this chapter, and as otherwise provided by state law.

§ 156.050 CONDITIONAL USES.

Conditional uses may be permitted in districts as designated under this zoning code 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 chapter.

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

- (1) Local public utilities and private transmission lines and pipes;
- (2) Radio, television, or telephone transmission towers;
- (3) Large utility structures and public service buildings;
- (4) Expansion of railroads and appurtenances;
- (5) Agricultural uses which are preferred (and conditional) uses in all districts where use existing at time of adoption of this chapter is agricultural;
- (6) Mining which is subject to approval by the Kentucky Natural Resources and Environmental Protection Cabinet pursuant to KRS Chapters 350 and 351, as amended.

(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 chapter.

(B) 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 chapter, regarding the procedure for building permit application. The Administrative Official shall then refer the application to the Board of Zoning Adjustment. The Board shall charge a fee, as provided in § [156.016](#), 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.

(C) The Board of Zoning Adjustment may approve, modify, or deny any application for a conditional use permit. If it approves the 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 code. The Board of Zoning Adjustment shall especially consider the effect of the conditional use 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 code 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 Official to issue a conditional mining permit, building permit, or certificate of occupancy in conformance with this chapter. This 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 a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

(D) No request for a conditional use permit for mining shall be considered until the owner, operator, or lessee 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 chapter have been met, 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 if the property is sold.

(1) 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.

(2) As a stipulation of a conditional use permit for mining within the city limits, the owner, operator, or lessee 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.

(E) 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 County Court Clerk, as provided by KRS 100.329.

(1) The Administrative Official shall not issue any building permits or certificates of occupancy for any conditional use permit or accompanying final plats until the conditional use permit and final plat, if any, have been properly recorded by the applicant.

(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 chapter. 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.

(F) The Administrative Official 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 Official 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 Official 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 Official to revoke the conditional use permit authorized. Furthermore, 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.

(G) 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, the 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 the KNREP mining permit to the Board of Zoning Adjustment.

(H) 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 Official, 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, the use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

§ 156.051 DEVELOPMENT PLAN.

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

Penalty, see § [156.999](#)

§ 156.052 NONCONFORMITIES.

(A) It is the intent of this chapter 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 affected so as to avoid any unreasonable invasion of established private property rights.

(B) Nonconforming lots.

(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 lot width requirements established in this chapter for the zoning district in which it is located.

(2) Required combination or recombination of nonconforming lots.

(a) 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.

(b) 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.

(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 with applicable use regulations and with applicable setback and height regulations. However, any use (such as two-family or multi-family dwelling) that requires a greater gross land area than the minimum gross land area listed in this chapter 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 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 Adjustment in accord with the provisions §§ [156.030](#) through [156.033](#).

(C) Nonconforming uses.

(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 this chapter for the zoning district in which it is located.

(2) Regulations. Nonconforming uses may be continued subject to the following limitations:

(a) A nonconforming use shall not 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 that 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.

(3) Discontinuance.

(a) Any nonconforming use of land and any nonconforming use involving structures with a total replacement cost of less than five thousand dollars (\$5,000.00) at the time such use became nonconforming shall cease with five (5) years after the date of the notice of nonconformity required in division (F) of this section.

(b) Any nonconforming use involving structures with a total replacement cost of five thousand dollars (\$5,000.00) or more at the time such use became nonconforming shall cease with fifteen (15) years after the date of the notice of nonconformity required in division (F) of this section, or within forty (40) years after the construction of such structures, whichever is later.

(D) Nonconforming features.

(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 this chapter 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.

(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.

(3) Discontinuance.

(a) 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 division (F).

(b) 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 (\$5,000.00) 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 division (F).

(E) 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.

(1) 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.

(2) 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 divisions (C) (2) and (D) (2) of this section.

(F) Nonconformity survey and notice. Within eighteen (18) months after the effective date of this chapter, or subsequent amendment thereto, the Codes and Zoning 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 and Zoning Enforcement Officer shall notify the owner of the property on which each nonconformity is located of the determination of nonconformity, and reasons therefor, and the deadlines, where applicable, for compliance with the provision of this chapter. This requirement shall not preclude the further inventory and subsequent notices of nonconformity.

(G) Applications for permit to repair or re-establish nonconforming use.

(1) 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 the nonconforming use, application for that 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.

(2) 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 chapter practically destroys or greatly decreases the value of specific pieces of property and adjacent property, it may set conditions for re-establishment 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 of Zoning Adjustment shall be required for approval.

(H) Appeal. Appeal of the decision may be made as provided in KRS Chapter 100.

(I) Restrictions. The Board of Zoning Adjustment shall be governed by the following restrictions pursuant to KRS 100.253:

(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;

(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;

(3) In addition, the Board shall not permit replacement or repair of nonconforming mobile or manufactured homes except that replacement or repair of qualified manufactured homes shall be allowed consistent with what is allowed for other single-family homes.

Penalty, see [156.999](#)

§ 156.053 EXCEPTION TO HEIGHT REGULATIONS.

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

§ 156.054 LOTS AND YARDS.

(A) 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.

(B) 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.

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

Penalty, see § [156.999](#)

§ 156.055 PROHIBITED OR RESTRICTED USES.

(A) The following uses are prohibited in all districts:

(1) Stockyards.

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

(B) The Administrative Official shall ensure that all junkyards existing as nonconforming uses maintain valid permits to operate issued by the State Department of Transportation, as required by KRS 177.905 through 177.951, and shall ensure that all screening required by the State Department of Transportation is maintained as long as the junkyard remains in operation.

(C) 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.

Penalty, see [156.999](#)

§ 156.056 FEES FOR SUBDIVISION PLAN REVIEW.

(A) Any person, firm, entity, or corporation seeking a review of a subdivision plan by the Technical Advisory Committee pursuant to the subdivision regulations adopted by the Pike County, Elkhorn City and City of Pikeville Planning Commission pursuant to KRS 100.273 shall be required to compensate the city for fees paid to the members of the Technical Advisory Committee for review of the applicant's subdivision proposal. The applicant will be required to pay to the city these fees prior to the Technical Advisory Committee rendering its final report to the Planning Commission.

(B) The fees for the members of the Technical Advisory Committee for which the applicant will be required to reimburse the city are as follows:

(1) Twenty-five dollars (\$25.00) per hour, per member, for actual time spent in the review of the applicant's subdivision proposal, not to exceed two (2) hours per proposal;

(2) Twenty-five dollars (\$25.00) per hour, per member, for actual time spent in on-site inspection of the applicant's proposed subdivision, not to exceed four (4) hours per site inspection;

(3) Twenty-five dollars (\$25.00) per hour, per member, for actual time spent in committee meetings considering the applicant's proposed subdivision, not to exceed one (1) hour per Committee meeting.

(C) If the applicant's proposed subdivision plan is not approved as originally submitted and requires additional on-site inspections, the applicant shall be required to pay the aforementioned fee for the additional inspection(s).

(D) The Technical Advisory Committee before rendering its final report to the Planning Commission for a subdivision proposal shall submit to the applicant, its fees as set out above. The applicant shall be required to make payment to the city for the amount of said fees prior to the Technical Advisory Committee's submission of its final report to the Planning Commission.

§ 156.057 OUTPATIENT DRUG OR ALCOHOL TREATMENT CLINIC.

(A) An outpatient drug or alcohol treatment clinic is a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering

with addictions or dependency to alcohol or controlled substance addictions. This includes programs or facilities that administer or distribute Methadone, Suboxone or other controlled substances for the treatment of drug addiction. An outpatient drug or alcohol treatment clinic is not a state licensed hospital as per this zoning chapter. Outpatient drug or alcohol treatment clinic does not include hospitals or programs consisting solely of support group activities without treatment by licensed health practitioner, such as Alcoholics Anonymous, Narcotics Anonymous and similar programs.

(B) No person or business shall be permitted to administer or prescribe medication that is commonly used for the purpose of drug abuse or addiction within the corporate limits of the city within a one thousand (1,000) foot radius of any state licensed operator or regulated school or daycare center for minors, public park or playground. The exemption for this provision would exclude any state licensed hospital.

(C) An outpatient drug or alcohol treatment clinic shall not be located within one thousand (1,000) feet of any property that is occupied by a school or daycare facility or center primarily for minors and public parks or playgrounds. Measurement shall be made in a straight line on the city zoning map from the nearest property line of the lot on which the outpatient drug or alcohol treatment clinic to the nearest property line of the school or daycare facility or center, public park or playground.

(D) An outpatient drug or alcohol treatment clinic shall not be located within twenty-five hundred (2,500) feet from any other outpatient drug or alcohol treatment clinic.

(E) Unless prohibited above, an outpatient drug or alcohol treatment clinic may only be located in C-2 and C-3 Districts.

Penalty, see § [156.999](#)

§ 156.058 HOME OCCUPATIONS

(A) Purpose. Home occupations are permitted to encourage small businesses and personal entrepreneurship while preserving the residential character of neighborhoods. Regulations are intended to control only those activities that create impacts outside the home, not the type of work performed inside.

(B) A Home Occupation is any business, profession, service, or trade conducted within a dwelling unit or its attached accessory spaces which is clearly secondary to the residential use of the property and operates in a manner that does not significantly alter the residential character of the neighborhood.

(C) Permitted Home Occupations. A home occupation is allowed in any residence without a conditional use permit so long as all of the following standards are met:

(1) The business shall be operated by a resident of the dwelling.

(2) The business shall be conducted within the dwelling or customary accessory structures.

(3) No more than two (2) non-resident employees may work on the premises at any time.

(4) The residential appearance of the property shall not be altered.

(5) No commercial signs or exterior advertising shall be permitted unless otherwise allowed in the regulations for the zoning district in which the dwelling is located.

(6) No outdoor storage or display of materials or merchandise shall be permitted.

(7) Client and customer visits shall be managed to avoid impacts comparable to commercial operation. No more than four (4) clients, customers, and/or non-resident employees shall be present at any single time, and scheduling shall not create traffic patterns or parking demand exceeding normal residential activity.

(D) Traffic & Parking. The business shall not generate traffic or require additional on-site or street parking beyond what is typical of a residential use.

(E) Noise, Safety, and Nuisance

(1) No noise, vibration, odor, dust, glare, smoke, or similar impacts shall be detectable beyond the property line.

(2) Equipment, tools, or activities may be used provided they do not create detectable external impacts.

(3) The business shall not create a public safety hazard.

(F) Vehicles

(1) No vehicle larger than a standard pickup truck or cargo van may be parked or stored on the property or the adjacent street as part of the business.

(2) No dump trucks, box trucks, or commercial equipment haulers may be kept on site.

(3) One utility trailer or equipment trailer not exceeding 16 feet in length may be stored on site in connection with a home occupation. The length restriction shall not apply to mobile food vendors.

(G) Conditional Home Occupations. A home occupation that does not meet the standards of part (C) may be allowed by the Board of Zoning Adjustment as a conditional use only in circumstances where the proposed operation is such that it either is or can be reasonably conditioned so that external impacts remain comparable to residential use in order to protect surrounding residences.

The BZA may impose reasonable conditions including, but not limited to:

- Limits on hours of operation
- Customer visit scheduling
- Parking locations
- Noise mitigation
- Equipment placement or enclosure

(H) Prohibited Home Occupations. The following uses are prohibited as home occupations:

- (1) Adult-oriented businesses.
- (2) Any use involving the sale of alcoholic beverages for on-site consumption.
- (3) Automobile repair involving frequent outdoor storage of vehicles.
- (4) Businesses involving hazardous materials prohibited by state or federal law.
- (5) Walk-in retail sales or storefront business operations open to the general public.

(I) Enforcement

- (1) Enforcement shall be initiated by complaint or observable violation.
- (2) Violations shall focus solely on external impacts.
- (3) The city shall not regulate interior business operations except as required for enforcement of applicable building, fire, health, or safety codes.

§ 156.059 ACCESSORY DWELLING UNITS (ADUs)

(A) Purpose. The purpose of this section is to permit accessory dwelling units as a housing option while maintaining compatibility with residential neighborhoods.

(B) Definition. An Accessory Dwelling Unit (ADU) is a self-contained dwelling unit located on the same lot as a lawful single-family dwelling, containing independent living facilities

for sleeping, eating, cooking, and sanitation, and designed to function as a subordinate residential unit.

(C) Permitted ADUs. One (1) accessory dwelling unit is permitted on any lot containing a lawful single-family dwelling in all residential zoning districts, subject to compliance with all standards of this section.

