

TITLE 8: PLANNING AND ZONING

CHAPTER 80 LAND PROTECTION

CHAPTER 81 STORMWATER MANAGEMENT AND CONTROL

CHAPTER 82 EROSION PREVENTION

CHAPTER 80: LAND PROTECTION*

*Editor's note: Ord. 12-3-90, passed 12-20-90, repealed and replaced Ord. 4-5-76.

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ARTICLE I. TITLE; INTERPRETATION; ENACTMENT

§ 80.001 TITLE

(A) This chapter shall be known and referred to as the "Land Protection Chapter" for the city. It may be cited as the "City of Princeton Land Protection Chapter" or the "City Land Protection Chapter."

(B) The map referred to herein is entitled the "Land Protection Map for the City of Princeton, Kentucky." It may be cited as the "City of Princeton Land Protection Map" or the "City Land Protection Map."

(C) Certified copies of this chapter and this map are on file with the City Clerk's office.

(Ord. 12-3-90, passed 12-20-90)

§ 80.002 AUTHORITY

Authority for this chapter is granted by the KRS 100.201 through 100.271. The Planning Commission and the City Council have fulfilled the requirements set forth as prerequisite to the adoption of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.003 GOAL; OBJECTIVE

The goal of this chapter is to establish a program of land protection for the city. The objective of this chapter is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of community facilities and services within the jurisdiction of the city and Caldwell County.

(Ord. 12-3-90, passed 12-20-90)

§ 80.004 PURPOSE

The land protection regulations and districts set forth herein have been made in accordance with the Princeton-Caldwell County Comprehensive Plan Update prepared by the Joint Planning Commission to:

(A) Promote the general welfare, health, safety, and convenience of the citizens of the city and Caldwell County.

(B) Execute the provisions of the Princeton-Caldwell County Comprehensive Plan Update regarding growth and development in the city and Caldwell County, to ensure suitable and satisfactory arrangements between the various types of land use.

(C) Lessen traffic congestion and secure safety from fire, flood, and other dangers in the city and the developed areas of the county.

(D) Provide adequate light and air while preventing the encroachment of undesirable noise, odor, glare, and vibration.

(E) Facilitate the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land in the city and Caldwell County.

(Ord. 12-3-90, passed 12-20-90)

§ 80.005 JURISDICTION

This chapter shall apply to all lands within the corporate limits of the city.

(Ord. 12-3-90, passed 12-20-90)

§ 80.006 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context indicates or clearly requires a different meaning. Words with self-evident meanings are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural

includes the singular; the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred; the word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel"; the word "person" includes a firm or corporation as well as an individual; and the word "submission" indicates a complete filing as called for by the chapter. These definitions shall be first used in the interpretation of any words or phrases used in this chapter. Any words or phrases not defined in this chapter shall be given the definition provided in KRS Chapter 100 or KRS Chapter 219. Words neither defined in this chapter nor in KRS Chapter 100 and KRS Chapter 219 shall be given their ordinary meaning and usage.

"ACCESSORY USE" or "STRUCTURE". Any use or structure subordinate to the principal use or structure located on the same lot serving a purpose customarily incidental to the use of the principal structure or the land use.

"ADMINISTRATIVE/ENFORCEMENT OFFICER". An individual who shall be appointed by the Mayor upon recommendation of the Planning Commission, and approved by the City Council, to administer this chapter. This officer may also be known as the Building Inspector, Enforcement Officer, Zoning Administrator, or various other titles descriptive of the work performed. The duties and titles may be split between one (1) or more persons as required.

"ALLEY". Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

"ALTERATION". Any change or addition to the supporting members or foundation of a building or other structure.

"APARTMENT". A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.

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

"APPROVING AUTHORITY". The Princeton Planning Commission unless a different agency is specifically designated by ordinance.

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

"AUTOMOTIVE REPAIR, MINOR". Incidental minor repairs, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation named under "AUTOMOTIVE REPAIR, MAJOR", or any other similar thereto.

Cars or trucks being repaired or under repair shall not be stored outside the building for more than forty-eight (48) hours.

"AUTOMOTIVE WRECKING". The dismantling or disassembling of used motor vehicles, or the storage, sale, or dumping of dismantled, obsolete, or wrecked vehicles or their parts.

"BASEMENT". A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

"BED AND BREAKFAST". A residential unit where four (4) or fewer sleeping rooms are provided for transient persons for compensation, and in which meals may be served to overnight guests.

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"BILLBOARD". A sign, or structure, which directs attention to a business, commodity, service, activity, or entertainment not conducted, sold, or offered upon the premises upon which the sign is located.

"BOARD". The Board of Adjustment for the city and/or Caldwell County.

"BOARDING" or "LODGING HOUSE". A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous arrangement.

"BUILDING". Any structure having enclosed space and a roof, used or intended to be used for the shelter of persons, animals, or property.

"BUILDING, HEIGHT OF". The vertical distance from the average contact ground level at the front wall of the building to the highest point of the copying of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

"BUILDING LINES". The line beyond which no building or part thereof shall project, except as otherwise provided by this chapter.

"BUILDABLE LOT AREA". The part of a lot not included within the open areas required by this chapter.

"BUILDING PERMIT". A permit issued by the Administrative/Enforcement Officer authorizing the construction or alteration of a specific building on a specific lot.

"CERTIFICATE OF OCCUPANCY". A certificate issued by the Administrative/Enforcement Officer, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

"CLINIC". A place used for the diagnosis and treatment of sick, ailing, infirmed, and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

"COMMERCIAL FLOOR AREA". Building floor area devoted to the display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

"COMMON OPEN SPACE". An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

"COMMISSION, PLANNING". The Planning Commission of the city and Caldwell County.

"COMPREHENSIVE PLAN". A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area.

"CONDITIONAL USE". A use which is essential to or would promote the public health, safety, and/or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those set forth by the land protection regulations.

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

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

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

"CONSOLIDATION". The joining together of two (2) or more contiguous lots for the purpose of sale, lease, or building development.

"CONVALESCENT" or "NURSING HOME". An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related 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. Hospital or sanitarium shall not be construed to be included in this definition.

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

"CONSUMER SERVICES". Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

"CITY COUNCIL". The legislative body for the city.

"COVERAGE". The percentage of the lot area covered by the building including all overhanging roofs.

"DEVELOPER". The legal or beneficial owner or owners of all land proposed to be included in a development, including the holder of options or contracts to purchase or other such persons having a proprietary interest in such land.

"DEVELOPMENT PLAN". A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see "SITE PLAN").

"DISTRICT". An area or zone of the municipality for which regulations governing the use of premises and structures or the height and area of buildings are uniform.

"DWELLING". A building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons, but not including a tent, cabin, boarding, or rooming house, motel, or mobile home.

"DWELLING GROUP". A group of two (2) or more detached dwellings located on a parcel of land in one (1) ownership and having any yard or court in common.

"DWELLING, MULTI-FAMILY". A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

"DWELLING, SINGLE-FAMILY". A building occupied exclusively for residential purposes by one (1) family.

"DWELLING, TWO-FAMILY". A building designed to be occupied by two (2) families living independently of each other.

"DWELLING UNIT". One (1) or more rooms designed for or used by one (1) family for living or sleeping purposes and having one (1) kitchen or kitchenette.

"EASEMENT". A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

"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 living together in a dwelling unit, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

"FILING". Filing with the County Court Clerk of Caldwell County unless a different county official is designated by ordinance.

"FINAL APPROVAL". The official action of the Planning Commission taken on a final plan after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion.

"FLOOR AREA, TOTAL". The area of all floors of a building including finished attics, finished basements, and covered porches.

"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.

"GARAGE, PUBLIC". A building or structure used for the parking of vehicles on an intended profit basis.

"GOVERNING BODY". The chief legislative body of the city and/or Caldwell County.

"HEIGHT OF STRUCTURE". The vertical distance measured from the average finished grade at the front building line to the highest point of a structure.

"HOME OCCUPATION". An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes; provided that no trading in merchandise is carried on and there is no display of merchandise or sign other than one (1) non-illuminated sign two (2) square feet in area attached to the main or accessory building.

"HOME OCCUPATION, AGRICULTURAL". Any occupation as defined in "HOME OCCUPATION" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in any agricultural zone, provided that:

(A) No more than three (3) persons other than members of the family residing on the premises shall be engaged in such occupation;

(B) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding eight (8) square feet in area, and not placed in such a manner as to create a traffic visibility problem or obstruction; and

(C) That the use is clearly incidental and subordinate to the land's principal agricultural use.

"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 medical services. Convalescent homes and nursing homes are not included.

"INDUSTRY, HEAVY". Those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes or glare, odor, noise, or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.

"INDUSTRY, LIGHT". Those industries whose processing of products result in none of the conditions described for heavy industry.

"JUNK YARD". A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking 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, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

"KENNEL, COMMERCIAL". A compound where three (3) or more dogs over four (4) months of age are kept and where the owner is actively engaged in buying dogs for resale, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

"KENNEL, NONCOMMERCIAL". A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

"LAND USE PLAN". Proposals for the most appropriate economic, desirable, and feasible patterns for the general location, character, extent, and inter-relationship of the manner in which the community should use its public and private land.

"LIMITED FOOD SERVICE". The preparation and service of food carried on within a residential unit by the occupant thereof for compensation, provided that such food service shall not be available to the general public, but shall be provided to private groups on a pre-arranged basis.

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

"LOT". A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory building, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the ordinance and having frontage on a public street. Agricultural tracts are not included.

"LOT AREA". The computed area contained within the lot lines.

"LOT, CORNER". A lot abutting and situated at the intersection of two (2) streets.

"LOT DEPTH". The mean horizontal distance between the front and rear lot lines.

"LOT, INTERIOR". A lot other than a corner lot.

"LOT LINES". The property lines bounding a lot.

- (A) "LOT LINE, FRONT". The property line separating the lot front and the street.
- (B) "LOT LINE, REAR". The lot line opposite and most distant from the front lot line.
- (C) "LOT LINE, SIDE". Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

"LOT OF RECORD". Recorded lot on file in the County Court Clerk's office.

"LOT, THROUGH". A lot having frontage on two (2) parallel or approximately parallel streets.

"LOT WIDTH". The mean width of the lot measured at right angles to its depth.

"MANUFACTURED HOME". See Article IX for definitions of Type I, II, and III Manufactured Homes.

"MAP". A map of the jurisdiction indicating district boundaries according to this chapter.

"MINI-STORAGE FACILITY." A building composed of and partitioned into individual storage units not exceeding five hundred (500) square feet, leased for the storage of personal property, which units are directly accessible to the lessees.