(D) Types of ADUs. Accessory dwelling units may be either:

(1) Integrated ADUs: Developed within the principal structure, including interior conversions or additions.

(2) Detached ADUs: Located within a detached accessory structure.

(E) General Standards

(1) Maximum Size. An ADU shall not exceed eight hundred (800) square feet of habitable floor area and shall be subordinate in size to the principal dwelling unit. Notwithstanding the foregoing, an accessory dwelling unit created entirely within the existing footprint of a detached garage or other lawfully existing accessory structure may exceed eight hundred (800) square feet, provided that:

(a) The accessory structure existed prior to the effective date of this ordinance;

(b) No expansion of the structure occurs for the purpose of creating or enlarging the ADU; and

(c) The resulting ADU remains clearly subordinate to the principal dwelling unit in scale and appearance.

(2) Rental Duration. An ADU shall not be rented, leased, or otherwise occupied for periods of less than thirty (30) consecutive days.

(3) Separate Conveyance Prohibited. An ADU shall not be sold, deeded, or otherwise conveyed separately from the principal dwelling unit.

(4) Permanent Foundation. All detached ADUs shall be constructed on a permanent foundation.

(5) Code Compliance. All ADUs shall comply with all applicable building, fire, health, and sanitation codes. Manufactured housing used as an ADU shall comply with all applicable federal and state manufactured housing standards and installation requirements, including KRS 227.540.

(F) Location and Compatibility

(1) Setbacks and Yard Placement. Detached ADUs shall comply with all setback, yard, and dimensional requirements applicable to accessory structures within the zoning district. Detached ADUs shall not be permitted in front yards.

(2) Exterior Compatibility. A detached ADU shall be designed to maintain substantial exterior compatibility with the principal dwelling, including consistency in building materials, roof pitch and form, general architectural style, and exterior finishes or colors. Compatibility shall not require the structures to be identical but shall ensure that the ADU remains visually subordinate and complementary to the principal dwelling.

(G) Utilities

(1) Existing Principal Dwellings. Notwithstanding §54.05, an accessory dwelling unit added to an existing principal dwelling may be permitted to share utility service connections and meters with the principal dwelling, subject to approval by the city in accordance with applicable utility service regulations.

(2) New Construction. Where a principal dwelling and an ADU are constructed simultaneously, each dwelling unit shall be required to connect to utilities on a fully metered basis with separate meters and billing accounts in compliance with §54.05.

(H) Manufactured Housing

(1) A manufactured home may be used as a detached ADU only if it:

(a) Was manufactured on a date not to exceed five (5) years prior to the date of installation;

(b) Is installed on a permanent foundation;

(c) Is installed and connected to utilities in compliance with KRS 227.540 and all applicable state installation requirements;

(d) Has a minimum width of twenty (20) feet at its narrowest measurement; and

(e) Meets all other requirements of this section applicable to detached ADUs.

(2) Recreational vehicles, travel trailers, campers, prefabricated sheds or utility buildings, or other movable or temporary structures shall not be permitted as accessory dwelling units.

(I) Parking. Notwithstanding any other provision of this code, no additional off-street parking spaces shall be required for an accessory dwelling unit beyond that required for the principal dwelling.

PLANNED UNIT DEVELOPMENT REGULATIONS

§ 156.070 WHERE PLANNED UNIT DEVELOPMENT PERMITTED.

A planned unit development project, which may depart from conformance with the regulations for principal 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 regulations of this subchapter.

§ 156.071 PROCEDURE FOR REVIEW AND APPROVAL.

The procedure for review and approval of all planned unit development projects shall be as follows:

(A) The developer of a planned 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 this 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.

(B) 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 chapter for planned unit development projects and shall provide at least the following information.

(1) 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 § [156.130\(D\)\(1\)\(b\)](#) or § [156.130\(D\)\(1\)\(d\)](#)).

(c) Entrance and exist roads and their relationship to existing and proposed streets, alleys, and other public ways.

(d) Setback 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.

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

(3) 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.

(C) Planning Commission's review of the preliminary plat. The Planning Commission shall review the preliminary plat in regard to its design and compatibility with surrounding uses, major streets, the regulations of the planned unit development provisions, and the performance standards of this chapter. 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 the 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 code.

(D) 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 Chapter 424 and make its recommendation to the Board of Zoning Adjustment if the project is being proposed as a conditional use and to the 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.

(E) Action by the Board of Zoning Adjustment 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.

(1) 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.

(2) If the 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.

(F) Final plat review. Upon receiving written authorization by the Board of Zoning Adjustment or the 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.

(1) 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 statement by the 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 Chairperson 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.

(2) 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 the 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 Chairperson of the Planning Commission shall indicate such approval. The approved final plat, including those PUD projects approved under the zoning amendment procedure of this chapter, shall be referred to the Board of Zoning Adjustment for final approval.

(3) Board of Zoning Adjustment action on final plat. If the Board of Zoning Adjustment approves the final plat, the Chairman of the Board of Zoning Adjustment shall indicate such approval on the final plat and shall follow all procedures set forth in § [156.050](#) 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 chapter regarding conditional use permits including recording, effect, non-compliance, time limits, and permanently satisfied permits. The Board of Zoning Adjustment shall not issue approval final plat unless all fees required by this chapter 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 § [156.016](#).

§ 156.072 GENERAL REGULATIONS FOR ALL PLANNED UNIT DEVELOPMENT PROJECTS.

The following general regulations shall apply to all planned unit development projects:

(A) Construction of all planned unit development projects shall be started within one (1) year after approval of the final plat.

(B) The applicant of a planned unit development project may be required to provide a detailed statement of proposal, including covenants, agreements, or 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.

(C) The posting of a surety bond or certified check payable to the city 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 (2) years after final plat approval.

(D) There shall be no change, alteration, amendment, or extension of any approved planned unit development project final plat unless the change, alteration, amendment, or extension is approved in conformance with §§ [156.050](#) or [156.071](#) of this chapter.

(E) Whenever there is a conflict or difference between the provisions of this subchapter and those of other provisions of this zoning code, the provisions of this subchapter shall prevail for the development of planned unit development projects. Subjects not covered by this subchapter shall be governed by the respective provisions found elsewhere in this chapter 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 therefrom is specifically allowed as a result of the planned unit development.

(F) 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.

Penalty, see § [156.999](#)

§ 156.073 RESIDENTIAL PLANNED UNIT DEVELOPMENT.

All residential planned unit developments shall be subject to the following regulations:

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

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

(C) Land use intensity standards, minimum land area, and regulations are as follows:

(1) Land use intensity standards are contained in the following table:

	<u>PDR-1</u>	<u>PDR-2</u>	<u>PDR-3</u>
Maximum 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

	<u>PDR-1</u>	<u>PDR-2</u>	<u>PDR-3</u>
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 livable space and the recreation space.

(2) The maximum number of dwelling units permitted shall not exceed the total gross floor area divided by six hundred fifty (650) square feet.

(3) All project access points on a public street shall be located at least one hundred (100) feet from the intersection of any street right-of-way lines.

Penalty, see § [156.999](#)

§ 156.074 COMMERCIAL PLANNED UNIT DEVELOPMENT.

All planned commercial development projects shall be subject to the following regulations:

(A) 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.

(1) Retail sales. Processing of products is permitted only if all products are sold at retail on the premises.

- (2) Consumer services.
- (3) Professional, business, and government offices.
- (4) Organizational meeting places.

(B) 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.

(C) Development standards:

(1) Commercial planned development projects shall contain at least fifteen thousand (15,000) square feet of land area.

(2) Parking requirements shall be the same as provided in the performance standards in §§ [156.125](#) through [156.132](#).

(3) Access points on a public street shall be at minimum of two hundred (200) feet apart and shall be located at least two hundred fifty (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.

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

(5) No building shall exceed seven (7) stories in height.

(6) Landscaped separation strips shall be installed in compliance with the performance standards of this chapter. The project shall be permanently screened from adjoining and contiguous properties in the manner set forth in the performance standards of this chapter.

Penalty, see § [156.999](#)

§ 156.075 INDUSTRIAL PLANNED UNIT DEVELOPMENT.

All industrial planned development projects shall be subject to the following regulations:

(A) 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:

- (1) Nonretail sales and services.

(2) Light industry. The Board of Zoning Adjustment shall upon application by the Administrative Official when the classification is in doubt distinguish between light and heavy industry according to the definition in these zoning regulations.

(3) Research laboratories.

(4) 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 Adjustment.

(B) 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.

(C) Standards. Minimum land area, dimensions, standards, and regulations for planned industrial projects are as follows:

(1) Planned unit industrial projects shall contain at least ten (10) acres of land.

(2) At least one (1) parking space shall be provided for every two (2) employees employed during the largest single shift, and one (1) parking space for each vehicle operated by the plant, where no conflict exists, the parking standards shall comply with the parking provisions established in § [156.030](#). Where conflict exists this section shall prevail.

(3) Loading standards. In addition to the loading and unloading standards established in § [156.030](#), additional loading and unloading facilities shall be provided as required by the Planning Commission.

(4) The minimum lot frontage on a public street should be five hundred (500) feet.

(5) All project access points shall be located on a collector arterial or marginal street and should be located at least six hundred (600) feet apart. All project access points should be located at least six hundred (600) 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 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.

(6) All buildings shall be located at least seventy-five (75) feet from all property lines and at least seventy-five (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 setbacks

where such buildings would be adjacent to railroad sidings if such reductions would not be detrimental to surrounding areas.

(7) No building shall exceed three (3) stories in height.

(8) Landscaping and screening shall be required along all property lines as provided § [156.132](#). 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.

(9) Signs and signage shall conform to the sign regulations contained in §§ [156.145](#) through [156.151](#).

Penalty, see § [156.999](#)

§ 156.076 MIXED-USE PLANNED UNIT DEVELOPMENT.

All planned unit development combining more than one (1) of the uses described in this subchapter shall be subject to the following regulations:

(A) Uses. A mixed-use planned unit development project may include any two (2) 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 subchapter.

(B) 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.

(C) 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.

Penalty, see § [156.999](#)

ZONING DISTRICTS

§ 156.090 ESTABLISHMENT AND DESIGNATION.

(A) 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 § [156.003](#), the city is divided into zoning districts. The specific purpose of each zoning district is set forth in the following subchapter.

(B) For purposes of this chapter, the city is hereby divided into the following categories:

R-1A, Traditional Single-Family Residential District

R-1B, Neighborhood Single-Family Residential District

R-1C, Estate Single-Family Residential District

R-1H, Historic Single-Family Residential District

R-2, Urban Residential District

R-3, Neighborhood Residential District

MP, Mobile Home Park District

C-1, Neighborhood Commercial District

C-2, Highway Commercial District

C-3, Central Business District

I, Manufacturing District

INS, Institutional District

PUD, Planned Unit Development District

Riverfill District

Overlay Zoning District

§ 156.091 OFFICIAL ZONING ATLAS.

(A) The boundaries of the zoning districts are hereby established as shown on the City's Official Zoning Map (also referred to as the "Official Zoning Atlas"), which is adopted by reference and made a part of this chapter.

(B) The Official Zoning Atlas shall be maintained and certified by the City Clerk or by another City employee designated by the City Manager. Certification shall consist of a statement that the map reflects the zoning regulations and district boundaries adopted by ordinance of the City Commission.

(C) Amendments to the Official Zoning Atlas shall be made only by ordinance in accordance with this chapter and KRS Chapter 100. Following adoption of any zoning map

amendment, the Official Zoning Map shall be updated to reflect the changes authorized by ordinance.

(D) No change of any nature shall be made in the Official Zoning Atlas or matter shown thereon except in conforming with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided in § [156.999](#).

(E) The Official Zoning Map maintained by the City Clerk, or other City employee designated by the City Manager, whether in electronic or printed form, shall constitute the final authority as to the current zoning classification of all land, buildings, and structures within the City.

(F) Upon adoption of any revised or amended Official Zoning Map by ordinance, all previously adopted zoning maps are superseded and replaced. The revised map shall be certified and maintained in accordance with this section.

§ 156.092 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:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to following such centerlines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(D) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.

(E) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

(F) Boundaries indicated as parallel to or extensions of features indicated in divisions (A) through (D) 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 the atlas.

(G) 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 divisions (A) through (E) above, the Board of Zoning Adjustment shall interpret the district boundaries.

(H) Where a district boundary divides a lot which was in single ownership at the time of passage of this chapter, 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.

(I) Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of the 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.

(J) In every case where property has not been specifically included in a particular zoning district, the same is hereby declared to be in the C-1 Neighborhood Commercial District.

(K) Territory annexed to, or consolidated with, the city subsequent to the effective date of this chapter shall be temporarily zoned per current use, as of date of annexation or consolidation. Such districting shall be temporary, and within one year, the Planning Commission shall recommend to the 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 Official Zoning Atlas shall be updated accordingly.

ZONING DISTRICT REGULATIONS

§ 156.100 R-1A TRADITIONAL SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) The purpose of this district is to provide for established and developing single-family residential neighborhoods consisting primarily of small-to-moderate dwellings, while maintaining neighborhood character and property values.

(B) Principal permitted uses. Single-family detached dwellings.

(C) Accessory uses.

(1) Accessory structures customarily incidental to residential use, including garages, carports, storage sheds, swimming pools, and greenhouses.

(2) Home occupations as regulated by §156.058 Home Occupations.

(3) Accessory Dwelling Units (ADU) subject to §156.059 Accessory Dwelling Units (ADUs) regulations.

(D) Conditional uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Adjustment:

(1) Community, educational, or civic facilities as listed in the Use Classification Table.

(2) Conditional uses approved by the Board of Zoning Adjustment that do not exceed the traffic, parking, or other outdoor activity levels typical of residential uses within the district.

(E) Parking. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Any minimum parking requirements will be as described in § 156.130.

(F) Lot and dimensional standards. The following table stipulates the minimum lot requirements which shall be observed, except as otherwise provided in this zoning code.

Requirement	Minimum Standard
Minimum lot size	4,000 sq ft
Minimum lot width	40 ft
Front yard setback	15 ft
Side yard	8 ft
Rear yard	25 ft
Max height	35 ft

(G) Compatibility standards.

All single-family dwellings constructed in this zone shall meet the following minimum architectural compatibility standards:

(1) Minimum livable area: 900 sq ft

(2) Minimum roof pitch: 4:12

(3) Exterior materials: Exterior materials shall be limited to brick, stone, wood, fiber cement siding, vinyl siding, or other materials possessing durability and fire-resistance ratings equal to or exceeding those of fiber cement siding as certified by manufacturer testing.

(4) Permanent foundation skirting or continuous perimeter foundation.

(5) At least one entrance structure (porch, stoop, deck, or attached garage).

(H) Roof pitch variance.

The Board of Zoning Adjustment may approve a variance to the minimum roof pitch requirement only where the applicant demonstrates that the roof design is a documented characteristic of a recognized architectural style utilizing flat or low-slope roofs. Variances shall not be granted for reductions based solely upon construction convenience or cost avoidance.

Penalty, see § [156.999](#)

§ 156.101 R-1B NEIGHBORHOOD SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) The purpose of this district is to provide for stable single-family residential neighborhoods consisting primarily of moderate-to-larger dwellings, while maintaining neighborhood character and property values.

(B) Principal permitted uses.

Single-family detached dwellings.

(C) Accessory uses.

(1) Accessory structures customarily incidental to residential use, including garages, carports, storage sheds, swimming pools, and greenhouses.

(2) Home occupations as regulated by §156.058 Home Occupations.

(3) Accessory Dwelling Units (ADU) subject to §156.059 Accessory Dwelling Units (ADUs) regulations.

(D) Conditional uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Adjustment:

(1) Community, educational, or civic facilities as listed in the Use Classification Table.

(2) Conditional uses approved by the Board of Zoning Adjustment that do not exceed the traffic, parking, or other outdoor activity levels typical of residential uses within the district.

(E) Parking. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Any minimum parking requirements will be as described in § 156.130.

(F) Lot and dimensional standards. The following table stipulates the minimum requirements which shall be observed, except as otherwise provided in this zoning code.

Requirement	Minimum Standard
Minimum lot size	5,000 sq ft

Minimum lot width	50 ft
Front yard setback	20 ft
Side yard	10 ft
Rear yard	25 ft
Max height	35 ft

(G) Compatibility standards.

All single-family dwellings constructed in this zone shall meet the following minimum architectural compatibility standards:

(1) Minimum livable area: 1,500 sq ft

(2) Minimum roof pitch: 5:12

(3) Exterior materials: Brick, stone, wood, fiber cement siding, or materials possessing durability and fire-resistance equal to brick or fiber cement siding. Vinyl siding may be used only as a secondary or accent material.

(4) Permanent continuous perimeter foundation or solid masonry skirting.

(5) At least one entrance structure (porch, stoop, or attached garage).

(H) Roof pitch variance.

The Board of Zoning Adjustment may approve a variance to the minimum roof pitch requirement only where the applicant demonstrates that the roof design is a documented characteristic of a recognized architectural style utilizing flat or low-slope roofs. Variances shall not be granted for reductions based solely upon construction convenience or cost avoidance.

Penalty, see § [156.999](#)

§ 156.102 R-1C ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) The purpose of this district is to provide for established and developing single-family residential neighborhoods consisting of large-lot residential development characterized by substantial dwellings, while maintaining neighborhood character and property values.

(B) Principal permitted uses.

Single-family detached dwellings.

(C) Accessory uses.

(1) Accessory structures customarily incidental to residential use, including garages, carports, storage sheds, swimming pools, and greenhouses.

(2) Home occupations as regulated by §156.058 Home Occupations.

(3) Accessory Dwelling Units (ADU) subject to §156.059 Accessory Dwelling Units (ADUs) regulations.

(D) Conditional uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Adjustment:

(1) Community, educational, or civic facilities as listed in the Use Classification Table.

(2) Conditional uses approved by the Board of Zoning Adjustment that do not exceed the traffic, parking, or other outdoor activity levels typical of residential uses within the district.

(E) Parking. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Any minimum parking requirements will be as described in § 156.130.

(F) Lot and dimensional standards. The following table stipulates the minimum requirements which shall be observed, except as otherwise provided in this zoning code.

Requirement	Minimum Standard
Minimum lot size	10,000 sq ft
Minimum lot width	60 ft
Front yard setback	30 ft
Side yard	15 ft
Rear yard	30 ft
Max height	35 ft

(G) Compatibility standards.

All single-family dwellings constructed in this zone shall meet the following minimum architectural compatibility standards:

(1) Minimum livable area: 2,500 sq ft

(2) Minimum roof pitch: 6:12

(3) Exterior materials: Brick, stone, natural wood or wood products possessing durability and fire-resistance ratings equal to masonry construction. Synthetic materials shall be limited to secondary or trim elements.

- (4) Permanent continuous perimeter foundation or solid masonry skirting.
- (5) At least one entrance structure (porch, stoop, or attached garage).

Penalty, see § [156.999](#)

§ 156.103 R-1H HISTORIC SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) The purpose of this district is to preserve the established character of older residential neighborhoods and areas of traditional architectural form near the city center.

(B) Principal permitted uses.

Single-family detached dwellings.

(C) Accessory uses.

(1) Accessory structures customarily incidental to residential use, including garages, carports, storage sheds, swimming pools, and greenhouses.

(2) Home occupations as regulated by §156.058 Home Occupations.

(3) Accessory Dwelling Units (ADU) subject to §156.059 Accessory Dwelling Units (ADUs) regulations.

(D) Conditional uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Adjustment:

(1) Community, educational, or civic facilities as listed in the Use Classification Table.

(2) Conditional uses approved by the Board of Zoning Adjustment that do not exceed the traffic, parking, or other outdoor activity levels typical of residential uses within the district.

(E) Parking. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Any minimum parking requirements will be as described in § 156.130 except that parking requirements are waived where legal vehicular access onto the property from a public street is not currently available.

(F) Lot and dimensional standards. The following table stipulates the minimum requirements which shall be observed, except as otherwise provided in this zoning code.

Requirement	Minimum Standard
Minimum lot size	4,000 sq ft
Minimum lot width	40 ft
Front yard setback	15 ft
Side yard	8 ft

Rear yard	20 ft
Max height	35 ft

(G) Compatibility standards.

All single-family dwellings constructed in this zone shall meet the following minimum architectural compatibility standards:

(1) Minimum livable area: 900 sq ft

(2) Minimum roof pitch: 6:12

(3) Exterior materials: Primary façade shall consist of brick, stone, natural wood lap siding, fiber cement lap siding, visually equivalent materials matching historic dimensions and profiles common within the district. Vinyl siding prohibited on street-facing façades.

(4) Continuous perimeter foundation or masonry skirting visually consistent with neighboring dwellings.

(5) A front porch, stoop, or portico is required.

(6) Garage Maximum: A maximum of one-car garage attached or detached only, with the latter being behind the structure.

Penalty, see § [156.999](#)

§ 156.104 R-2 URBAN RESIDENTIAL DISTRICT.

(A) The purpose of this district is to provide for a range of residential housing types within walkable, mixed-use neighborhood environments, primarily along major corridors and activity centers, while allowing limited neighborhood commercial uses compatible with surrounding residential development.

(B) Principal permitted uses.

(1) Single-family detached dwellings, subject to the same lot, dimensional, and compatibility standards applicable to the R-1B District.

(2) Duplex dwellings.

(3) Townhouse dwellings.

(4) Multi-family dwellings.

(5) Residential mixed-use buildings, provided residential use occupies not less than fifty percent (50%) of the total floor area.

(C) Accessory uses.

(1) Accessory structures customarily incidental to permitted residential uses.

(2) Home occupations regulated by §156.058.

(3) Accessory dwelling units (ADUs) when associated with single-family dwellings only, subject to §156.059 ADU Regulations.

(4) Off-street parking, garages, and carports.

(D) Conditional Uses. The following uses shall be permitted only if expressly authorized by the Board of Zoning Adjustment:

(1) Community, educational, or civic facilities listed in the Use Classification Table.

(2) Neighborhood-scale commercial uses primarily intended to serve nearby residential populations, including:

(a) Coffee shops;

(b) Bakeries;

(c) Small neighborhood grocery or market;

(d) Barber or beauty shops;

(e) Pharmacies without drive-through service;

(f) Professional offices serving personal or household needs.

(3) Residential planned developments.

(4) Conditional uses approved by the Board of Zoning Adjustment that do not exceed neighborhood-scale impacts regarding traffic generation, parking demand, noise, lighting, and outdoor activity typical of mixed residential environments.

(E) Parking. Off-street parking shall be provided in accordance with §156.130 Off-Street Parking and Loading. Where shared or reduced parking is appropriate due to mixed use or proximity to public transit or pedestrian access, the Board of Zoning Adjustment may approve parking reductions consistent with adopted parking regulations.

(F) Lot and dimensional standards. The following table stipulates the minimum lot requirements which shall be observed, except as otherwise provided in this zoning code.

Requirement	Minimum Standard
Minimum lot size	3,000 sq ft

Minimum lot width	30 ft
Front yard setback	10 ft
Side yard	5 ft
Rear yard	15 ft
Max height	45 ft

Penalty, see § [156.999](#)

§ 156.105 R-3 NEIGHBORHOOD RESIDENTIAL DISTRICT.

(A) The purpose of this district is to provide for moderate-density residential development in quieter, less commercially influenced areas, accommodating a mix of housing types while preserving traditional neighborhood residential character.

(B) Principal permitted uses.

(1) Single-family detached dwellings, subject to the same lot, dimensional, and compatibility standards applicable to the R-1A District.

(2) Duplex dwellings.

(3) Townhouse dwellings.

(4) Multi-family dwellings.

(5) Residential planned developments.

(C) Accessory Uses.

(1) Accessory structures customarily incidental to permitted residential uses.

(2) Home occupations regulated by §156.058.

(3) Accessory dwelling units (ADUs) when associated with single-family dwellings only, subject to §156.059 ADU Regulations.

(4) Parking facilities customarily incidental to residential use.

(D) Conditional uses.

(1) Community, educational, or civic facilities listed in the Use Classification Table.

(2) Residential planned developments or special housing projects.

(3) Conditional uses approved by the Board of Zoning Adjustment that do not exceed traffic, parking, lighting, noise, or outdoor activity impacts typical of neighborhood residential environments.

(E) Parking requirements shall comply with §156.130 Parking Standards.

(F) Lot and dimensional standards. The following table stipulates the minimum lot requirements which shall be observed, except as otherwise provided in this zoning code.