"MOBILE HOME" or "TRAILER". See definitions relating to the three (3) types of manufactured homes, certified mobile homes, and mobile homes/trailers in Article IX.

"MOBILE HOME PARK" or "TRAILER PARK". An area of land upon which two (2) or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of this chapter as specified in Article IX.

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"MOTEL" or "MOTOR HOTEL". A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guest or occupants.

"MUNICIPALITY". Any incorporated city, borough, town, township, or village.

"MUNICIPAL AUTHORITY". The City Council of Princeton, Kentucky.

"NONCONFORMING USE OR STRUCTURE". An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the Land Protection Chapter, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

"OPEN SPACE". Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of

land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

"PARKING SPACE". A space with a minimum rectangular dimension of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking.

"PLAN". The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

"PLANNED UNIT DEVELOPMENT". An area with a specified minimum contiguous acreage of ten (10) acres to be developed as a single entity according to a plan, containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial, or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Land Protection Chapter.

"PLANNED UNIT RESIDENTIAL DEVELOPMENT". An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate commercial or public or quasi-public uses primarily for the benefit of the residential development.

"PLANNING COMMISSION". The Princeton Planning Commission as established pursuant to Chapter 100 of the Kentucky Revised Statutes.

"PLAT". A map or maps of a subdivision showing lot lines therein.

"PRINCIPAL USE OF STRUCTURE". The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure.

"PRELIMINARY APPROVAL". The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plan have been agreed upon by the Planning Commission.

"PREMISES". A lot or other tract of land under one (1) ownership and all the structures on it.

"PUBLIC OPEN SPACE". An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

"RESIDENTIAL CLUSTER". An area developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area.

"RESIDENTIAL UNIT". Any unit designed for use by one (1) family for living purposes being self-contained, and being either a detached, semi-detached, attached, multi-family, or multi-story structure.

"SETBACK LINE". The distance between a given lot line, easement, or right-of-way line and any structure - front, rear, or side, as specified.

"SITE PLAN". A development plan of one (1) or more lots on which is shown (a) the existing and proposed topography of the lots, (b) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and (c) any other information that may be reasonably required in order to make an informed decision.

"STORY". That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

"STREET". A public right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

"SUBDIVISION". The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

"SUBDIVISION REGULATIONS". The regulations governing the subdivision of land within the city and Caldwell County as adopted by the Planning Commission.

"VARIANCE, DIMENSIONAL". 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 departures 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 actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

"YARD". An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

(A) "YARD, FRONT". That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.

(B) "YARD, REAR". That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

(C) "YARD, SIDE". Those portions of the yard extending from the nearest part of the principal building to the side lot line.

(Ord. 12-3-90, passed 12-20-90; Am. Ord. 6-6-94, passed 6-20-94)

ARTICLE II. ADMINISTRATION; ENFORCEMENT

§ 80.050 ADMINISTRATIVE/ENFORCEMENT OFFICER

(A) Provisions of this chapter shall be enforced and administered by an Administrative/Enforcement Officer who may be designated as provided in § 80.002 of this chapter. The Administrative/Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police and/or County Sheriff's Office in enforcing orders, of the City and/or County Attorney in prosecuting violations, and of other officials.

(B) The Administrative/Enforcement Officer shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of this chapter, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of this chapter.

(C) The Administrative/Enforcement Officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Administrative/Enforcement Officer finds any provisions of this chapter being violated, the person or persons responsible for such violation shall be notified by the Administrative/Enforcement Officer through registered mail. The notification shall order the discontinuation of any illegal use or land, buildings, and/or structures.

(D) Any permit or certificate of occupancy issued in conflict with the provisions of this chapter shall be null and void.

(E) The Administrative/Enforcement Officer shall be required to inform and/or report his actions to the Planning Commission. The report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

(Ord. 12-3-90, passed 12-20-90)

§ 80.051 BUILDING PERMITS

(A) It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving, alteration, or demolition of any building, including accessory buildings, until the Administrative/Enforcement Officer has issued a building permit for such work.

(B) Building permits shall be required for all structures with a roof, as well as all fences, walls, patios, and decks. Dog houses with less than eighteen (18) square feet of floor area and less than

four (4) feet in height shall be exempt from building permit requirements, provided that all required yards and setbacks for accessory buildings are maintained, and provided that all dog houses with a related run or penned enclosure must obtain a building permit. No dog house shall be placed closer to any residence on an adjoining lot than to the principal residence on the lot upon which the dog house is located.

(C) No building permit or certificate of occupancy shall be required in the following cases:

(1) Recurring maintenance work; or

(2) Installation of required improvements according to an approved subdivision

plat.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.052 FEE SCHEDULE

(A) The Planning Commission shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Administrative/Enforcement Officer, and may be altered or amended only by official action of the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(B) Any person desiring to build, make an addition on, or remodel any building shall apply for a permit, giving a description of the building to be constructed or repairs to be made.

(C) The following fees shall be paid before a permit or certificate shall be issued or before an application shall be processed:

Building Permit

Residential	New 1 and 2 bedroom	\$ 25.00
	New 3 and 4 bedroom	\$ 35.00
	New - each additional bedroom	\$ 10.00
	Addition to existing residence	\$ 10.00
Commercial	New under 2,000 sq. ft.	\$ 35.00
	New over 2,000 sq. ft.	\$ 45.00

	Remodel or under 2,000 sq. ft.	\$ 20.00
	Addition over 2,000 sq. ft.	\$ 35.00
Industrial	New under 50,000 sq. ft.	\$ 50.00
	New over 50,000 sq. ft.	\$100.00
	Addition to existent plant	\$ 50.00
	Application for Map Amendment	\$100.00
	Application for Conditional Use	\$ 15.00
	Application for Dimensional Variance	\$ 10.00

(Ord. 12-3-90, passed 12-20-90)

§ 80.053 PROCEDURE

(A) Application. In applying to the Administrative/Enforcement Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yard depths, and any other information necessary for determining compliance with this order. The city water and wastewater office's or the County Health Officer's certificate approving proposed water and sewerage facilities must accompany applications according to § 80.560.

(B) Issuance. If the proposed construction or alteration conforms with all applicable ordinances, regulations, and codes, the Administrative/Enforcement Officer shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform, the Administrative/Enforcement Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative/Enforcement Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.

(C) Restraint of construction without permit. 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. Evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

(D) Validity. The issuance of a building permit shall not waive any provisions of this regulation.

(E) Duration. A building permit shall become void one (1) year from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized. A building permit may be renewed without fee upon review by the Administrative/Enforcement Officer before it becomes void.

(Ord. 12-3-90, passed 12-20-90)

§ 80.054 CERTIFICATE OF OCCUPANCY

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the Administrative/Enforcement Officer shall have issued a certificate of occupancy stating that the land, building, or part thereof, and the proposed use are found to be in conformity with the provisions of this regulation. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative/Enforcement Officer to make a final inspection and to issue a certificate of occupancy if the land, building, or part thereof, and the proposed use are found to conform with the provisions of this regulation; or, if the certification is refused, to state the refusal, in writing, with the cause, and immediately mail the notice of refusal to the applicant at the address indicated in the application.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.055 ENFORCEMENT BY COMMISSION

The Planning Commission may bring action for all appropriate relief, including injunctions against any governmental bodies, or any aggrieved person, who violates the provisions of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.056 ENFORCEMENT

(A) Correction period. All violations of this chapter shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative/Enforcement Officer or in such longer period of time, not exceeding six (6) months, as the Administrative/Enforcement Officer may determine. A violation not corrected within the allowed time for correction shall be reported to the City and/or County Attorney who shall initiate prosecution procedures.

(B) Violation a misdemeanor. Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this chapter or any permit, license, or exception granted hereunder, or any lawful order of the Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this chapter shall be guilty of a Class B misdemeanor.

(C) Remedies. The Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this chapter.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

ARTICLE III. PLANNING COMMISSION

§ 80.100 MODIFICATION OF PLANNING COMMISSION

The Joint Planning Commission created by the prior agreement between the Cities of Princeton and Fredonia and the County of Caldwell is hereby modified to become an Individual Planning Commission of the City of Princeton and shall be known as the "Princeton Planning Commission". The Commission may engage in planning operations within its jurisdiction which shall include the incorporated area of the City of Princeton and such other area as provided for by KRS Chapter 100. The Commission shall have all powers, duties, and responsibilities as set forth in KRS Chapter 100.

(Ord. 5-7-90-2, passed 6-18-90)

§ 80.101 MEMBERSHIP

Membership on the Planning Commission shall be as follows:

(A) The Commission shall consist of a total of seven (7) members with at least five (5) of the members being citizen members. If the Planning Commission exercises extra-territorial jurisdiction for subdivision regulations or other regulations of property in Caldwell County, an additional citizen member may be appointed to represent the county on the Commission.

(B) A citizen member may be any elected official, appointed official, or public employee of the city or county.

(C) A non-citizen member may be any elected official, appointed official, or public employee of the city or county.

(D) The Mayor, with the approval of the City Council, shall appoint the members of the Commission, with the exception of the county member, if any, who shall be named by the Caldwell County Judge/Executive, with the approval of the Caldwell County Fiscal Court.

(E) The term of office of any elected public official appointed to the Planning Commission shall be the same as his official tenure in office. The term of office for all other members of the Planning Commission shall be four (4) years. The current city members of the Commission shall continue to serve the terms to which they have been appointed pursuant to the prior agreement, except that any terms which end on a date other than October 1 of any year shall be modified to end on October 1 of the same year. Any new appointments made pursuant to this article shall be for staggered terms ending on October 1, of a given year, such that a proportionate number of appointees shall have terms ending on October 1 of each year. All vacancies, whether by resignation, dismissal or expiration of term of office

shall be filled within sixty (60) days by the appropriate appointing authority or as otherwise provided by KRS Chapter 100.

(F) The oath of office shall be administered to all members of the Commission before entering upon their duties. The oath shall be administered as provided by law.

(G) Any member may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Planning Commission shall submit a written statement to the Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Planning Commission which shall be open to the general public. The member so removed shall have the right of appeal in the Circuit Court.

(Ord. 5-7-90-2, passed 6-18-90)

Cross reference—Public meetings, Ch. 27.

§ 80.102 OFFICERS; STAFF

The Commission shall elect a Chairman and any other officers which it deems necessary from among its citizen members. The term of office shall be one (1) year with eligibility for re-election. The Commission may employ a staff as it may deem it necessary for its work and may contract with professional planners and other parties for such services as it may require.