Requirement	Minimum Standard
Minimum lot size	4,000 sq ft
Minimum lot width	40 ft
Front yard setback	15 ft
Side yard	8 ft
Rear yard	20 ft
Max height	35 ft

Penalty, see § [156.999](#)

§ 156.106 MP MOBILE HOME PARK DISTRICT.

(A) The purpose of the Mobile Home Park (MP) District is to provide locations for the development and operation of manufactured home parks in a manner that protects public health and safety, ensures compatibility with surrounding land uses, and complies with applicable state regulations governing manufactured and mobile home communities.

(B) Principal permitted uses. Manufactured home parks containing manufactured homes as defined in §156.104, including manufactured homes that do not meet the definition of Qualified Manufactured Homes under KRS 100.348, and which are developed and operated in compliance with this section and applicable state law.

(C) Accessory uses.

- (1) Management or leasing offices.
- (2) Community buildings or recreational facilities for residents.
- (3) Open space, playgrounds, and common areas.
- (4) Utility buildings and maintenance facilities.

(D) Conditional uses. Single-family dwellings, where the Board of Zoning Adjustment finds that:

- (1) the use will not impair the operation or long-term viability of the manufactured home park; and
- (2) the use is compatible with the surrounding development.

(E) Lot, density, and dimensional standards.

- (1) Minimum park size: eight (8) manufactured home lots
- (2) Minimum lot area: 4,000 square feet per lot when served by public sewer.
- (3) Minimum separation between manufactured homes: twenty (20) feet.
- (4) Yard setbacks:
 - (a) Front: 25 feet
 - (b) Side: 10 feet
 - (c) Rear: 15 feet (or applicable R district standard if adjacent).

(F) Mobile home park requirements. Mobile home parks shall meet all requirements of state law, including KRS 219.310 through 219.410, and any regulations adopted thereunder.

(G) Application and development plan.

(1) An application to establish a new mobile home park or to expand the area of an existing mobile home park shall be submitted to the Building Codes Officer or other official designated by the City Manager.

(2) No application shall be accepted for local review unless the applicant has first obtained all required approvals, certifications, or permits from the appropriate state agency or agencies pursuant to KRS 219.310 through 219.410 and any regulations adopted thereunder.

(3) The application shall include a development plan demonstrating compliance with this code of ordinances and shall, at a minimum, identify:

- (a) The location and boundaries of the proposed park or expansion;
- (b) The number, size, and arrangement of manufactured home lots;
- (c) Internal roadways, driveways, parking areas, and pedestrian circulation;
- (d) Utility locations and service connections;
- (e) Any other information reasonably necessary to determine compliance with applicable provisions of this code.

(H) Zoning Approval and Permit Issuance.

(1) Where the proposed mobile home park or expansion requires a zoning map amendment to the Mobile Home Park (MP) District, the Building Codes Officer may grant tentative administrative approval of the application, contingent upon approval of the required zoning change by the Joint Planning Commission and legislative body in accordance with §§ 156.170 through 156.172.

(2) Upon final approval of the zoning map amendment, the Building Codes Officer shall issue the local permit authorizing construction or expansion of the mobile home park, subject to compliance with all applicable conditions or restrictions imposed as part of the zoning approval.

(l) Certificate of occupancy. A certificate of occupancy shall be issued only upon verification that the mobile home park has been developed in compliance with this code and all applicable state approvals.

Penalty, see § [156.999](#)

§ 156.107 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) The purpose of this district is to encourage development for commercial purposes of small areas of land located in largely residential neighborhoods where such purposes are compatible with residential uses.

(B) Principal permitted uses in this district are any retail businesses or service establishments which supply services primarily for residents of the neighborhood, or which general 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:

- (1) Apparel and accessories (clothing, bridal, shoes).
- (2) Banks.
- (3) Bicycle shops.
- (4) Bookstores or newsstands.
- (5) Business offices.
- (6) Churches.
- (7) Credit agencies.
- (8) Drug stores.
- (9) Eating and drinking places without drive-in windows or drive-through service.

(10) Florist shops.

(11) Food stores (grocery, bakery) with less than four thousand five hundred (4,500) square feet of usable space.

(12) Gift shops, coin shops, and art supply stores.

(13) Jewelry stores.

(14) Laundry.

(15) Musical equipment and supply stores.

(16) Photo studios.

(17) Shoe repair shops.

(18) Travel services.

(19) Watch and clock repair facilities.

(C) Conditionally permitted uses shall be as follows:

(1) Agricultural uses.

(2) Automobile repair, minor.

(3) Filling stations.

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

(D) Prohibited uses shall include eating and drinking places with drive-in windows or drive-through service.

(E) Required conditions.

(1) 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.

(2) 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.

(F) Residential uses. This use constitutes a principal permitted use in the district. All residences existing before the adoption of this chapter shall be permitted to continue as

conforming structures. All future residential development within this district shall be limited to residential use types permitted in the R-2 District and shall conform to all R-2 dimensional, development, and compatibility requirements. Single-family detached dwellings shall be subject to the same lot, dimensional, and compatibility standards applicable to the R-1B District.

(G) Height and yard regulations.

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

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

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

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

(5) 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.

(H) Accessory uses. Any accessory use of buildings customarily incidental to the above-mentioned permitted uses shall be permitted.

(I) Parking and screening. See the performance standards in §§ [156.125](#) through [156.132](#).

Penalty, see § [156.999](#)

§ 156.108 C-2 HIGHWAY COMMERCIAL DISTRICT.

(A) The purpose of this district is to encourage logical and timely development of land for commercial purposes which generate large amounts of traffic and which require separation from residential uses of major parking facilities.

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

(1) Advertising and public relations firms.

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

(3) Auto parts, tires.

(4) Auto repair services, garages, service stations.

(5) Building materials, hardware, home improvements.

- (6) Business, professional, or civic clubs.
- (7) Computer, data processing.
- (8) Credit bureaus.
- (9) Eating and drinking places (including drive-ins).
- (10) Farm supplies and equipment.
- (11) Food sales with over four thousand five hundred (4,500) square feet of usable space.
- (12) Funeral services.
- (13) Furniture, furnishings, and appliances.
- (14) General merchandise (department or variety stores).
- (15) Glass dealers.
- (16) Government services (city and county offices, fire and police offices or stations, community centers, auditoria, schools, libraries, courts, and the like).
- (17) Health clubs, spas.
- (18) Health services (including professional offices, hospitals, clinics, medical and dental labs, nursing, and personal care facilities).
- (19) Heating, plumbing, and air-conditioning repair or sales.
- (20) Hospitals.
- (21) Hotels and motels.
- (22) Janitorial and maintenance services.
- (23) Mobile home sales and repairs.
- (24) Monument sales.
- (25) Office supplies and equipment.
- (26) Printing and copying.
- (27) Professional offices and office parks.
- (28) Rentals.
- (29) Research, testing.

(30) Reupholstery shops.

(31) Steno/typing, and answering services.

(32) Taverns.

(33) Used merchandise, antiques, pawn shops.

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

(35) Veterinary services.

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

(C) Conditionally permitted uses shall be as follows:

(1) Agricultural uses.

(2) Contract construction firms.

(3) Recreational vehicle parks.

(4) Planned unit development - commercial.

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

(D) Required conditions shall be the same as for the C-1 District.

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

(F) Residential uses.

(1) Multi-family residential uses. This use constitutes a principal permitted use in the district. All residences existing before the adoption of this chapter shall be permitted to continue as conforming structures. All future residential development within this district shall be limited to residential use types permitted in the R-2 District and shall conform to all R-2 dimensional, development, and compatibility requirements.

(2) Single-family residential uses. This use constitutes a conditional use in the district, and shall also be subject to the same lot, dimensional, and compatibility standards applicable to the R-1B District.

(G) 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.

(H) Parking. See the performance standards in §§ [156.125](#) through [156.132](#).

(I) Screening. See the performance standards in §§ [156.125](#) through [156.132](#).

Penalty, see § 156.999

§ 156.109 C-3 CENTRAL BUSINESS DISTRICT.

(A) 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 the city; to maintain its existing character as a pedestrian-oriented concentration of business, administrative, financial, governmental, and other support functions serving the entire city and county and to encourage further residential development in this central area.

(B) Principal permitted uses shall be as follows:

(1) Permitted principal uses at street level. All uses permitted in C-1 and C-2 except those prohibited in division (E) and those permitted with conditions as provided in division (D).

(2) Principal uses permitted at levels other than street level:

- (a) All uses permitted in division (B) (1) above.
- (b) Clubs and other professional, social, or civic organizations.
- (c) Business, office type.
- (d) Multi-family dwellings.

(3) Distilleries and breweries and other appurtenance uses necessary to the distilling and brewing of alcoholic beverages under license by the Kentucky Alcoholic Beverage Commission including sales thereof where permitted by state law notwithstanding any other provision of this section.

(C) Accessory uses shall be as follows:

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

(2) 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.

(3) Agricultural, non-livestock.

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

(1) Parking lots and parking structures.

(2) Drive-in windows, banks only.

(3) Child care or group care facility.

(4) Churches when located along arterial or collector street.

(5) Funeral home.

(6) Multi-family dwellings in the rear portion at street level, provided that no more than half of the first-floor square footage is dedicated to this use and the remainder of the area is commercial and the commercial area is at least 1,000 square feet.

(7) Small scale manufacturing such as craft breweries, furniture makers, clothiers, or similar craft-oriented businesses that would not violate noise, odor, or other environmental nuisance regulations.

(E) Prohibited uses shall be as follows:

(1) Agricultural, livestock.

(2) Automobile, trailer, or farm implement sales or rental.

(3) Automotive Maintenance such as repair, oil change, tires, etc.

(4) Cemetery.

(5) Dwellings, single-family, or two-family detached, manufactured home, mobile home, or mobile home park.

(6) Gasoline and filling stations.

(7) Hospital.

(8) Maintenance or storage facility.

(9) Manufacturing.

(10) Veterinary hospital or clinic.

(F) Use limitations shall be as follows:

(1) 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.

(2) 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 10:00 p.m. and 7:00 a.m.

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

(4) 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.

(5) 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.

(G) Minimum lot requirements shall be as follows:

(1) Minimum lot area: Two thousand (2,000) square feet.

(2) Minimum street frontage: Fifteen (15) feet.

(3) Minimum lot width: Fifteen (15) feet.

(H) Yard requirements. No yard setback is required. A maximum setback of eight (8) feet is allowed from public right-of-way such as sidewalk or street curb. Conditional approvals may be considered for public spaces, green spaces, blending with adjacent properties, or similar circumstances.

(I) Maximum lot coverage by all buildings shall be as follows:

(1) Interior lot: One hundred percent (100%).

(2) Corner lot: One hundred percent (100%).

(J) Height of principal structures. The height of principal structures will be between three (3) and five (5) stories. Conditional approvals may be considered for two (2) stories or up to twelve (12) stories, but in general should only be granted two (2) stories higher than an existing building on the same street block.

(K) Floor area requirements.

(1) Minimum floor area requirements for conditionally permitted multi-family dwelling units. The following minimum livable floor area, as defined in this chapter shall apply:

- (a) Bedroom or efficiency: Three hundred fifty (350) square feet.
- (b) Two (2) Bedroom: Five hundred fifty (550) square feet.
- (c) Three (3) Bedroom: One thousand one hundred (1,100) square feet.

(2) Floor area ratio. In the CBD Zoning District, buildings and their required service area shall be allowed to occupy the total site

(L) No parking or loading requirements exist in the CBD Zoning District.

(M) Brick, stone, and glass are acceptable exterior building materials. Other materials such as stucco, fiber cement siding, wood, engineered wood, architectural panels (metal or otherwise), or similar materials may be approved conditionally by the BZA. Prefabricated vinyl and metal-siding on the exterior of buildings is prohibited subject to the following guidelines:

(1) No person, entity, or corporation shall within the C-3 Central Business District of the city, construct or build a prefabricated vinyl or metal-sided building or similar structure in which the outside walls of said building or structure consists of more than thirty percent (30%) of metal, steel, aluminum, or other metal or plastic in relation to the total outside wall space.

(2) There shall be an exemption for such building or structures temporarily constructed for a period of less than ninety (90) days.

(3) The Building Inspector shall not issue any permits of any type for the construction of any building or structure prohibited herein and shall be required to issue permits for the construction or building of any such temporary structures for a period not to exceed ninety (90) days.

Penalty, see § [156.999](#)

§ 156.110 I MANUFACTURING DISTRICT.

(A) 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.

(B) Principal permitted uses shall be as follows:

(1) Manufacturing or storage of:

- (a) Beverage bottling.
- (b) Electronics.
- (c) Fabricated metals.
- (d) Food and related manufacturing or storage.
- (e) Furniture and fixtures.
- (f) Glass manufacturing.
- (g) Instruments, optical goods, watches, jewelry, and the like.
- (h) Light sheet metal products.
- (i) Lumber and wood products.
- (j) Metal working shops.
- (k) Pharmaceuticals.
- (l) Pottery.
- (m) Printing and publishing.
- (n) Signs, electrical.
- (o) Textile products.
- (p) Toys, novelties.
- (q) Wearing apparel.
- (r) Agricultural uses.

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

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

(C) Conditionally permitted uses shall be as follows:

- (1) Agricultural uses; and

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

- (a) Extractive uses.
- (b) Mining, gas or oil wells.
- (c) Quarrying.
- (d) Logging.

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

(E) 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.

(F) Structural regulations.

- (1) Minimum lot size: Ten thousand (10,000) square feet.
- (2) Minimum lot width: Fifty (50) feet.
- (3) Minimum front yard depth: Twenty-five (25) feet.
- (4) Minimum rear yard depth: Thirty (30) feet, with five (5) additional feet for each additional story in excess of one (1) story.
- (5) No industrial structure shall be erected less than one hundred (100) feet from any R District.

(G) Parking.

(1) 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.

(2) Guidelines for parking area shall be one parking space for every employee working on the maximum working shift and one parking space for every vehicle operated by the facility.

(3) Notwithstanding any other requirement of this chapter there shall be provided one (1) off-street loading/unloading space with area and vertical clearance to accommodate tractor-trailer type trucks.

(4) 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.

Penalty, see § [156.999](#)

§ 156.111 INS INSTITUTIONAL DISTRICT.

(A) The purpose of this district is to accommodate public, civic, educational, medical, healthcare, and other institutional uses that serve the community, stabilize neighborhoods, and support regional centers of activity. This district is designed to provide for orderly development and expansion of institutional campuses while ensuring compatibility with surrounding land uses and protecting the public health, safety, and welfare.

(B) Principal permitted uses.

The following uses are permitted by right in the INS District, subject to compliance with all other applicable provisions of this code.

(1) Educational institutions, including colleges, universities, community and technical colleges, and related facilities.

(2) Hospitals, medical centers, clinics, and outpatient healthcare facilities excluding substance abuse treatment clinics unless otherwise permitted by this code.

(3) Offices and administrative facilities for public or non-profit institutions.

(4) Public health department facilities.

(5) Government and public service facilities and buildings.

(6) Libraries, museums, and cultural facilities.

(7) Religious institutions and houses of worship.

(8) Parks, plazas, open space, and recreational facilities owned or operated by an institution.

(9) Research facilities and labs associated with an institutional use.

(10) Dormitories, student or employee housing, and residential care uses owned, operated, or sponsored by the institution and directly related to the institutional purpose.

(11) Utility facilities when accessory and subordinate to an institutional use (including minor facilities such as pumps, substations, or other infrastructure serving the institution or campus as a whole).

(C) Accessory uses. Accessory uses and structures customarily incidental and subordinate to the principal institutional use are permitted, including:

- (1) Cafeterias, food service, and dining facilities for students, employees, or visitors.
- (2) Visitor centers, meeting halls, conference centers.
- (3) Parking facilities, garages, and drop-off areas serving the institution.
- (4) Campus support services, maintenance buildings, and storage.

(D) Conditional uses. The following uses may be permitted subject to approval of a conditional use permit by the Board of Zoning Adjustment:

(1) Commercial retail or service uses intended primarily to serve employees, students, patients, or visitors of the institution and which would not adversely impact surrounding areas.

(2) Childcare facilities not located within a principal institutional building.

(3) Any institutional-related use not listed as a permitted use that is determined by the Board of Zoning Adjustment to be consistent with the purpose and intent of the INS District and similar in nature and impact to permitted institutional uses.

(E) Development standards. Unless otherwise specified, all development in the INS District shall comply with the following:

(1) Institutional development shall be designed to minimize adverse impacts on adjacent residential or commercial districts.

(2) Building height, setbacks, and other dimensional standards may vary based on context and compatibility, subject to administrative approval by the Building Codes Officer in accordance with adopted site plan review standards.

(3) Adequate access, internal circulation, and parking shall be provided to accommodate employees, students, patients, and visitors without negatively affecting surrounding streets.

(F) Site plan and review. Prior to the issuance of any building permit for new construction or expansion resulting in an increase of more than 10,000 square feet of gross floor area, the applicant shall submit a site plan, including circulation, parking, utilities, landscaping,

signage, and building design, to the Building Codes Officer for review. No building permit shall be issued for such construction without approval of the site plan.

(G) Compatibility standards. Institutional development adjacent to residential districts shall incorporate appropriate buffers, landscaping, and transitions to ensure compatibility with residential uses.

(H) Nonconforming Uses. Legally established institutional uses existing at the time of adoption of this section may continue in accordance with §156.052 (Nonconformities) of this code.

Penalty, see § [156.999](#)

§ 156.112 PLANNED UNIT DEVELOPMENT DISTRICT.

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

(A) Conditional uses.

- (1) Residential planned unit development: PDR-1, PDR-2, PDR-3.
- (2) Commercial planned unit development, PDC.
- (3) Industrial planned unit development, PDI.
- (4) Mixed use planned unit development, PD-MU.

(B) Dimension and area regulations for structures and uses in planned unit development districts shall be provided for in the planned unit development project and conditional use regulations of this chapter.

Penalty, see § [156.999](#)

Cross reference:

Planned unit development regulations, §§ [156.070](#) through [156.076](#)

Conditional use regulations, see § [156.050](#)

§ 156.113 RF RIVERFILL DISTRICT.

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

(B) Permitted uses shall be as follows:

- (1) High density residential planned unit development, PDR-3.

(2) Commercial planned unit development, PD-C.

(3) Mixed use planned development, PD-MU.

Penalty, see § [156.999](#)

§ 156.114 OVERLAY ZONING DISTRICT.

(A) 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 § [156.090](#) 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.

(B) Flood Hazard District. For the purposes of this chapter, land subject to flood shall be considered land below the one hundred (100) year flood boundary elevations as is shown on Floodway: Flood Boundary and Floodway Map, City of Pike, Kentucky, Pike County; Community Panels: 210193 0001, 210193 0002, 210193 0003, published by the Federal Emergency Management Agency and dated September 5, 1984, and which is made part of this chapter.

(C) 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. The following uses are permitted within the floodway subject to the approval of the Planning Commission and to such conditions as the Planning Commission may specify to protect the public interest, and which do not conflict with uses permitted in the underlying zoning districts.

(1) Open type uses, such as loading and unloading areas, parking lots, used car lots, manufactured home sales lots, signs and gardens auxiliary to uses permitted in underlying districts,

(2) 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.

(3) Open type public and private recreation facilities such as public parks, golf courses, driving ranges, drive-in theatres, and amphitheaters.

(4) Circus, carnival, and similar transient amusement enterprises.

(5) Agricultural uses.

(6) Utilities, road and railroad bridges, electric and other transmission lines.

(7) Any other use customarily accessory or incidental to the above uses.

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

(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 one hundred (100) year flood boundary. No living space shall be below the one hundred (100) year flood elevation.

(2) Foundations of all structures shall be designed to withstand flood conditions at the site.

(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.

(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.

(E) Approval of the Planning Commission. 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 floodplain is to prevent encroachment into the floodway which will unduly increase flood heights and endanger life and property.

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

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

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

(4) 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.

(5) 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.

(6) 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, the 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.

(7) All construction in the identified flood hazard area shall in all aspects be in compliance with the city floodplain regulations as contained in [Chapter 152](#).

Penalty, see § [156.999](#)

PERFORMANCE STANDARDS

§ 156.125 LEGISLATIVE INTENT.

It is the intent of this subchapter to provide general performance standards to ensure that all redevelopment and new development taking place in the city 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.

§ 156.126 COMPLIANCE REQUIRED.

Except as otherwise specifically provided in this subchapter, 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 chapter and the specific standards contained in the adopted codes of the city which make up the city's design manual.

Penalty, see § [156.999](#)

§ 156.127 DESIGN MANUAL.

The design manual shall consist of two parts. Part one shall be the general performance standards set forth in the following sections, and part two shall be the selection of specific development regulations referenced here and listed as follows: Kentucky Building Code.

§ 156.128 GENERAL SITE ARRANGEMENT.

(A) 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, or unreasonable loss of light, air, or privacy.

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

Penalty, see § [156.999](#)

§ 156.129 ACCESS AND CIRCULATION.

(A) 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.

(1) 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.

(2) Vehicular access will not be permitted within one hundred fifty (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.

(3) A five (5) foot sidewalk shall be constructed along all collected or arterial streets. A five (5) foot earthen border shall be constructed between the sidewalk and the curb where arterial streets front residential uses.

(4) On-street parking will not be permitted along streets classified as arterial.

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

(6) One point of access shall be permitted to every zoning lot from all streets fronting the property for the first fifty (50) feet of frontage. An additional access will be allowed for the next one hundred (100) feet of a zoning lot fronting a collector or arterial street. Access points to the same street from the same parcel shall be one hundred (100) feet apart from the centerline of each driveway. Driveways may not exceed twenty-six (26) feet in width at the right-of-way line.

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

(B) Internal circulation.

(1) 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.

(2) Safe and convenient vehicular access shall be provided for emergency and service vehicles.

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

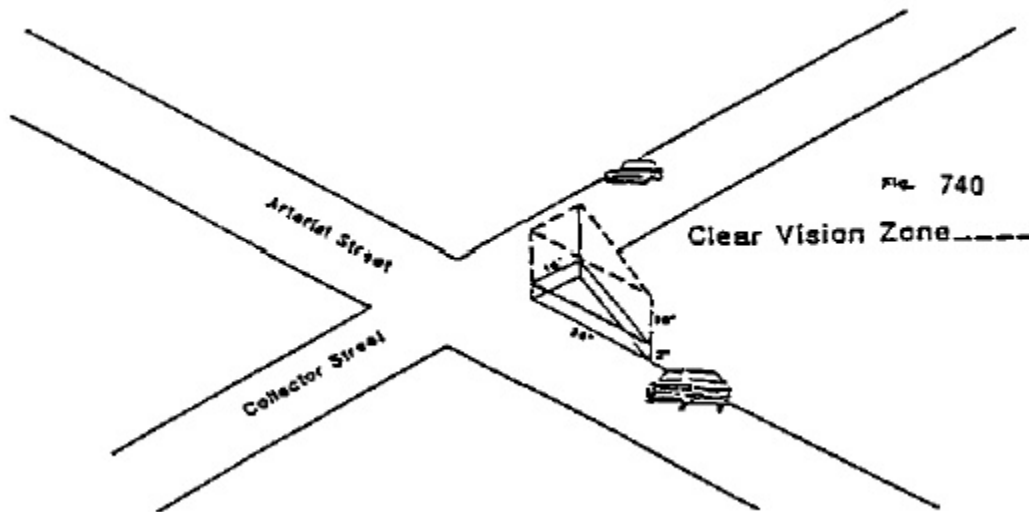
(C) Clear-vision areas. To assure safe sight distances at street and driveway intersections and pedestrian crossings, a minimum clear vision area shall be provided at each corner of such intersections and crossings. No structure or planting that would impair visibility between the heights of three (3) feet and ten (10) 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:

(1) An official traffic control sign or signal.

(2) Any structure or planting having a maximum horizontal cross-sectional diameter of eighteen (18) feet between the heights of three (3) and ten (10) feet above the street, driveway, or sidewalk grade, providing that the structure or planting is isolated and solitary and that any combination of such which impairs the required cross-corner vision shall be prohibited.

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

(4) The minimum clear-vision area shall consist of a triangular prism of unobstructed space between the heights of three (3) feet and ten (10) 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 a distance of ten (10) 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 (25) feet from the intersections.



§ 156.130 OFF-STREET PARKING AND LOADING.

(A) (1) 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.

(B) (1) Off-street parking shall be provided for all uses of land, structures and buildings as well as for any expansion 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.