(Ord. 5-7-90-2, passed 6-18-90)

§ 80.103 MEETINGS

The Commission shall conduct regular meetings as it deems necessary for the transaction of its business; but there shall be at least six (6) regular meetings annually. The schedule for regular meetings shall be expressed in rules and regulations adopted by the Commission. A special meeting shall be held at the call of the Chairman who shall give written or oral notice to all members of at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place, and the subject or subjects which shall be discussed. All members of the Commission shall be entitled to vote and a simple majority shall constitute a quorum. After a quorum has been established, a simple majority of members present can transact any official business, except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the Commission's by-laws or elements of a comprehensive plan or regulations.

(Ord. 5-7-90-2, passed 6-18-90)

§ 80.104 GENERAL POWERS

The Commission shall have general powers necessary to carry out its functions in accordance with this article and KRS Chapter 100. Officials and employees of the city and the county may be authorized or directed by the Mayor or the County Judge to attend meetings of the Commission, and otherwise to assist the Commission in advisory capacities, when deemed necessary by the Commission, for preparation of plans or aid in implementation of plans as described in KRS Chapter 100.

(Ord. 5-7-90-2, passed 6-18-90)

§ 80.105 REVENUE; DISBURSEMENTS

The Commission shall have the power to receive, hold, administer, and disburse funds which it may lawfully receive from any source. All costs incurred by the Commission, not met by federal or state funds, shall be paid by appropriation from the general revenues of the city.

(Ord. 5-7-0-2, passed 6-18-90)

ARTICLE VI. BOARD OF ADJUSTMENT

§ 80.200 ESTABLISHMENT

(A) The Board of Adjustment shall be established before this chapter shall be legally enforced. The Board established shall consist of five (5) citizen members, two (2) of whom may be citizen members of the Princeton Planning Commission. A "citizen member" means any member of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the City Council. The term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively. Vacancies on the Board shall be filled within sixty (60) days by the respective legislative body. If the Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(B) All members of the Board shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Kentucky Constitution before a judge, county judge-executive, notary public, clerk of a court, or justice of the peace of Caldwell County.

(C) Reimbursement for expenses or compensation or both may be authorized for members of the Board.

(D) Any member of the Board may be removed by the Mayor for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Mayor who exercises the power to remove a Board member shall submit a written statement to the Planning Commission setting forth the reasons for removal and the statement shall be read at the next meeting of the Board of Adjustment. The member so removed shall have the right of appeal to the Circuit Court of Caldwell County.

(E) The Board shall annually elect a chairman, vice-chairman, and a secretary, and any other officer it deems necessary. Any officer shall be eligible for re-election at the expiration of his term.

(Ord. 12-3-90, passed 12-20-90)

§ 80.201 MEETINGS; QUORUM; MINUTES; BYLAWS

(A) The Board shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.

(B) A simple majority of the total membership, as established by regulation or agreement, shall constitute a quorum. Any member of the Board who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

(C) The Board shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the Board and shall be available to the general public. A transcript of the minutes of the Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(Ord. 12-3-90, passed 12-20-90)

§ 80.202 OTHER RIGHTS AND POWERS OF BOARD

(A) The Board of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

(B) The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the state, including the United States government, for the purpose of carrying out its duties.

(C) The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.

(D) The Chairman of the Board shall have the power to administer an oath to witnesses prior to their testifying before the Board on any issue.

(Ord. 12-3-90, passed 12-20-90)

§ 80.203 CONDITIONAL USE PERMITS

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 this chapter which may be suitable only in specific locations in the district only if certain conditions are met.

(A) The Board may approve, modify, or deny any application for a conditional use permit. Before granting any such permit, the Board is required to consider the comments of all adjoining property owners. 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. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in this chapter listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances, for noncompliance with the condition. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.

(B) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

(C) In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one (10 year, if no specific time limit has been set, the conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(D) The Administrative/Enforcement Officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative/Enforcement Officer shall state conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. If the Board finds that the facts alleged in the report of the Administrative/Enforcement Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative/enforcement Officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(E) Once the Board has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the

Administrative/Enforcement Officer, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.237. Thereafter, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

(Ord. 12-3-90, passed 12-20-90)

§ 80.204 DIMENSIONAL VARIANCE

(A) The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this chapter, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this chapter would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same district. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

(B) Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

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

(2) The manner in which the strict application of the provisions of the chapter would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

(3) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the chapter.

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

(5) Consideration of all adjoining property owner's comments regarding the variance request.

(C) The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the chapter in the district in question, or to alter density requirements in the district in question.

(D) A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

(Ord. 12-3-90, passed 12-20-90)

§ 80.205 RECORDING OF VARIANCES; CONDITIONAL USE PERMITS

All variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.

(Ord. 12-3-90, passed 12-20-90)

§ 80.206 EXISTING NONCONFORMING USE, CONTINUANCE, CHANGE

(A) The lawful use of a building or premises, existing at the time of the adoption of this chapter affecting it may be continued, although such use does not conform to the provisions of such regulation, except as otherwise provided in Article IV.

(B) The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the chapter, which makes its use nonconforming, was adopted. Nor shall the Board permit a change from one (1) nonconforming use to any other nonconforming use.

(Ord. 12-3-90, passed 12-20-90)

§ 80.207 ADMINISTRATIVE REVIEW

The Board shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by the Administrative/Enforcement Officer in the enforcement of this chapter. A request for review shall be taken within thirty (30) days after the applicant or his agent receives notice of the action alleged to be in error.

(Ord. 12-3-90, passed 12-20-90)

§ 80.208 PROCEDURE FOR ALL APPEALS

(A) Appeals to the Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of any officer enforcing this chapter. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from by filing with the officer and with the appropriate Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The officer shall immediately transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in further proceedings. At any hearing by

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

(B) The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative/Enforcement Officer at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

(C) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustment may appeal from the action to the circuit court of the county in which the land lies.

(D) All appeal shall be taken in the circuit court within thirty (30) days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission, in all cases, and shall cause it to be delivered for service as in any other legal action.

(Ord. 12-3-90, passed 12-20-90)

ARTICLE V. NONCONFORMING LOTS, STRUCTURES, USES

§ 80.300 INTENT

It is the intent of this chapter to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same district.

(Ord. 12-3-90, passed 12-20-90)

§ 80.301 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single family dwelling and permitted accessory uses, including manufactured and certified mobile homes as permitted in Article VIII, may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

(Ord. 12-3-90, passed 12-20-90)

§ 80.302 NONCONFORMING USES OF LAND AND STRUCTURES

Where, at the time of passage of this chapter, the lawful use of a building or premises exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise legal with the following limitations:

(A) A nonconforming use shall not be extended, enlarged, or moved to occupy any portion of land or structure except in conformity with this chapter.

(B) A nonconforming use shall not be reestablished after discontinuation for a period of one (1) year. Vacating of premises or buildings for non-operative status shall be evidence of a discontinued use.

(C) A nonconforming structure damaged to an extent greater than fifty percent (50%) of the current replacement value may be repaired and restored only to a structure and use conforming to the provisions of the chapter; provided, however, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage is due to fire or natural causes and if rebuilt within twelve (12) months of the date of damage. Manufactured and certified mobile homes are only placed on lots in conformance with Article IX. Restoring to a safe condition of any structure declared to be unsafe by any public official shall not be prohibited by this regulation.

(D) All nonconforming uses shall be changed only to a conforming use; provided, however, that dimensional variances may be granted.

(E) An owner claiming a continuing nonconforming use shall bear the burden of showing that the use was in existence as of the effective date of this chapter and has not been discontinued for a period of one (1) year since the effective date. An owner may register a continuing nonconforming use with the Administrative/Enforcement Officer within twelve (12) months of the adoption of this chapter to establish that the use was in existence as of the effective date of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.303 NONCONFORMING STRUCTURES

(A) Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may continue so long as it remains otherwise lawful.

(B) Any proposed addition or substantial remodeling of a nonconforming structure may be granted after public hearing as a dimensional variance by the appropriate Board of Adjustment. The Board must first determine that the proposed addition or substantial remodeling will not facilitate or expand a nonconforming use before such variance can be granted.

(Ord. 12-3-90, passed 12-20-90)

§ 80.304 ORDINARY REPAIR, MAINTENANCE

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load-bearing walls, fixtures, wiring, or plumbing. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders its restoration to a safe condition.

(Ord. 12-3-90, passed 12-20-90)

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

Division 1. General

§ 80.400 GENERAL REGULATION

No land shall be used or occupied and no structure shall be erected, altered, used, or occupied except for the principal uses permitted for each of the eleven (11) zoning districts created by this chapter, together with lawfully permitted conditional uses and/or accessory uses as listed in the following sections of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.401 OFFICIAL LAND PROTECTION MAP

(A) The official city land protection map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the city under the following words: "This is to certify that this is the city land protection map referred to in Section 80.401 of the City Land Protection Ordinance adopted by the City Council on December 3, 1990, as part of Ordinance No. 12-03-90 of the City of Princeton."

(B) No changes shall be made in the city land protection maps except in conformity with the procedures set forth in this chapter.

(C) If the city land protection map becomes damaged, destroyed, lost, or difficult to interpret, the City Council may, by resolution, adopt a new city land protection map. The new map may correct original drafting errors, or other errors or omissions, but the corrections shall not be in effect amendments of the original map, including amendments thereto. A replacement map shall also contain the following additional words: "This map supersedes and replaces the City Land Protection Map adopted (date of adoption of the map being replaced)."

(Ord. 12-3-90, passed 12-20-90)

§ 80.402 INTERPRETATION OF DISTRICT BOUNDARIES

(A) Boundaries of districts established under provisions of this chapter are shown on the city land protection map on file in the office of the City Clerk.

(B) Boundaries of districts shown on the city land protection map shall be interpreted as follows:

(1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad tracks shall be construed to follow such lines.

(2) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city corporation limits shall be construed as following such corporation line.

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

(5) Boundaries indicated as parallel to or extension of features indicated in subparagraphs (1) through (4) above, shall be so construed. Distances shall be determined by the scale of the city and county land protection maps unless specifically shown on the map.

(6) All questions not covered by subparagraphs (1) through (5) above, concerning the exact location of any district boundary line or portion thereof, shall be determined by the Board of Adjustment.

(C) Where a district boundary line on the city land protection map divides a lot of single ownership which was recorded at the time of enactment of this chapter, the Board of Adjustment may permit the extension of the regulations for either portion of the lot, a distance not to exceed fifty (50) feet into the remaining portion of the lot.

(D) Whenever any street, alley, public way, or public easement is vacated through legal action, the abutting districts shall be extended, depending on the land to which the vacated lands revert.