(2) The Board of Zoning Adjustments shall have the power to hear and decide on applications for off-street parking and loading requirement variances whereby reason of the size or location of the lot or the unavailability of alternative off-site parking, or such other exceptional or extraordinary situation or condition of that site, the literal enforcement of the off-street parking and loading requirements of the zoning regulations would deprive the applicant of the reasonable capacity to make use of the land. In considering such variances, the Board must consider any pre-existing parking needs or requirements for the site if there was a pre-existing use, the effect of any additional parking requirements for the proposed use on the surrounding properties. The Board shall strive to prevent an additional burden upon existing on-street public parking if reasonable alternatives are available to the applicant to satisfy all or part of the off-street parking and loading requirements set forth

herein. The Board may impose any reasonable conditions or restrictions on any off-street parking and loading variance it decides to grant.

(C) 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.

(D) 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:

(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 Zoning Adjustment 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 (700) 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.

(2) Up to one-half (1/2) 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 division (1) are used, subject to the approval and certification of the Board of Zoning Adjustment 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.

(E) Parking design standards. All parking areas shall meet the following minimum design requirements:

(1) Ingress and egress to and from parking areas shall conform to the city's performance standards for access in § [156.129](#).

(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.

(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 Street Department which shall be maintained in a safe, litter-free condition.

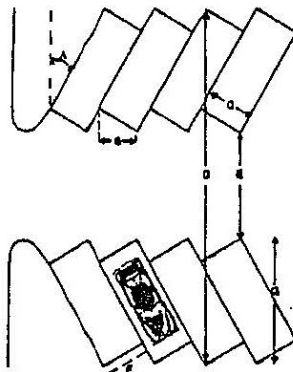
(4) No parking areas or maneuvering space shall be located within a public street right-of-way. Parking vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, or adjacent properties by means of walls, curbs, wheelstops, or other appropriate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

(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.

(6) The minimum area for each parking space, including circulation and maneuvering space, shall be a minimum of three hundred seventy (370) square feet. Parking facilities designed to accommodate five (5) or more vehicles shall be designed in accordance with the standards for stalls and aisles as set forth and illustrated below. Where parking facilities are designed to accommodate more than ten (10) vehicles, up to fifty percent (50%) of the parking spaces may be designed in accordance with the standards set forth below, provided the smaller spaces are designated to be used only by compact vehicles. For parking facilities designed for twenty-five (25) or more vehicles at least one (1) parking space, twelve (12) feet in width, shall be provided for each fifty (50) 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'	15.0'
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

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

(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.

(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.

(10) All of-street parking facilities, except as otherwise noted, must conform to all other design standards pertaining to their development.

(F) Parking landscape standards. Except for one- or two-family dwellings, all parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements.

(1) All open off-street parking areas containing more than four (4) 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.

(2) Entry ways into parking facilities shall be bordered by a landscaped buffer strip at least five (5) feet in width and ten (10) feet in length, except in the Central Business District.

(G) Loading space design standards.

(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.

(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.

(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.

(4) Each required off-street loading space shall have a minimum width of twelve (12) feet, a minimum depth of fifty-five (55) feet, and a vertical clearance of fourteen (14) feet.

(H) Minimum parking and loading requirements.

(1) The Central Business District has no minimum parking or loading requirements; however, if parking is included in a development plan in this zone, it must comply with the parking design standards established in 156.130 (E).

(2) Except for the Central Business District and Institutional District*, the minimum number of parking spaces shall be as follows:

Principal Building or Use	All Districts Except C-3 and Institutional (INS)
<i>Residential Uses</i>	
Single Family Dwelling (including manufactured homes)	Two spaces per dwelling unit
Multi-family Dwellings – Three or fewer bedrooms	1.5 spaces per dwelling unit
Multi-family dwellings – Four or more bedrooms	2 spaces per each dwelling unit
Residential and Commercial Mixed Use	Combined parking for residential use and commercial use found herein.
Rooming House or Dormitory	One space per sleeping room
Residential care facilities or other group homes	One space per two beds

All commercial uses One space for 10,000 to 20,000 square feet of floor area;

Two spaces for floor area of 30,000 square feet or more

Industrial uses One space per 10,000 square feet of floor area - not exceeding three spaces

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.

§ 156.131 DRAINAGE AND STORM WATER MANAGEMENT.

(A) Natural drainage systems and storm water management installations shall be designed, constructed, and maintained so as to:

- (1) Provide for natural infiltration of storm water;
- (2) Control the velocity of runoff;
- (3) Extend the time of storm water accumulation and its release into the drainage system;
- (4) Collect and transmit excess storm water flows into either the city drainage system or into a natural drainage system.

(B) Water and sewer.

- (1) All developments shall be served by a public water supply and either a public sanitary sewer system or an approved septic system.
- (2) Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided where necessary.
- (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 city water and sewer system or a health department approval of an installed septic system has been received.

(C) Solid waste storage and removal.

- (1) All development shall provide safe, secure, and covered sanitary facilities for the storage and pickup of refuse. These facilities shall be convenient to collection and appropriate to the type and size of the development being served.

(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. The screening shall be of sufficient height and design to screen the facility from view.

Penalty, see § [156.999](#)

§ 156.132 BUFFERING AND SCREENING.

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 section.

(A) 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 below. Such buffer shall be provided unless the abutting use has already provided a buffer in compliance with the provisions of this section.

BUFFER MATRIX

Proposed Use

Abutting Use

Proposed Use

Abutting Use

Use Groups	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

GROUPS

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

Use Multi-family dwellings
Group B:

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

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

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

(B) Screening required.

(1) Within buffers, screening is required and shall consist of at least the following:

(a) A row of deciduous or evergreen trees which are not less than fifteen (15) feet high at the time of planting and are spaced not more than fifteen (15) feet apart;

(b) A row of evergreen shrubs spaced not more than five (5) feet apart which will grow to form a continuous hedge at least six (6) feet in height within two (2) years of planting; and

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

(2) 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 (2) years of planting, or combination of the above.

(C) 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.

(D) 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.

(E) Maintenance of landscaping. All landscaping and screening providing required buffering and screening shall be maintained so as to continue their effectiveness.

Penalty, see § [156.999](#)

SIGNS

§ 156.145 PURPOSE OF SUBCHAPTER.

The purpose of this subchapter 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.

§ 156.146 ENFORCEMENT OFFICER.

For purposes of this subchapter, the individual designated by the city for the enforcement of building code and zoning regulations shall be deemed the Codes and Zoning Enforcement Officer or Code Enforcement Officer.

§ 156.147 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this subchapter, SIGN does not include signs erected and maintained pursuant to and in discharge of any city governmental function.

§ 156.148 GENERAL SIGN REGULATIONS.

(A) Definitions. Words and phrases used in this section shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in § [156.004](#), shall have the meanings set forth in § [156.004](#). For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign which no longer advertises a bona fide business, product, candidate, or activity, or any sign that contains or exhibits broken panels, visible rust, visible rock, damaged support structure, or missing letters or which is otherwise dilapidated, unsightly, or unkept, and for which no person accepts maintenance responsibility.

ADVERTISING. Any written words, symbols, logo, displays, pictures, or other tools intended to communicate a message, idea, thought, or to attract the attention of or to direct the attention of the public to any goods, product, merchandise, business, and/or service.

ADVERTISING DEVICE. Any billboard, sign, notice, poster, display or other device intended to attract the attention of operators of motor vehicles or pedestrians on the streets, roadways, and highways to advertising, and shall include a structure erected or used in connection with the display of any advertising device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state, county, city, or other public agency having jurisdiction.

BANNER SIGN. A temporary sign composed of cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame.

BOARD. The Board of Commissioners.

CANDELA. The International System Unit of luminous intensity; that is, power emitted by a light source in a particular direction, weighted by the luminosity function (a

standardized model of the sensitivity of the human eye to different wavelengths). A standardized candle emits light with a luminous intensity of one (1) candela. If emission in any direction is blocked by an opaque barrier, the emission would still be approximately one (1) candela in the directions that are not obscured.

CONSTRUCTION SIGN. A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors, and suppliers involved.

ELECTRONIC MESSAGE BOARDS. A sign display or device that changes message copy on the sign by means of light emitting diodes (LED), fiber optic light bulbs, liquid crystal display, or other illumination devices within the display area.

FLAG. A piece of cloth or other flexible material varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a state or organization.

GRAFFITI. The defacing, damaging, or destroying by spraying of paint or marking of ink, chalk, dye, or other similar substances on public and/or private buildings, structures, and places.

INSTITUTIONAL USES. A nonprofit, religious, or public use such as a religious building, library, public or private school, hospital or government-owned or operated building, structure, or land used for public purpose.

LED. Light-emitting diode; a semiconductor that gives out light when an electric current is applied to it.

OBSCENE. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as:

(a) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;

(b) Acts of masturbation;

(c) Acts involving excretory functions or lewd exhibition of the genitals;

(d) Acts of bestiality or the fondling of sex organs of animals; or

(e) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

OFF-PREMISE SIGN. Advertising device which is displaying any advertising other than advertising the primary nature of the business or industry currently being conducted on the property on which the sign is located.

PERSON. Any individual, corporation, association, firm, or partnership.

PUBLIC PROPERTY. Any land owned by the city and public right-of-way, road, alley, sidewalk, parking lot, or any other area which has been dedicated to public use or ownership or which has otherwise become public by ownership or use. For these purposes, **PUBLIC PROPERTY** shall include utility poles and structures, trash and garbage receptacles, or other appurtenances on public real property.

PUBLIC RIGHTS-OF-WAY. Any part of a right-of-way that is not privately owned or controlled and that is the responsibility of the city or other similar public agency to maintain.

UNLAWFUL SIGN. A sign which contravenes this subchapter or any other federal, state, or city laws, regulations, or ordinances.

(B) Permit required; exception.

(1) Except as otherwise provided in this subchapter it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign within the corporate boundaries of the city, on private or public property, or cause the same to be done, without first obtaining a sign permit for each sign from the Codes and Zoning Enforcement Officer.

(2) This subchapter shall not be construed to require any permit for a change of copy on any sign, nor for their repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure is not modified in any way.

(C) Prohibited signs. The following types of signs are prohibited in the city:

(1) Abandoned signs;

(2) Audible signs;

(3) Balloons and streamers. Fringe, twirling, curb-type signs, portable display signs, balloons, streamers, or air or gas-filled figures, and other similar temporary signs except as stated herein;

(4) Beacons; search lights; lasers. Promotional beacons, search lights or laser lights or images;

(5) Graffiti, as defined herein;

(6) Illegal activity signs. Signs which advertise an activity which is illegal under federal, state, or local laws;

(7) Imitation traffic signs. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs;

(8) Obscene signs. Signs which depict obscene material;

(9) Portable signs. Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of-way, except that signs posted in the window of a vehicle, totaling one (1) square foot shall be permitted but not when parked within a non-residential use property with the intent to sell said vehicle;

(10) Rotating signs;

(11) Signs attached/painted to natural objects. Signs attached to trees; signs painted on or otherwise attached to rocks or any natural objects;

(12) Signs in right-of-way. Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.

(13) Signs not maintained. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters;

(14) Signs on tree, utility pole, or water tower. Signs mounted on a utility pole, water tower or other similar structure, traffic signal or traffic control box and cell towers;

(15) Trailer signs. Changeable copy signs designed to be transported periodically from place to place or designed to be supported on wheels, whether or not such wheels have been removed, are prohibited;

(16) Unidentified signs. Any sign not specifically identified in this subchapter as a permitted sign; and

(17) Vehicle signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services, or events, or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference and said vehicle shall be parked a minimum of twenty-five (25) feet from a street right-of-way during non-business

hours. No signs on trailers or other non-motorized vehicles will be allowed under this provision.

(D) Signs allowed in all districts without a permit. Except as otherwise prohibited herein the following signs shall be allowed in all districts and shall not require a permit:

(1) (a) Temporary signs (not to exceed thirty-two (32) square feet) or banners.

1. Advertising sale, lease, or rental of the premises. Rental and lease signs shall not be left up permanently if there are no units for rent or lease on the premises in which the sign is attached are located upon.

2. Signs placed upon a site under construction or alteration erected not more than five (5) days prior to the beginning of construction for which a valid building permit has been issued. Such signs shall not exceed six (6) square feet in sign area for residential use properties or thirty-two (32) square feet in sign area for non-residential use properties and shall not exceed ten (10) feet in height. All signs shall be removed from the site within three (3) days after final completion or abandonment of the property.