(Ord. 12-3-90, passed 12-20-90)

§ 80.403 ANNEXATION

In every case when land becomes a part of the city through annexation, such annexed land shall be automatically assigned to the R-1 Zoning District. This zoning district shall remain in effect unless or until the City Council, upon the recommendation of the Planning Commission, enacts a zoning map amendment using the procedures described in this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.404 DISTRICTS ESTABLISHED

The following zoning district classifications are established for the city and for Caldwell County:

(A) A-1 Agricultural - Farm-oriented

- A-2 Agricultural - Rural communities
- (B) R-1 Residential - Low density
- R-2 Residential - Two-family
- R-3 Residential - Multi-family
- (C) B-1 Business - Neighborhood
- B-2 Business - Central business district (downtown)
- B-3 Business - Highway
- (D) I-1 Industrial - Light
- I-2 Industrial - Heavy
- (E) F- Flood plain district

(Ord. 12-3-90, passed 12-20-90)

§ 80.405 EXPRESSLY PROHIBITED USES IN ALL DISTRICTS

Hazardous waste storage, incineration, landfills, storage and/or handling of any type are expressly prohibited in all zones in the city and Caldwell County.

(Ord. 12-3-90, passed 12-20-90)

Division 2. Agricultural Districts

§ 80.410 AGRICULTURAL DISTRICTS

The intent of the Agricultural District is to preserve, promote, and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the watercourses, and to minimize erosion of soil, siltation, and pollution of streams and lakes.

(Ord. 12-3-90, passed 12-20-90)

§ 80.411 FARM-ORIENTED AGRICULTURAL DISTRICT (A-1)

The purpose of A-1 districts is to preserve extensive agricultural endeavors in Caldwell County.

- (A) Principal permitted uses.
 - (1) Land used exclusively for agricultural, farming, dairying, stock raising;
 - (2) Horticultural services;
 - (3) Hunting, trapping, wildlife refuge, forestry;

(4) Single family detached dwellings; and

(5) Churches and cemeteries.

(B) Conditionally permitted uses.

(1) Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes;

(2) Sewage disposal plants;

(3) State approved sanitary landfills. The Board of Adjustment may attach special conditions necessary to protect neighboring premises from undesirable effects of such operation.

(4) Extraction of crude petroleum or natural gas. Extraction storing and processing of minerals or raw materials. The Board of Adjustment may attach special conditions necessary to protect neighboring premises from undesirable effects of such operation.

(5) Veterinarian clinics;

(6) Agricultural home occupations;

(7) Recreational facilities, including playgrounds, golf courses, county clubs, sportsman's farms, riding stables, fishing lakes, and private clubs.

(C) Permitted accessory uses.

(1) Accessory uses in connection with agriculture, farming, dairying, stock raising, or similar uses, such as tenant homes, agriculture structures, stables, and parking areas;

(2) Roadside stands offering for sale only agricultural products grown on the premises;

(3) Keeping of roomers or boarders by a resident family;

(4) Swimming pools and tennis courts for private use; and

(5) Horse training track.

(D) Special uses in A-1 district. For the purpose of this chapter, all lots five (5) acres or greater meet the definition of agricultural use necessary to qualify for the special exemptions noted in Article VII. Lots smaller than five (5) acres may be used for residential purposes and must meet the development standards as specified for the A-2 zone.

(Ord. 12-3-90, passed 12-20-90)

§ 80.412 RURAL COMMUNITY AGRICULTURAL DISTRICT (A-2)

Geographic areas existing within Caldwell County at the time this chapter is adopted may be determined to be small rural communities and may be zoned A-2. Such rural community districts, if designated, will be more accurately described and defined on the county land protection map.

- (A) Principal permitted uses.
 - (1) Those permitted uses in A-1 district;
 - (2) Those permitted uses in R-2 district;
 - (3) Those uses, retail and consumer oriented businesses, permitted in B-1 district;and
 - (4) Mobile home subdivisions.
- (B) Conditionally permitted uses.
 - (1) Non-profit or private facilities, such as schools, churches, cemeteries, libraries, parks, recreational facilities;
 - (2) Veterinarian clinics;
 - (3) Agricultural home occupations;(4) Mobile home parks;
 - (5) Manufactured/certified mobile homes as permitted in Article VIII; and
 - (6) Recreational vehicle parks.
- (C) Permitted accessory uses. Those accessory structures and uses customarily incidental or subordinate to principal structures and uses as listed in A-1 district and R-2 district.
- (D) Development standards.

Minimum lot area 1 acre with no public sewers*; 20,000 sq. ft. with public sewers

Minimum lot width at building line 100 feet

Minimum front yard 50 feet

Minimum side yard (each side) 30 feet

Minimum rear yard 30 feet

Maximum building height N/A

Signs See Article XI

Parking See Article X

* The larger of this minimum and the result of the Board of Health's on-site evaluation will prevail.

(Ord. 12-3-90, passed 12-20-90)

Division 3. Residential Districts

§ 80.420 RESIDENTIAL DISTRICTS

The purpose of residential districts is to establish and preserve single and multi-family home neighborhoods as desired by large numbers of people free from other uses except those which are both compatible with and convenient to the residents of such a district.

(Ord. 12-3-90, passed 12-20-90)

§ 80.421 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

The low density residential classification is the most restrictive residential district. The principal land use in this district is for single family dwellings and for associated religious, recreational, educational, and public facilities necessary to provide for a balanced and attractive low density residential area. Lands in this district are intended to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized and orderly growth promoted by providing adequate light, air, and open space and through consideration of proper function relationships of each permitted use.

(A) Principal permitted uses.

(1) Detached single-family dwellings.

(B) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

(1) Churches, parish houses, and other places of worship;

(2) Public libraries and public schools;

(3) Public parks, noncommercial recreational areas, and other public facilities of a noncommercial nature;

(4) Funeral homes and cemeteries;

(5) Hospitals and clinics for human care, nursing, and convalescent homes and nurses' homes;

(6) Philanthropic institutions and clubs, except a club which is customarily carried on as a commercial activity;

(7) Noncommercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling house;

(8) Mobile home subdivisions; and

(9) Bed and breakfast operations and limited food service operations.

(C) Accessory uses. Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

(D) Special use. A planned unit development for residences shall be permitted as a special use in conformance with Article XII of this chapter.

(E) Development standards.

Minimum lot area 10,000 sq. ft.

Minimum lot width at building line 75 feet

Minimum front yard 30 feet

Minimum side yard (each side) 10 feet

Minimum rear yard 25 feet

Maximum building height 30 feet or 2 stories

Signs See Article XI

Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

§ 80.422 TWO-FAMILY RESIDENTIAL DISTRICT (R-2)

The two-family residential district is intended to provide for medium population density. Single-family and two-family dwelling units are the principal uses permitted along with the associated uses referred to in § 80.421 as being necessary to provide a balanced and attractive residential area. The

purpose of this district is the same as that of the R-1, low density residential district, except that two-family, detached, dwelling units are permitted.

(A) Principal permitted uses.

(1) Detached single-family dwellings; and

(2) Detached two-family dwellings.

(B) Conditionally permitted uses.

(1) Any use conditionally permitted in an R-1 residential district and subject to the requirements as provided in § 80.421(B).

(2) Home occupations including professional offices, studios and/or customary home occupations as follows:

a. The office or studio in the residence of a physician, dentist, artist, lawyer, engineer, teacher (with musical instruction limited to one (1) pupil at a time), architect, realtor, and insurance agent, provided that not more than one-half (1/2) of the area of one (1) floor of the dwelling is devoted to such accessory use, and that not more than one (1) person, not a resident on the premises, is employed, and that no such use shall require structural alterations or involve construction features not customary in dwellings. An indirectly lighted nameplate, not over two (2) square feet in area, attached flat against the building shall be permitted.

b. Other accessory uses may also include customary home occupation of handicraft, dressmaking, and laundering; provided that such occupations shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one-quarter (1/4) of the area of one (1) floor of the residence shall be used for such purpose and that structural alterations or construction involving features not customarily found in dwellings are not required. An indirectly lighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted.

c. Any business conducted as an accessory use must be confined to the interior of the principal building with all merchandise kept inside the building.

(C) Accessory uses. Accessory uses and buildings may be permitted as customarily incidental to any of the principal and conditionally permitted uses listed above.

(D) Special uses. A planned unit development for residences shall be permitted as a special use in conformance with Article XII of this chapter.

(E) Development standards.

Minimum lot area 8,000 sq. ft. for single-family;

10,000 sq. ft. for two-family dwellings

Minimum lot width at building line 60 feet for one-family;

70 feet for two-family dwellings

Minimum front yard 25 feet

Minimum side yard (each side) 8 feet

Minimum rear yard 20 feet

Maximum building height 36 feet or 3 stories

Signs See Article XI

Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

§ 80.423 MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

This residential district provides for medium and high population density. The principal use of land may include two-family residential units to multi-family dwellings. Uses are also permitted on a conditional or accessory basis that complement the more intense residential use that is intended in an R-3 district.

(A) Principal permitted uses.

- (1) Detached single-family dwellings;
- (2) Detached two-family dwellings;
- (3) Multi-family dwellings including townhouses, condominiums, rooming, and boarding houses; and
- (4) Mobile home subdivisions.

(B) Conditionally permitted uses.

- (1) Any use conditionally permitted in an R-1 residential district and subject to the requirements of § 80.421(B);
- (2) Private nursery, day school, kindergarten, and child care center;
- (3) Home occupations, including professional offices, studios, and customary home occupations as described in § 80.422(B);

- (4) Mobile home park; and
- (5) Recreational vehicle park.

(C) Accessory uses. Accessory uses and buildings may be permitted as customarily incidental to any of the permitted and conditionally permitted uses listed above.

(D) Special use. A planned unit development for residences shall be permitted as a special use in conformance with Article XII of this chapter.

(E) Development standards.

Minimum lot area 7,000 sq. ft. for single-family;
9,000 sq. ft. for two-family;
7,000 sq. ft. for first unit plus
4,000 sq. ft. for each additional unit for multi-family dwellings
Minimum lot width at building line 60 feet for one-family;
70 feet for two-family;
80 feet for multi-family dwellings
Minimum front yard 20 feet
Minimum side yard (each side) 8 feet
Minimum rear yard 15 feet
Maximum building height 36 feet or 3 stories
Signs See Article XI
Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

Division 4. Business Districts

§ 80.430 BUSINESS DISTRICTS

Business districts are intended to accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of

business operations, to encourage the development of new business at appropriate locations, and to preserve and protect existing and future development of nonbusiness uses of access points, service roads, parking and loading areas, screening, and other regulations.

(Ord. 12-3-90, passed 12-20-90)

§ 80.431 NEIGHBORHOOD BUSINESS DISTRICT (B-1)

The purpose of the neighborhood business district is to provide retail stores and personal service outlets to meet the need of the people in adjacent or nearby residential areas for convenient services. These districts are closely related to residential districts but they are also commercial areas that generate activities that can be disruptive in residential areas unless they are properly regulated. The intent of these regulations is to make the B-1 districts as compatible as possible with associated residential districts while permitting commercial activity.

(A) Principal permitted uses.

(1) Any convenience-type retail business or service establishment such as groceries, drug stores, shoe repair shops, hardware store, barber and beauty shops, clothing shops, automobile sales and services, banks and finance companies, garages for motor vehicle repair within an enclosed building, motels, restaurants, self-service laundries, filling stations, theaters, places of amusement and assembly, car washes, and antique shops. Any other retail business or service establishment which is determined by the Board of Adjustment to be of the same general character as the above mentioned uses.

(2) Any retail or wholesale business or service (except warehouses), including the making of articles to be sold at retail on the premises; manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer and where not more than five (5) persons are employed in such manufacture; provided further, however, that the following uses shall not be permitted, auto wrecking; coal or lumber yards; dairy; electric welding; gasoline, oil, or alcohol storage above the ground in excess of five hundred (500) gallons; grist or flour mill; junk, scrap paper or rag storage; baling; laundry or bakery employing more than five (5) persons; machine shop, slaughter house or stock yard; tinsmith shop; or sheet metal works; or any other use which in the opinion of the Board of Adjustment would be injurious because of offensive fumes, odors, noises, dust, vibrations, or

other objectionable features, or hazardous to the community on account of danger of fire or explosion, even when conducted under safeguards.

(B) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:

- (1) Billboards, churches, and other places of worship;
- (2) Parish houses;

- (3) Public libraries;
- (4) Schools offering general education courses;
- (5) Public parks and noncommercial public recreational facilities;
- (6) Public utilities;
- (7) Funeral homes and cemeteries;
- (8) Nurse's homes, hospital, and clinics for human care;
- (9) Philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business;
- (10) Mobile home park;
- (11) Mobile home subdivision; or
- (12) Recreational vehicle park.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

(C) Accessory uses. Any accessory use or building customarily incidental to the above permitted uses is permitted, including dwelling units occupying the same building as the principal commercial use and being for use by the owner and/or operator of the permitted commercial use.

(D) Required conditions.

(1) Screening. Where a side lot line is shared with an adjoining residential lot, a well-maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

(2) Access to highways and streets. In all commercial zones, points of access to highways and streets shall be controlled by the Planning Commission and by Article VII, § 80.553 of this chapter. Before any building permit for any structure in a B-1 district may be issued, the prospective builder or operator of the proposed B-1 activity shall submit a sketch of the layout and design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two (2) or more consumer commercial establishments adjoin along one (1) side of any street or highway, that they share access points to the street. When more than four (4) consumer commercial establishments adjoin along any highway or street, a road parallel to the highway or street may be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two

(2) points for every four (4) consumer commercial establishments. The provisions of Article VIII shall also apply in a B-1 district. Parking and off-street loading requirements are provided in Article X of this chapter.

(E) Development standards.

Minimum lot area None

Minimum lot frontage 100 feet

Minimum front yard 25 feet, or one-half (1/2) of the street right-of-way, whichever is greater

Minimum side yard If adjacent to residential district, must comply with adjacent district's requirements

Minimum rear yard Same as side yard

Maximum building height 25 feet or 2 stories

Signs See Article XI

Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

§ 80.432 CENTRAL BUSINESS DISTRICT (B-2)

The central business district is intended for the conduct of retail business and for personal and business service for the city and its trade area. It is the most intensely developed district and contains stores and services for all areas of the city, requiring a high degree of internal interaction that demands close proximity and freedom of movement by pedestrians within the district.

(A) Principal permitted uses. Any consumer and personal service establishment such as:

- (1) Shoe repair shops;
- (2) Drug stores;
- (3) Hardware stores;
- (4) Barber and beauty shops;
- (5) Clothing stores;
- (6) Banks and other financial institutions;

- (7) Hotels;
- (8) Office buildings;
- (9) Walk-in restaurants;
- (10) Poolrooms;
- (11) Gift shops and variety stores;
- (12) Printing shops;
- (13) Jewelry stores;
- (14) Mail-order houses;
- (15) Radio and television studios;
- (16) Health centers;

(17) Dry cleaning establishments, provided that establishments meet all fire code requirements, have installed venting which assures dispersion of all obnoxious fumes and odors at least twenty-five (25) feet above the street level or five (5) feet above the roof level of the highest adjoining building, whichever is the higher; use only nonflammable solvents as specified by the Underwriters' Laboratory, Incorporated; receive and disburse merchandise for processing on the premises; and provide at least two (2) off-street parking spaces for customers.

In no case shall the following uses be permitted within the central business district:

- (1) New or used car sales;
- (2) Farm implement sales;
- (3) Trailer sales;
- (4) Drive-in theaters;
- (5) Drive-in restaurants; or

(6) Any other similar uses which the Board of Adjustment determines to be detrimental to the district as a pedestrian-oriented retail consumer-service district.

(B) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:

- (1) Churches and other places of worship;
- (2) Parish houses;

- (3) Public libraries;
- (4) Passive recreation and/or public parks;
- (5) Service stations;
- (6) Municipal county, state, and federal buildings;
- (7) Public utilities;
- (8) Funeral homes;
- (9) Hospitals and clinics for human care;
- (10) Philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business;
- (11) Use of upper floors as residential dwellings by the owner of the business on the lower floors, the owner of the building, or as rental property.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

(C) Accessory uses. Any accessory use or building customarily incidental to the above permitted uses is permitted.

(D) Required conditions. All permitted and conditionally permitted uses within the central business district shall be conducted wholly within an enclosed building except for off-street parking and loading facilities provided for under Article X of this chapter.

(E) Development standards.

Minimum lot area None

Minimum yard requirements None

Maximum building height 36 feet or 3 stories

Signs See Article XI

Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

§ 80.433 HIGHWAY BUSINESS DISTRICT (B-3)

The B-3 district is for the conduct of retail sales and personal business oriented to vehicles and vehicular travel primarily on major streets, roads, and arterials. Characteristically, the district is centering about major road intersections and along arterial routes. Travel within the district is mainly by way of private automobile.

(A) Principal permitted uses.

(1) Any uses in the neighborhood business district (B-1).

(2) New or used car sales, farm implement sales, trailer sales, drive-in theaters, drive-in restaurants, or any other similar uses are also permitted within the highway business district.

(B) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:

(1) Churches and other places of worship;

(2) Public libraries;

(3) Public parks and commercial public recreational facilities;

(4) Public utilities;

(5) Funeral homes and cemeteries;

(6) Roadside stands and clubs, including a club of which the chief activity is customarily carried on as a business;

(7) Dwelling units occupying the same building as the principal commercial use and being for the use of the owner and/or operator of the permitted commercial use;

(8) Mobile home parks and subdivisions;

(9) Recreational vehicle parks; and

(10) Mini-storage facilities.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

(C) Accessory uses. Any accessory use or building customarily incidental to the above permitted uses is permitted.

(D) Special use. A planned unit development for highway business shall be permitted as a special use in conformance with Article XII of this chapter.

(E) Required conditions. Same as the required conditions for the B-1 District.

(F) Development standards.

Minimum lot area	None
Minimum lot frontage	100 feet
Minimum front yard	25 feet, or one-half (1/2) of the street right-of-way, whichever is greater
Minimum side yard	If adjacent to residential district, must comply with adjacent district's requirements.
Minimum rear yard	Same as side yard
Maximum building height	36 feet or 3 stories
Signs	See Article XI

(Ord. 12-3-90, passed 12-20-90)

Division 5. Industrial Districts

§ 80.440 LIGHT INDUSTRIAL DISTRICT (I-1)

The Light Industrial District is primarily intended for production and assembly plants and industrial operations or services that are conducted in such a manner that noise, odor, dust, glare, and vibration produced is essentially contained within the premises.

(A) Principal permitted uses.

- (1) Adding machine manufacture;
- (2) Artificial flower manufacture;
- (3) Automobile assembly;
- (4) Automobile rental agency;
- (5) Automobile, trailer, and farm implement dealers;
- (6) Animal hospitals, veterinary clinics, and associated kennels;
- (7) Baggage transfer, storage, and warehouse;
- (8) Bakery;
- (9) Bottling works and beverage manufacture;

- (10) Bicycle and motorcycle repair;
- (11) Blacksmith;
- (12) Book publishing;
- (13) Boot and shoe manufacture;
- (14) Broom manufacture;
- (15) Building materials and yard;
- (16) Cabinet maker;
- (17) Candy manufacture;
- (18) Canning and preserving factory;
- (19) Cap and hat manufacture;
- (20) Carpenter shop;
- (21) Carpet cleaning;
- (22) Car wash;
- (23) Chicken hatchery;
- (24) Cigar and cigarette manufacture;
- (25) Coal yard;
- (26) Coffin and concrete burial vault manufacture;
- (27) Cold storage warehouse;
- (28) Condensed milk manufacture;
- (29) Contractors' storage yard;
- (30) Cosmetic manufacture;
- (31) Creamery;
- (32) Dry goods, wholesale or storage;
- (33) Dyeing and cleaning;
- (34) Electrical supply manufacture;

- (35) Enameling and painting;
- (36) Engraving plant;
- (37) Envelope manufacture;
- (38) Express storage and delivery station;
- (39) Feed, wholesale, flour and grain storage and elevators;
- (40) Food products manufacture;
- (41) Fruit and vegetable drying;
- (42) Fuel distributing station and fuel gas storage;
- (43) Fur warehouse;
- (44) Furniture warehouse or storage;
- (45) Garage, repair;
- (46) Garment factory;
- (47) Grocery store, wholesale;
- (48) Ice manufacture;
- (49) Laundry;
- (50) Lumber yard, not including sawmill;
- (51) Moving company and storage facilities;
- (52) Paper box, can, tube, and sack manufacture;
- (53) Screw and bolt manufacture;
- (54) Seed company;
- (55) Sheet metal shop;
- (56) Sporting goods manufacture;
- (57) Tinsmith shop;
- (58) Tire manufacture, including recapping plants;
- (59) Warehouses;

- (60) Welding shop; and
- (61) Wood products manufacturing.