3. Announcing civic, philanthropic, educational, cultural, or religious events.

a. Signs or banners may be located or displayed only on property where the event is to be held, except as otherwise provided in division b. below.

b. With a city permit, signs or banners may be placed on a public easement located only at the overpass at Cedar Creek or at both ends of Baird Ave. Signs may go up no earlier than seven (7) days prior to the event and must be down twenty-four (24) hours after.

c. No signage is permitted on city property, rights-of-way or easements other than the areas listed in division b. above.

d. Events in which the city or its agencies or corporations are a sponsor or participant may be exempt by the city to place temporary signs or banners on city property, rights-of-way, easements, or public easements.

4. Political signs. Signs whereby the public is to be informed regarding a specific political event or candidate(s) or issue(s).

a. Political signs shall be located a minimum of one (1) foot from any publicly maintained right-of-way or easement, shall not be located in any medians, and must have proper authorization of the property owner(s).

b. Political signs shall be limited to a copy area not to exceed thirty-two (32) square feet and a height of ten (10) feet; however, this shall not be deemed to disallow the use of commercial billboard signs.

c. Any political sign shall be removed within three (3) days after the primary election that it is advertising for. However, the sign may remain for the general or run-off election for the candidate, but shall be removed within three (3) days after the general or run-off election.

d. Political signs left up after the removal period, as defined above, constitute a public nuisance and may be removed by the city and disposed of without notice.

5. Sign announcing future businesses or developments shall be allowed for a period of time of up to 180 days.

(b) Except as otherwise provided herein, all temporary signs and banners must be removed not more than twenty-four (24) hours after the completion of the purpose advertised.

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

(3) Identification of the occupant and building/house 911 identification numbers (not to exceed two (2) square feet in area).

(4) Directional or instructional signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain, and do not in any way advertise a business, and which identify restrooms, public telephones, walkways, or signs providing directions such as parking lot entrances, exit signs, and those of similar nature shall be exempt.

(5) Memorials. Memorial signs or tablets, including, but not limited to, building cornerstones and other similar signs which indicate the names of buildings, dates of erection, or other historical data.

(6) Official governmental signs. Signs of a governmental body, governmental agency or public authority, including, but not limited to, traffic signs, signals or similar regulatory devices or warnings, official flags, emblems, official public notices, official instruments, signs of historical interest, or other similar signs or devices.

(7) No trespassing or no dumping signs. No trespassing or no dumping signs shall be exempt.

(8) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, shall be exempt, to be removed upon subsidence of danger.

(9) Recreational venues. Signs which are within a ballpark or other similar recreational use facility including scoreboards within a ballpark or other similar recreational use facility utilized only for game or practice purposes.

(10) Yard and garage sale signs. Signs on private property advertising yard or garage sales, providing such signs are not displayed for more than twenty-four (24) hours prior to the event and removed immediately after the posted sale date. Such signs shall not exceed three (3) feet in height above the grade and shall not exceed two (2) signs per lot.

(11) Open sign. Neon, LED, or other non-incandescent lighted sign reading "OPEN" attached to or directly applied onto the window of a business not exceeding three (3) square feet in area. One such sign per business shall be exempt from permitting.

(E) Residential districts by permit. No sign or outdoor advertising shall be erected or placed in a residential zone, unless provided for by conditional use permit for home occupation, or for permanent identification for multi-family dwellings or permanent identification of a subdivision. There shall be one permitted sign for each aforementioned use not exceeding twelve (12) feet in area. Such signs can be illuminated, but non-flashing. 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. Off-premise signs are not allowed in residential districts.

(F) Commercial and industrial districts by permit.

(1) Outdoor advertising shall be classified as a business use and shall be permitted only in the following zoning districts, subject to the regulations, exceptions, and restrictions contained hereinafter.

- (a) All commercial districts;
- (b) Central business district; and
- (c) All manufacturing (I) districts.

(2) Off-premise signs shall only be allowed within 300 feet of the of the National System of Interstate and Defense Highways located within the city, which are now US Highway 23 and US Highway 119, and shall be subject to the following regulations:

- (a) Shall be located no closer than 1,500 feet from other off-premise signs;

(b) Shall be allowed a maximum sign area of 300 square feet;

(c) Shall not exceed a height of 30 feet high shall be measured from the nearest road grade elevation;

(d) Shall be set back at least 50 feet from the right-of-way of a public street or highway and 25 feet from all property lines and buildings on the site; and

(e) Shall not be attached to or painted directly on any building or any other natural or man-made structure or object other than the supporting structure specifically built for said sign.

(3) The signs allowed in divisions (F)(1) above, with the exception of off- premise signs in (F)(2), shall conform to the following regulations and requirements:

(a) Signs advertising the primary nature of the business or industry conducted on the property on which they are located and which may be placed not closer than twenty (20) 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 ten (10) square feet. The height of all such signs shall not exceed twenty-five (25) feet.

(b) In the central business district where buildings may be built up to the street and/or sidewalk right-of-way line, a sign allowed in division (F)(1)(b) above may be placed upon the face of the structure facing the right-of-way line which does not exceed ten (10) square feet. In the central business district where buildings may be built up to the sidewalk right-of-way line, overhanging and projecting signs shall be permitted provided they comply with the other provisions of this chapter, with the regulations contained in the state building code as now or hereafter amended, shall project not more than twenty-four (24) inches over any sidewalk or right-of-way line, shall not exceed four (4) square feet in area, and the bottom of such sign shall not be less than twelve (12) feet above the finish grade of the sidewalk.

(c) Advertising devices in all commercial districts, central business districts and all manufacturing (I) districts outside of the area described in division (F)(1) above shall not be erected, placed, painted, repainted, or hung near to the street right-of-way line upon which the display faces the building (set back) line provided in the district where the use is permitted but in no case be permitted to obstruct the view of traffic nor exceed an area of twelve (12) square feet. The height of all advertising devices permitted under this division shall not exceed seventy-five (75) feet in total height. The Codes Enforcement Officer shall be permitted to allow a variance to this height limitation if the location of an advertising device (at the maximum seventy-five (75) feet height) advertising the primary nature of the business conducted on the property on which it is located or within two thousand (2,000)

feet of the business advertised (if the advertising device is not located on the property where the business advertised on the sign is located), cannot be seen by motorists in both directions of the highway or street in which the property fronts at a distance up to three hundred (300) feet from an entrance to the property but only to the extent necessary to be viewed by motorists at a distance of three hundred (300) feet and in no case exceeding one hundred fifty (150) feet in height.

(d) The area of all permanent advertising signs for any single enterprise shall not exceed three hundred (300) square feet.

(e) Advertising devices will not be illuminated by other than white lights. An advertising device which uses lighting in any way shall be effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a street or road unless it is of a low intensity or a low brilliance so as not to cause glow or not to impede the vision of the driver of any motor vehicle, or otherwise interfere with the driver's operation of a motor vehicle, or resemble traffic or directional signals, warnings or other similar signals which are normally associated with highway safety. Additionally, it shall be effectively shielded as to prevent beams or rays of light of such intensity of illumination as to unduly disturb the use of residential property. All advertising devices will fully comply with all state and federal requirements and limitations.

(f) 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 and shall have a maximum height of twenty-five (25) feet.

(g) Planned unit developments and river fill districts advertising devices will be determined by the Board of Zoning Adjustment as a normal portion of the review process prior to issuing approval of a final plat, subject, however, to limitation that such signs within the boundary described in division (F)(8) above shall fully conform with the restrictions contained in division (F)(3).

(4) Electronic message board/LED.

(a) Electronic message board signs may be permitted for governmental, hospitals, universities and institutional uses, by special exception permit in any zoning district subject to the procedural and substantive requirements of this chapter for a special exception.

(b) Electronic message board signs may be permitted for the purpose of advertising the primary nature of the business or industry currently being conducted on the property on which the sign is located by special exception permit in any zoning district subject to the

procedural and substantive requirements of this chapter for a special exception. These signs shall comply with the following restrictions:

1. An electronic message board may consist only of alpha or numeric characters on a plain background and may not include any graphic, pictorial, or photographic images except for business logos that have copyright protection and other images directly associated with the nature of the business. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.

2. The electronic message board must meet and/or adhere to the standards as described in the following items in § [156.148\(F\)\(4\)\(c\)](#): 1, 3, 5, 6, 8, 10, 11, and 12.

(c) Electronic message board/LED signs may additionally be approved for mixed use developments and approved by the Board of Zoning Adjustments. Existing mixed use developments, with a variety of complementary and integrated uses, such as, but not limited to office, manufacturing, retail, public and recreation, within these zoning districts may submit a request for special exception permit approval if electronic message board signage is desired. Signs identifying mixed use developments with multiple tenants in the aforementioned zoning districts shall be limited to one (1) free-standing directory sign per development, which may utilize electronic message displays approved by either special exception permit by the Board of Zoning Adjustments, either single or double faced. Electronic message boards must comply with the requirements related to off-premise signs

(d) The Board of Zoning Adjustments shall consider the following in its determination of electronic message board signs:

1. An electronic message board must not have any appearance of motion, flashing, blinking, jeweled lighting effects, animation, or shimmering.

2. An electronic message board may consist only of alpha or numeric characters on a plain background and may not include any graphic, pictorial, or photographic images except for business logos that have copyright protection and no more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.

3. When the display of an electronic message board changes, it must change as rapidly as is technologically practicable with no phasing, rolling, fading, scrolling, flashing, blending, or other transition.

4. The primary message display area may have a maximum of three (3) lines of characters with a maximum of forty-five (45) characters per line including all letters, numbers, and spaces.

5. Electronic message display boards must be incorporated into a monument style sign architecturally designed to be compatible and complimentary to the building or project it serves and the area occupied by the message on an electronic message board may comprise no more than 50% of the surface area of the permitted signage, but in no instance shall the display surface area exceed thirty two (32) square feet.

6. Only one (1) electronic message board with at most two (2) sides is permitted on lots with one hundred (100) feet or more of state or city maintained road frontage.

7. Shall be a minimum of 5,000 feet from all other electronic billboards and 1,500 feet from non-electronic billboards.

8. Such signs shall be equipped with a working dimmer control device capable of automatically reducing the illumination to the required sunset-to-sunrise level of five hundred (500) candelas.

9. Should the electronic message boards be visible from any residential zoned property, the sign must be turned off between 10:00 p.m. and 6:00 a.m. daily.

10. Electronic message boards must be maintained in full working condition and not allowed to be partially or fully inoperative.

11. Video displays or audio speakers on or electronically connected to such signs shall not be permitted.

12. All electrical connections to electronic message board signs must be underground.

(G) The Board may impose any reasonable condition or restriction on any variance it decides to grant.

§ 156.149 SIGN PERMITS.

(A) Permits. Permits may be obtained from the Codes Enforcement Officer with payment of a twenty-five dollar (\$25.00) permit fee..

(B) Applications.

(1) Who may apply. Permits shall be issued only to:

(a) The owner of the real property where the sign is to be located; or

(b) A lessee who is the owner of the sign structure or proposed sign structure and whom has the right to install or maintain a sign on the real property where the sign is to be located.

(2) Contents. Applications for sign permits required by this subchapter shall be filed in duplicate by the person owning the subject property, or the owner's agent, in the office of the Codes Enforcement Officer upon forms furnished by that office. The application shall describe and set forth the following:

(a) The type of the sign as defined in this subchapter;

(b) The value of the sign;

(c) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face;

(d) The name and address of the owner of the real property upon which the subject sign is to be located;

(e) The property owner's or property lessee's written consent, or his or her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property;

(f) For wall signs, two (2) sets of building elevations;

(g) The name, address, telephone number and proof of occupational tax license of the sign contractor. All applicants for signs which incorporate new electrical service must obtain an electrical permit;

(h) Site plans showing the sign details, including a proposed color scheme of the sign, showing location of structures upon the property on which the sign is to be located and the location of the sign in relation to the structures, scaled elevation, size and height of the proposed sign from ground level and adjacent street level, property lines, public rights-of-way, and other signs; plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in-ground erection; and a visual representation of the completed sign. The city may require said plans to bear the signature and seal of a registered professional land surveyor, engineer, or architect. Each application shall include a signed statement from the landowner or possessor of the property giving consent to entry into the property for the purpose of inspection and enforcement of this subchapter. If classification of the road on which the property fronts is of importance to the permit process, the city may require the applicant to submit certified documents from the state Department of Transportation or the United States Department of Transportation or their successors regarding the classification of the road.

(C) Occupational tax license, public liability insurance required. It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city unless and until such entity shall have obtained an occupational tax license and a certificate of insurance from an insurance company authorized to do business in the commonwealth evidencing that the entity has an effect public liability and property damage insurance in the sum of \$25,000 for property damage for any one claim and public liability insurance an amount not less than \$500,000 for injuries, including accidental death to one person.

(D) Variance.

(1) Limitations. The Board of Zoning Adjustments shall be allowed to grant variances to this section. The Board of Zoning Adjustments may impose any reasonable condition or restriction on any variances it decides to grant.

(2) Procedure. The procedure for requesting a variance from the standards of this section shall be the same procedures as that for seeking a zoning variance.

(3) Standards. The standards which shall be considered for granting variances from the standards of this section shall be only the following:

(a) Relief to this section may only be granted for existing foliage or structures bringing about a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from the adjoining road; or

(b) The application of the particular provision of this subchapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner by causing no detriment to the public or adjacent properties.

(E) Denial.

(1) Incomplete, false statements. The Codes Enforcement Officer shall deny any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this subchapter within thirty (30) business days of receipt of said application. The Codes Enforcement Officer may deny at any time prior to the expiration of the thirty-day period, if the application is incomplete or contains false material statements or omissions, by notification.

(2) Processing time; notice; denial. The city shall process all complete and accurate sign permit applications within fifteen (15) business days of the city's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. If a sign meets all the standards as required by this code, the Codes Enforcement Officer shall issue a permit. The Codes Enforcement Officer shall give notice to the applicant of his

or her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the fifteenth business day. If the decision of the Codes Enforcement Officer is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the city to act within the fifteen-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this subchapter will be granted. Any application not meeting the standards of this subchapter will be denied.

(3) **Appealable.** A denial pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in this chapter. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed.

(4) **Re-submission.** A denied application later resubmitted in conformity with this subchapter shall be deemed to have been submitted on the date of re-submission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

(F) **Revocation.**

(1) Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Codes Enforcement Officer shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in this chapter.

(2) However, notwithstanding division (F)(1) of this section, a final decision will be rendered within sixty (60) days from the date an appeal is filed. If a final decision is not rendered within the sixty-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this subchapter will be revoked.

(G) **Suspension; termination.**

(1) **Violation.** A violation of any provision of this subchapter shall be grounds for terminating the permit granted by the city to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked, or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the city's Hearing Officer.

(2) **Hearing.** The permittee shall be given ten (10) days written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation

or canceling of such permit and license. The term ***DUE CAUSE*** means the violation of the standards of this subchapter. The termination of the permit does not in any way preclude the city from taking any other action authorized by this code or any action authorized by law, against the person alleged to have violated the standards of this subchapter.

(H) Expiration date.

(1) A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety-day extension may be granted by the Codes Enforcement Officer.

(2) No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

(I) Inspection. The enforcement personnel are hereby empowered to enter into and inspecting the building, structure, or premise upon which a sign subject to this section is located for the purpose of inspecting the sign, it's structural and electrical connections, and to ensure compliance with the provisions of this subchapter and other applicable ordinances. Inspection shall be carried out during reasonable business hours, unless an emergency exists.

§ 156.150 MAINTENANCE OF SIGNS.

(A) Signs lawfully existing on the date of adoption of this subchapter, which do not conform to the provisions of this subchapter, shall be deemed to be legal nonconforming "grandfathered" signs and may remain, except as otherwise specifically qualified in this subchapter. Such signs shall not be enlarged, extended, structurally reconstructed, replaced, or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either height or sign area. This provision shall not have the effect of excusing any violation of any other ordinance, nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in good state of repair.

(B) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this subchapter. A nonconforming sign which has been declared by the

city to be unsafe because of its physical condition shall not be repaired, rebuilt, or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this subchapter.

(C) All nonconforming signs because of the need for additional inspection, monitoring for compliance with this section and for the insurance that the nonconforming sign remains in safe condition, shall be subject to the following additional requirements:

(1) Pay a nonconforming sign fee in the yearly sum of five hundred dollars (\$500.00);

(2) Provide to the city on a yearly basis a certification by a licensed professional engineer or architect that the sign is in compliance with the Kentucky Building Code, all other regulations related to safety and that all structural components are structurally sound and do not pose a risk of failure or otherwise in an unsafe condition to the public, private, or public property or individuals needing to work on or around the sign. The Codes Enforcement Officer shall review the certification and if necessary request that the City Engineer verify the accuracy of the certification.

(D) A nonconforming sign shall not be moved for any distance on the same lot or to another lot unless such change in location will make the sign conform to the provisions of this subchapter, and meet permit requirements of this subchapter.

(E) If a nonconforming sign is removed or discontinued for any period of time, except for normal maintenance and repair, as defined in this chapter, or for maintenance of a building if such sign is attached to a building, the subsequent erection of a sign shall be in accordance with the provisions of this subchapter.

(F) A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this chapter.

(G) As a consequence, when a nonconforming sign is destroyed or damaged by any casualty to the extent not exceeding 40% of its appraised value may be restored within sixty (60) days after such destruction or damage that shall not be enlarged or moved in any manner.

(H) If such sign is so destroyed and damaged to the extent exceeding 40%, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this section. It shall be incumbent upon the applicant to supply the Codes Enforcement Officer with any necessary information needed in order to determine if replacement value constitutes the sign being brought into conformity with the existing regulations.

§ 156.151 REMOVAL AND DISPOSITION OF NONCONFORMING SIGNS.

(A) The Codes and Zoning Enforcement Officer shall require compliance with all standards of this chapter. The Officer shall require the removal in accordance with this section of any unlawful sign. If the Officer shall certify in writing to the Police and Fire Departments the existence of unlawful signs, then employees of those departments are authorized to remove signs in accordance with this section.

(B) Unlawful signs. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this subchapter, the Codes and Zoning Enforcement Officer shall notify in writing the owner, agent, or person having the beneficial use of the building, structure, or lot upon which the sign may be found to alter such sign so as to comply with this subchapter within ten (10) days. Upon failure to comply with such notice within the time specified, 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, and same shall constitute a lien against the property in the same manner as the city ad valorem taxes.

(C) Unlawful signs on public property. The Codes Enforcement Officer, or the Police or Fire Departments, upon his certificate, shall cause to be removed any unlawful sign on public property, rights-of-way or easements. The Codes Enforcement Officer shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed, or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this section. The notice shall be mailed to the owner of the sign, if the same can be determined. With regard to political signs in violation, the notice shall be mailed to the candidate. If possible with regard to any other nonconforming sign, the Codes Enforcement Officer shall make reasonable efforts to notify the person responsible for the use stated in the notice, but failure of the Codes Enforcement Officer to notify any person of the unlawful nature of the sign shall not prohibit further action under this section.

(D) Any person having an interest in the sign may appeal the determination of the Codes Enforcement Officer ordering removal or compliance, by filing a written notice of appeal with the City Clerk within ten (10) days after the date of the notice of the Codes Enforcement Officer, who shall refer the matter to the city's Hearing Officer.

(E) Notwithstanding the above, unlawful signs on public property, rights-of-way or easements that endanger the public safety such as a sign that blocks or impedes traffic or traffic view, an abandoned sign, a dangerous, electrically or structurally defective sign, may be immediately removed by the Codes Enforcement officer without notice to the owner(s) thereof.

(F) Any sign removed by the city or its employees pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The costs of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and may be recovered in an appropriate court action by the city. The costs of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(G) If it shall be necessary for the Codes Enforcement Officer to remove a sign pursuant to the provisions of this section, and is practicable to sell or salvage any materials derived in the aforesaid removal, he or she may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. These proceeds, if any, shall be used to offset the costs of removal, to be charged to the sign owner. Any excess over those costs, and the costs of the removal shall be considered a debt by the owner of the sign against the city. Should the proceeds exceed the costs, the excess shall be paid to the owner of the signs, whenever the claim therefor is established.

§ 156.152 MAINTENANCE OF SIGNS.

(A) All signs or outdoor advertising structures or surfaces shall be properly maintained in good condition, so as to present a quality and orderly appearance, 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 and Zoning Enforcement Officer shall notify in writing the owner, agent, or person 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 subchapter within thirty (30) days.

(B) Signs are considered a neglected or dilapidated sign if any of the following conditions are present: rust boreholes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; non-operative or partially non-operative illumination or mechanical devices, or missing letters in the sign.

(C) The enforcement officer, after notice and subject to the appeal as provided for in [§ 156.151](#)(B) through (D), may have any sign removed which shows gross neglect or is becoming dilapidated.

Penalty, see [§ 156.999](#)

§ 156.153 VIOLATIONS; PENALTIES.

(A) Any person, firm, or corporation violating any provision of this subchapter shall be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00), nor more than five hundred dollars (\$500.00), or be imprisoned for not more than thirty (30) days, or both, for each offense. A separate offense shall be deemed committed for each day during on or which a violation occurs or continues.

(B) Citations. If any sign or other device covered by this subchapter is, or is proposed to be, erected, constructed, altered, converted, or used in violation of any provision of this subchapter, the Codes Enforcement Officer shall issue a citation. Additionally, the city may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Any violation of this subchapter shall be an offense, and the violator shall be subject to a fine of up to five hundred dollars (\$500.00) per day.

(C) Dangerous and defective condition. No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous and defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this subchapter.

(D) Noncompliance. No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this subchapter.

(E) Notice. The Codes Enforcement Officer shall give the permittee from one (1) to fourteen (14) calendar days written notice, based on the urgency of the particular situation and the practical considerations of completing measures to comport with the standards of this subchapter, to correct the deficiencies or to remove the sign which is in violation of this subchapter. If the permittee refuses to correct the deficiencies or remove the sign, the director will have the sign removed at the expense of the permittee and costs be placed a lien upon the real property.

(F) Public nuisance. Any violation of this subchapter is hereby declared to be a public nuisance.

(G) Separate violation. Each sign installed, created, erected or maintained in violation of this subchapter shall be considered a separate violation when applying the penalty portions herein.

AMENDMENTS

§ 156.170 LEGISLATIVE BODY MAY AMEND REGULATIONS.

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

Cross reference:

Zoning map changes, see Tables of Special Ordinances, [Table VIII](#)

§ 156.171 AMENDMENT PROCEDURE.

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

(B) 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 chapter and the Planning Commission. The Planning Commission may require the submission of further information subsequent to the filing of an application as provided by this chapter and the Planning Commission.

(C) At the time of filing an application, the applicant shall pay a twenty-five dollar (\$25.00) non-returnable filing fee to the Codes and Zoning 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 Finance Director/City Clerk/Tax Administrator 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.

(D) 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 the scale of one (1) inch to six hundred (600) feet. However, applications originating from the Planning Commission, the Board of Commissioners or other governmental body may be affected by reference to a map without the necessity of filing a plat or legal description. Requests for rezoning portions of lots shall not be considered.

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

(F) 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 public hearing by registered mail or certified mail, receipt requested. It shall be the duty of the person proposing the amendment to furnish the Planning Commission with correct names and addresses of all owners of adjacent property and addressed envelopes to each.

(G) Before voting upon any proposed amendment, notice of the time, place, and reason for holding the public hearing shall be given by publication in a 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 application shall be responsible for compliance with this provision.

§ 156.172 FINDINGS NECESSARY FOR MAP AMENDMENT.

(A) 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 or more of the following apply; and such finding shall be recorded in the minutes and records of the Planning Commission and the Board of Commissioners.

(1) The original zoning classification given to the property was inappropriate or improper.

(2) 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.

(B) The Planning Commission shall make recommendations concerning these findings to the Board of Commissioners involved, and it shall take a majority of the entire Board of Commissioners to override the recommendation of the Planning Commission.

§ 156.998 VIOLATIONS.

Whenever a violation of this chapter 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 properly record such complaint, immediately investigate, and take action thereof as provided by this chapter.

§ 156.999 PENALTY.

(A) Violation of the provisions of this chapter 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.

(B) Any person who so violates this chapter or fails to comply with any of its requirements except as provided in § [156.018](#) (B) shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) but no more than five thousand dollars (\$5,000.00) for each offense. Each day of violation shall constitute a separate offense.

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