(B) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:

(1) Any industrial, manufacturing, fabrication, processing, or industrial service use which the Board of Adjustment determines would not emit obnoxious noise, odor, smoke, dust, or vibration beyond the confines of its property.

(2) The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use could locate.

(C) Accessory uses. Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

(D) Special uses. A planned unit development for light industries shall be permitted as a special use in conformance with Article XII of this chapter.

(E) Required conditions.

(1) Yards. On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum yard of fifty (50) feet.

(2) Loading docks. No loading dock shall be constructed fronting on any public street or roadway.

(3) Storage facilities. No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

(4) Waste disposal. No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or the industry constructs its own sewage disposal plant.

(E) Development standards.

Minimum lot area None

Minimum lot frontage 100 feet

Minimum front yard 40 feet, or one-half (1/2) of the street right-of-way, whichever is greater

Minimum side yard 25 feet minimum; 50 feet if adjacent to residential district

Minimum rear yard 25 feet

Maximum building height 36 feet or 3 stories

Signs See Article XI

Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

§ 80.441 HEAVY INDUSTRIAL DISTRICT (I-2)

The Heavy Industrial District is primarily intended for production and assembly plants and industrial operations or services that by virtue of the external effects of their noise, odor, dust, glare, or vibration should be isolated from residential uses. Heavy industries should be located in areas with topographic features suitable for such industries and where adequate utilities and transportation are available.

(A) Principal permitted uses.

- (1) Any use permitted in the I-1 Light Industrial District;
- (2) Agricultural implement manufacture;
- (3) Airplane repair and manufacture;
- (4) Aluminum manufacture;
- (5) Asbestos products manufacture;
- (6) Automobile manufacture;
- (7) Bank and equipment manufacture;
- (8) Barrel manufacture;
- (9) Bicycle manufacture;
- (10) Boat manufacture;
- (11) Can manufacture;
- (12) Candle manufacture;
- (13) Cast iron pipe manufacture;

- (14) Casting foundry;
- (15) Celluloid manufacture;
- (16) Concrete plant;
- (17) Corrugate metal manufacture;
- (18) Culvert pipe manufacture;
- (19) Engine manufacture;
- (20) Fixture manufacture;
- (21) Furnace manufacture;
- (22) Furniture manufacture;
- (23) Hardware manufacture;
- (24) Iron (ornamental) works;
- (25) Linoleum manufacture;
- (26) Locomotive manufacture;
- (27) Machine shop;
- (28) Metal products manufacture;
- (29) Motorcycle manufacture;
- (30) Shoe manufacture;
- (31) Structural iron and steel manufacture;
- (32) Tobacco manufacture;
- (33) Tool manufacture; and
- (34) Wire manufacture.

(B) Conditionally permitted uses. The following uses are special exceptions and require written approval of the Board of Adjustment:

- (1) Abbatoirs;
- (2) Acid manufacture;
- (3) Acetylene gas manufacture, refining or storage;

- (4) Ammonia manufacture;
- (5) Asphalt manufacture, refining or storage;
- (6) Blast furnace, brick kiln, charcoal manufacture and pulverizing;
- (7) Chemical manufacture;
- (8) Creosote treatment and manufacture;
- (9) Exterminator or insect poison manufacture;
- (10) Fat rendering, fertilizer manufacture;
- (11) Flour and grain milling;
- (12) Gasoline storage, wholesale;
- (13) Junk yards;
- (14) Leather curing and tanning;
- (15) Lime manufacture;
- (16) Monument works;
- (17) Plaster of paris manufacture;
- (18) Quarry works;
- (19) Refuse dump;
- (20) Rock crushing;
- (21) Salvage storage yard;
- (22) Sawmill;
- (23) Scrap iron;
- (24) Storage yard;
- (25) Stock yards;
- (26) Sulfur, sulfuric acid or derivatives manufacture;
- (27) Tar distillation or manufacture;
- (28) Terra cotta manufacture;

(29) Wrecking material yard;

(30) Coal washing, storage, and transfer yards and facilities; and

(31) Any other industrial, manufacturing, fabrication, or processing uses which the Board of Adjustment determines to be non-detrimental to surrounding properties or possesses other characteristics that would be a nuisance to the residents of the city.

The Board may attach certain conditions as to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

(C) Accessory uses. Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

(D) Special use. A planned unit development for heavy industries shall be permitted as a special use in conformance with Article XII of this chapter.

(E) Required conditions.

(1) Yards. On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet.

(2) Loading docks. No loading dock shall be constructed fronting on any public street or roadway.

(3) Storage facilities. No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

(4) Waste disposal. No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or the industry constructs its own sewage disposal plant.

(5) Junk yards, salvage, and scrap iron yards and similar uses shall be enclosed by an acceptable fence, wall, or other screening not less than six (6) feet in height. The Board of Adjustment shall determine the acceptability of the screening.

(F) Development standards.

Minimum lot area None

Minimum lot frontage 100 feet

Minimum front yard 50 feet, or one-half (1/2) of the street right-of-way, whichever is greater

Minimum side yard 25 feet minimum; 50 feet if adjacent to residential district

Minimum rear yard 25 feet

Maximum building height 36 feet or 3 stories

Signs See Article XI

Parking See Article X

(Ord. 12-3-90, passed 12-20-90)

Division 6. Flood Plain District

§ 80.450 FLOOD PLAIN DISTRICT (F)

The Flood Plain District is an exceptional area for which special regulations have been developed. This district is composed of lands that are subject to being flooded and the special regulations have the purpose of preventing the development in the flood plain of buildings and structures that will increase flood heights and damage and preventing excessive property damage and loss of life in areas of greatest flood hazard.

(A) Principal permitted uses. None.

(B) Conditionally permitted uses. The following uses are permitted in a Flood Plain District, subject to the restrictions, limitations, and procedures set forth in this section and Chapter 73.

(1) Agricultural uses not involving the commercial slaughtering of animals or other operations producing obnoxious odors or noises;

(2) Open-type recreational facilities, either public or private;

(3) Outdoor advertising subject to provisions of Article XI of this chapter;

(4) Temporary uses subject to Article VIII of this chapter;

(5) Storage yards for agricultural and/or industrial supplies or equipment not subject to major damage by flood waters;

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

(C) Restrictions and limitations in flood plains.

(1) The erection of any structure for residential purposes is prohibited.

(2) No use or structure shall be permitted in a Flood Plain District that restricts, impedes, or diverts the natural flow or water in the area.

(3) There shall be no filling of land or excavation of land unless and until a certificate shall be issued by the City Engineer, or an equivalent official, and approved by the Planning Commission that such filling or excavation does not alter the natural flow of water.

(D) Procedure for development. No building, structure, use, or improvement shall be undertaken in a Flood Plain District without the prior approval of the Planning Commission nor without a Conditional Use Permit issued by the Board of Adjustment.

(1) A development plan shall be prepared by the applicant and submitted to the Planning Commission for review and approval. Provisions of Article XIII of this chapter pertaining to development plans shall be followed.

(2) In reviewing the submitted plan of development, the Planning Commission shall be guided by the following standards:

a. Permitted uses shall be of the type not subject to major damage by floods as set forth in § 80.450(B).

b. Structures shall be placed on the lot so as to offer minimal obstruction to the flow of water.

c. Structures shall be firmly anchored to prevent floating away during floods.

d. Topographic data, hydrological data, engineering studies, or other special studies may be necessary to determine the effects of flooding on a proposed structure or the effect on the floodway of the structure and the Planning Commission may require that such studies be prepared by competent engineers or other professionals.

e. The granting of approval shall not be construed to imply that the action of the City Council, Planning Commission, or any of their offices or agencies is a representation, guarantee, or warranty of any kind of the practicality or safety of any structure or plan proposed and shall create no liability upon or a cause of action against any such public bodies, officers, or employees for any damage that may result pursuant thereto.

(3) The Board of Adjustment shall secure a written recommendation from the Planning Commission setting necessary standards and conditions for the proper operation of the proposed use or structure before issuing the Conditional Use Permit.

(Ord. 12-3-90, passed 12-20-90)

ARTICLE VII. APPLICATION OF REGULATIONS

§ 80.500 APPLICATION OF REGULATIONS

All existing and future structures and uses of premises within the city shall conform with all applicable provisions of this chapter. Each zoning district is established to permit only those uses specifically listed as permitted uses or accessory uses, except as provided under the nonconforming or conditional use provisions, and is intended for the protection of those uses. No other uses are permitted except as specifically permitted elsewhere in this chapter.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.501 SPECIAL PROVISIONS FOR AGRICULTURAL AREAS

For the purpose of this chapter, land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes, shall have no regulations imposed as to building permits, height, yard, location, or court requirements for agricultural buildings except that:

(A) Setback lines and/or buffer zones shall be required for the protection of existing and proposed streets and highways. In connection therewith, all requirements of the Commonwealth of Kentucky Department of Transportation, Bureau of Highways Regulations as regarding distance, site, and drainage shall be complied with; and

(B) All buildings or structures in a designated floodway or floodplain, or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

(Ord. 12-3-90, passed 12-20-90)

§ 80.502 SUBDIVISION OF AGRICULTURAL LAND

Landowners or developers desiring to subdivide agricultural land for any non-agricultural use must meet the following requirements.

(A) Obtain a zoning change to the appropriate zoning district unless the intended use is suitable in the agriculture district.

(B) Conform with the subdivision regulations, including design and processing requirements.

(C) Conform with the dimension requirements and other special requirements as may be imposed by the Commission.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.503 COORDINATION WITH SUBDIVISION REGULATIONS

In all cases, the provisions of the subdivision regulations of the city and amendments thereto shall apply in addition to the provisions of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.504 CERTIFICATE OF LAND USE RESTRICTIONS

Whenever a legislative body approves a land protection map amendment, whenever the Planning Commission approves a development plan or subdivision plat, and whenever the Board of Adjustment approves a variance or conditional use permit, a Certificate of Land Use Restriction, as detailed below, shall be filed with the County Clerk.

CERTIFICATE OF LAND USE RESTRICTION

1. Name and address of property owner(s)

2. Address of property

3. Name of subdivision or development
(if applicable)

4. Type of restriction(s)

(Check all that apply)

_____ Zoning map amendment
to _____ Zone

_____ Conditional zoning condition

PRINCETON - LAND PROTECTION

_____ Development Plan

_____ Other

_____ Subdivision Plan

(Specify) _____

_____ Variance

_____ Conditional Use Permit

5. Name and address of Planning Commission, Board of Adjustment, legislative body or fiscal court which maintains the original records containing the restriction.

Signature of completing official

Name and title of completing official
(type or print)

(Ord. 12-3-90, passed 12-20-90)

ARTICLE VIII. SUPPLEMENTAL DISTRICT REGULATIONS

§ 80.550 APPLICABILITY

(A) Except as hereinafter specified, the provisions of this article shall apply to all districts.

(B) The provisions of this chapter affect every building and use. No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with the regulations. No excavation, cut, or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of this chapter.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.551 YARD REGULATIONS

(A) Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.

(B) A yard or lot existing at the time of adoption of this chapter, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.

(C) Front yards for corner and/or through lots shall be of the depth required by this chapter for the district in which the lots are located. The side yard adjacent to the other street shall be of the depth required by this chapter for front yards in the district in which the lot adjacent to the corner and/or through lot is located.

(D) Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing such projection into yard space is prohibited.

(E) In any required front yard or side yard for corner lots, no fences or walls shall be permitted which materially impede vision across or into such yard above thirty (30) inches in height. Fences, walls, and hedges are permitted in or along the edge of a yard except as provided above. In planned unit developments requiring development plan review, the Planning Commission may permit fences, walls, and hedges above thirty (30) inches in height in the front yard.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.552 SETBACK LINES, EXCEPTIONS

Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this chapter. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.553 LOT ACCESS REQUIREMENTS

(A) Every lot upon which a building is erected for use shall either be adjacent to or have direct and permanent access to a public street. Access to buildings in a planned unit development shall be approved by the Planning Commission.

(B) The following restrictions regarding lot access control shall apply.

(1) Lots with less than one hundred (100) feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than one hundred (100) feet but less than four hundred (400) feet shall have no more than two (2) points of access to the public street. Lots with more than four hundred (400) feet of frontage shall have no more than two (2) points of access for each four hundred (400) feet of frontage.

(2) The location of access drives for lots with four hundred (400) or more feet of frontage shall be approved by the Planning Commission.

(3) No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of intersecting streets.

(4) No curbs on public streets or public right-of-ways shall be cut, removed, or altered, nor shall any curb or pavement be constructed within the right-of-way without written approval of the Administrative/Enforcement Officer.

(5) An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.554 ACCESSORY BUILDINGS

(A) Accessory buildings shall be permitted in rear yards only and must be at least six (6) feet from any other buildings on the same lot and six (6) feet from all adjoining lots. On any corner lot adjoining in the rear another lot which is in a residential district accessory buildings shall conform to the side yard requirements for the residential district.

(B) No buildings in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this chapter.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.555 SWIMMING POOLS

(A) All private in-ground and above-ground swimming pools, except as noted below, must be covered or completely enclosed, including a gate, with a minimum of a four (4) foot fence so as to prevent unauthorized or accidental access by children. Above-ground pools greater than four (4) feet in

height with a retractable or removable ladder and all pools smaller than one hundred (100) square feet and eighteen (18) inches in depth and not containing any recirculating equipment shall be exempt from this requirement.

(B) The Enforcement Officer shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots.

(C) All public swimming pools must meet all applicable state regulations regarding fencing.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.556 LOT FOR EVERY BUILDING

Every principal building shall be located on a separate lot. Except in a planned unit development, only one (1) principal building may be erected on a single lot unless requirements of this chapter are met as though it were on an individual lot.

(Ord. 12-3-90, passed 12-20-90)

§ 80.557 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this chapter shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, masts, and aerials; provided, however, that a conditional use permit is obtained for the exception from the Board of Adjustment.

(Ord. 12-3-90, passed 12-20-90)

§ 80.558 SUBDIVISION OR CONSOLIDATION OF LOTS

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, the provisions of the subdivision regulations shall apply (if adopted) in addition to the provisions of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.559 VISIBILITY AT INTERSECTIONS

(A) There shall be no obstruction on a corner lot which will materially impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the center line grades of the

intersecting streets in the area bounded by the edge of the street pavement and a line joining points along the pavement twenty-five (25) feet from the point of intersection.

(B) The above provisions do not apply to the Central Business District or to any location requiring a retaining wall. The Board may either reduce or increase the requirements of this section in the interest of public safety upon finding that special conditions exist.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.560 WATER SUPPLY AND SEWAGE DISPOSAL

No building or dwelling can be constructed without water supply and sewage disposal facilities which have been approved by the County Health Officer. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer and the city's water and sewer department superintendent. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for building permits and certificates of occupancy.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.561 EXCAVATION; REGRADING

The excavation of natural materials or filling of land shall be permitted without a conditional use permit only to the degree necessary to permit construction of buildings, streets, or accessory uses for which a building permit has been granted. Materials used for fill shall be natural materials only, such as sand, gravel, or dirt, and shall not consist of rubbish, refuse, garbage, or decomposable animal or vegetable materials. Any excavation or filling which is not clearly necessary and incidental to an approved construction project shall require a conditional use permit. Regrading shall be undertaken at a time which is customary to the overall construction timetable of similar projects.

(Ord. 12-3-90, passed 12-20-90)

§ 80.562 TEMPORARY BUILDING; TEMPORARY USE

(A) Temporary permits not to exceed six (6) months and renewable for additional six (6) month periods for a maximum of eighteen (18) months may be issued by the Administrative/Enforcement Officer for site construction purposes. Non-renewable temporary permits not to exceed sixty (60) days may be issued by the Administrative/Enforcement Officer for carnivals,

circuses, tent revival meetings, and similar special event activities. Temporary events by local schools, churches, and civic clubs of short duration shall not require a permit.

(B) Before issuing a temporary permit, the Administrative/Enforcement Officer shall find that the site is adequate for the proposed activity and that the proposed use, including related parking and traffic is not detrimental to the surrounding area.

(C) The Board of Adjustment may permit temporary conditional uses for a period not to exceed six (6) months for structures and/or uses referred to above provided that the requirements for site adequacy, parking, and traffic are met in addition to the Board's conditions.

(Ord. 12-3-90, passed 12-20-90)

§ 80.563 MINIMUM DISTRICT SIZE

No land district created under the provisions of this chapter shall be less than two (2) acres in size.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

ARTICLE IX. MANUFACTURED; MOBILE HOMES

§ 80.600 INTENT

(A) It is the intent of this article to encourage provision of alternative, modest housing in general residential areas by permitting the use of certain manufactured homes and certified mobile homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between the manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

(B) It is the further intent of this article to guide the establishment of mobile home parks, mobile home subdivisions, and recreational vehicle parks in areas providing a residential setting and convenient to major arterials, and to provide maximum compatibility between the adjacent uses and the mobile home park or subdivision.

(Ord. 12-3-90, passed 12-20-90)

§ 80.601 DEFINITIONS

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

"ADD-A-ROOM UNIT." A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.

"ANCHORING SYSTEM." An approved system of straps, cables, turnbuckles, chain, ties, or other approved materials used to secure a manufactured or certified mobile home.

"ANSI/NFPA 501A STANDARD FOR INSTALLATION OF MANUFACTURED/CERTIFIED MOBILE HOMES." Model national standards (including all authorized successor documents) for installation of manufactured and certified mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

"APPROVED." Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

"EXPANDO UNIT." An expandable manufactured housing unit.

"FOUNDATION SIDING/SKIRTING." A type of wainscoting constructed of fire and weather-resistant materials, such as aluminum, particle board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or certified mobile home.

"MANUFACTURED HOME." A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. The three (3) types of manufactured homes (Type I, Type II, and Type III) are defined as meeting all of the appropriate requirements of this chapter.

"MANUFACTURED HOME SUBDIVISION." A parcel of land platted for subdivision according to all requirements of the Comprehensive Plan and this chapter designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

"MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE." Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401, et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer), which has been stamped and approved by a design approval primary inspection agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.

"MANUFACTURED OR MOBILE HOME COMMUNITY (PARK)." A parcel of land on which two (2) or more manufactured or certified mobile homes are occupied as residences.

"MOBILE HOME." A transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976. (For criteria for certified mobile homes, see § 80.603(D)).

"OCCUPIED SPACE." The total area of earth horizontally covered by the structure, including accessory structures, such as, but not limited to, garages, patios, and porches.

"ONE AND TWO-FAMILY DWELLING CODE." The nationally recognized model building code prepared by the Council of American Building Officials.

"PERMANENT PERIMETER ENCLOSURE." A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

"PERMANENT FOUNDATION." Any structural system for transporting loads from a structure to the earth at a depth below the established front line without exceeding the safe bearing capacity of the supporting soil.

"RECREATIONAL VEHICLE." A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping, or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including, but not limited to, travel and camping trailers, truck campers, and motor homes.

"SECTION." A unit of manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

"SPECIAL EXCEPTION PERMIT OR CONDITIONAL USE PERMIT." A device for permitting a use within a district other than a principally permitted use.

"SUPPORT SYSTEM." A pad or combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or certified mobile home.

(Ord. 12-3-90, passed 12-20-90)

§ 80.602 CERTIFIED MOBILE HOMES PERMITTED

Certified mobile homes shall be allowed only as provided in Article VI and this article, with the following exceptions:

(A) In an A-1 district, certified mobile homes used as dwelling units by farm owners, members of the farm owner's immediate family or full-time employees of the farm owner, provided that prior approval of the sanitary waste disposal system is granted by the Caldwell County Health Department, and provided that the "setback" requirements of the zoning district can be met. Placement of more than two (2) certified mobile homes as permitted herein shall require application and approval of the Planning Commission. Provided further, in no event shall the certified mobile home and dwelling unit density exceed one (1) certified mobile home and one (1) dwelling unit per five (5) acres.

(B) Certified mobile homes used as temporary offices of construction companies on or near a construction site.

(C) All certified mobile homes used as dwellings are to be placed on fixed permanent foundations with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with KRS 132.750.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.603 CLASSIFICATION OF MANUFACTURED/CERTIFIED MOBILE HOMES

Manufactured and certified mobile homes shall be classified by type as to acceptable compatibility or similarity in appearance with site construction residences.

(A) Type I manufactured homes. Type I manufactured homes shall:

- (1) Have more than nine hundred fifty (950) square feet of occupied space in a double or larger multi-section unit;
- (2) Be placed on a permanent foundation;
- (3) Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in § 80.605(A);
- (4) Be anchored to the ground, in accordance with the One and Two-Family Dwelling Code and to the manufacturer's specifications;
- (5) Have wheels, axles, and hitch mechanisms removed;
- (6) Have utilities connected, in accordance with the One and Two-Family Dwelling Code and manufacturer's specifications;
- (7) Have siding material of a type customarily used on site-constructed residences. The list of approved siding materials shall be adopted and revised by Planning Commission action only; and
- (8) Have roofing materials of a type customarily used on site-constructed residences. The list of approved roofing materials shall be adopted and revised by Planning Commission action only.

(B) Type II manufactured homes. Type II manufactured homes shall:

- (1) Have more than three hundred twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- (2) Be placed onto a support system, in accordance with approved installation standards, as specified in § 80.605(A);

(3) Be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in § 80.605(B);

(4) Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;

(5) Have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;

(6) Have siding material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List); and

(7) Have roofing material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List).

(C) Type III manufactured homes. Type III manufactured homes shall:

(1) Have more than three hundred twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);

(2) Be constructed after the 1976 Federal Mobile Home Construction and Safety Act went into effect;

(3) Be placed onto a support system, in accordance with approved installation standards, as specified in § 80.605(A);

(4) Be enclosed with foundation siding/skirting, in accordance with approved installation standards, as specified in § 80.605(B);

(5) Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; and

(6) Have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards.

(D) Certified mobile homes. For purposes of determining appropriateness for placement, certified mobile homes shall:

(1) Have more than three hundred twenty (320) square feet of occupied space;

(2) Be placed onto a support system, in accordance with approved installation standards, as specified in § 80.605(A); and

(3) Be built prior to the 1976 Federal Mobile Home Construction and Safety Act and be upgraded to be able to receive a "B" seal certifying that the unit has been inspected and is in compliance with standards set forth in the HUD Code.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.604 SCHEDULE OF USES

Manufactured or certified mobile homes are permitted for permanent residences as follows:

	TYPE I			
MH	TYPE II			
MH	TYPE III			
MH	CERTIFIED			
MOBILE				
HOME				
A-1	P	C	C	C
A-2	P	C	C	C
R-1	X	X	X	X
R-2	C	C	X	X
R-3	C	C	C	X
B-1	C	C	C	X
B-2	X	X	X	X
B-3	X	X	X	X
I-1	C*	C*	X	X
I-2	C*	C*	X	X
Mobile Home Parks	P	P	P	C

Mobile Home Subdivision P P P C

P - Permitted

C - Conditional

X - Not Permitted

C* Conditional - BZA can permit them for industrial related purposes only

NOTE: Uses of Type II, Type III, and certified mobile homes are conditionally permitted uses in the A-1 and A-2 zones to allow for the protection and planning of land immediately adjacent to the city limits as defined in 1989, because these uses are currently prohibited in the adjoining urban residential zones.

(Ord. 12-3-90, passed 12-20-90; Am. Ord. 6-5-95-1, passed 6-19-95)

§ 80.605 MANUFACTURED/CERTIFIED MOBILE HOME INSTALLATION REQUIREMENTS

(A) Installation standards.

(1) Permanent perimeter enclosure. Those manufactured homes designated in this chapter as requiring a permanent perimeter enclosure must be set onto an excavated area, with foundations, footings, and crawl space or basement walls, constructed in accordance with the terms of the One and Two-Family Dwelling Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

(2) Foundation siding/skirting (for temporary structures).

a. All manufactured or certified mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible, or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

b. The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1 ½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half (1/2) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

(B) Support system.

(1) Type I manufactured homes. All HUD-Code Type I manufactured home load-bearing foundations shall be installed in conformance with the regulations in the One and Two-Family Dwelling Code and with the manufacturer's installation specifications.

(2) Type II and III manufactured homes and certified mobile homes. All HUD-Code Type II and III manufactured homes and all certified mobile homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support system regulations in the ANSI/NFPA 501A 1977 Installation Standards.

(C) Improvement location permits.

(1) Requirements. Prior to the location, relocation, or establishment of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the Planning Commission's designated administrator an improvement location permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an improvement location permit shall be accompanied by:

a. Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding, or permanent perimeter enclosure treatment, foundation siding, or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like (see the Manufactured Home Data Sheet at the end of this chapter);

b. Health department approval for any sewage disposal or water supply, where applicable;

c. P.U.D. or subdivision permit approval, where applicable;

d. A copy of the approved instructions, which will be used for installation purposes, where applicable;

e. Such other information, as may be required by the Planning Commission's designated administrator for proper enforcement of this chapter; and

f. An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Planning Commission in the improvement location permit.

(2) Issuance of permit. After receipt of the information required for an improvement location permit, the Planning Commission's designated administrator shall review the standards set in this chapter. If the applicant has met all required standards, then within three (3) working days the improvement location permit shall be issued by the designated administrator.

(3) Additional action necessary. If after receipt of the information required for an improvement location permit, the Planning Commission's designated administrator finds that the applicant has not fully met the standards set in this chapter, and the changes or additional actions needed are deemed by the designated administrator to be relatively minor or simple, within three (3) working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees, in writing, to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

(4) Denial of permit. If any of the major elements are clearly out of line with the standards, within three (3) working days issuance of the improvement location permit will be denied, with a written statement specifying the reasons for the denial.

(D) Certificate of occupancy (optional).

(1) Occupancy requirement. Prior to the occupancy of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the Planning Commission's designated administrator a certificate of occupancy, stating that the building and its use comply with all provisions of the chapter applicable to the building or the use in the district in which it is to be located.

(2) Issuance of certificate. After submission of an application for a certificate of occupancy, the Planning Commission's designated administrator shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the improvement location permit and the standards set in this chapter. If the applicant has conformed with all of the required conditions and standards, a certificate of occupancy shall be issued within three (3) working days.

(3) Temporary certificate. If after submission of the application for certificate of occupancy and the examination by the Planning Commission's designated administrator, it is found that the applicant has not fully met the required conditions and standards, a temporary certificate of occupancy, along with a written statement of necessary modifications, may be issued for a period not to exceed two (2) months, pending completion of the modifications.

(4) Denial of certificate. If any of the major conditions or standards have not been complied with, the certificate of occupancy is denied, with a written statement specifying the reasons for the denial.

(E) Failure to obtain required permits. Failure to obtain either an improvement location permit or a certificate of occupancy shall be violation of this chapter and punishable under the provisions of this chapter.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.606 TEMPORARY USE OF MANUFACTURED OR CERTIFIED MOBILE HOMES

(A) Circumstances for permit issuance. Subject to conditions, fees, and standards otherwise required by this chapter, a temporary use permit shall be issued:

(1) To an applicant in the process of building a conventional dwelling to locate a manufactured or certified mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued;

(2) To an applicant to use a manufactured or certified mobile home as a caretaker's quarters or construction office at a job site; and

(3) To an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

(B) Length of permit. A temporary use permit may be issued, at the discretion of the Planning Commission's designated administrator, for a period not to exceed two (2) years. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the Planning Commission's designated administrator, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

(C) Permit expiration. At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within ninety (90) days.

(D) Utility requirements. Manufactured or certified mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate, and at the discretion of the Planning Commission's designated administrator.

(E) Permit fee. A temporary use permit shall be issued by the Planning Commission's designated administrator. The fee shall be twenty-five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems.

(Ord. 12-3-90, passed 12-20-90)

§ 80.607 MOBILE HOME SUBDIVISION/PARK AND RECREATIONAL VEHICLE PARK

(A) Mobile home subdivisions.

(1) Definition. A mobile home subdivision is a subdivision used exclusively for placement of certified mobile homes for residential use along with other expressly permitted uses as permitted herein. To qualify as a mobile home subdivision, neither the subdivision developer nor his heirs, successors, or assigns shall be permitted to rent subdivision lots. Lots in a mobile home subdivision shall be available for sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a certified mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and certified mobile home thereon.

(2) Procedures for subdividing. The procedure for subdividing land for mobile home subdivisions shall be the same as those for subdividing land for conventional dwellings. The city's subdivisions regulations shall be the minimum standards, requirements, and procedures governing the filing, designing, utilities, facilities, and other improvements or physical complements of mobile home subdivisions.

(3) Minimum mobile home subdivision requirements (notwithstanding any other provisions of this chapter).

a. The site and proportions of lots in any mobile home subdivision shall conform to the zoning of the property in effect at the time of the final plat submission with the following exceptions. No lot in a mobile home subdivision shall contain less than twenty thousand (20,000) square feet of land where public sewers are not available, or less than six thousand (6,000) square feet of land where public sewers are available.

b. All lots shall front on a public street and have a minimum width at the building line of seventy (70) feet.

c. No more than one (1) certified mobile home within the subdivision shall be situated on any one (1) single subdivided lot.

d. Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection of the right-of-ways.

e. The minimum setback line from the street right-of-way and all yard requirements shall conform with the zone in which the mobile home subdivision is located.

(B) Mobile home parks.

(1) Definition. A mobile home park is a residential area in which mobile home lots are rented exclusively for use as sites for certified mobile homes for residential use along with other uses permitted herein. Ownership of all land in a mobile home park shall be maintained by the developer, his heirs, successors, or assigns. No lots shall be severed and sold from the mobile home park.

(2) Basic requirements.

a. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in KRS Chapter 219.

b. All mobile home parks shall abut upon an arterial or collector thoroughfare.

c. No mobile home park shall be located on less than five (5) acres of land where public sewers are not available or less than two (2) acres of land where public sewers are available.

d. No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 to 219.410.

e. An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as that submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission.

1. A vicinity map showing the proposed location of the park in relation to major streets or highways;

2. A description of the method proposed for disposal of storm drainage; and

3. Proof of receipt of KRS 219 Mobile Home Park Permit.

(3) Construction plan submission. Following tentative approval from the Commission and the Bureau of Health Services, the applicant shall submit a complete site plan showing all existing facilities and proposed facilities, drawn to scale, submitted in triplicate, of the proposed park or alteration, showing the following:

a. The area and dimensions of the tract of land to be developed;

b. The number, location, and size of all lots for certified mobile homes;

c. A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home subdivision;

d. The location and width of roadways, driveways, and walkways; the number, location, and size of all off-street automobile parking spaces;

e. The location of parking, street lighting, and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detailed drawings of sewage disposal facilities, if other than a public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer lines, vents, and riser pipes;

f. A separate floor plan of all buildings and other improvements either existing or proposed; and

g. Size and location of the playground and other public areas to be provided within the park.

(4) Location and general layout. All certified mobile homes shall be located at least fifty (50) feet from any park boundary line abutting a public street or highway, and at least twenty (20) feet from other park property boundary lines.

(5) Utility systems.

a. Responsibilities of permit holder.

1. The person to whom a permit is issued for a mobile home park shall operate the park in compliance with this chapter and KRS 219, and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair, and in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of this chapter and KRS 219, and inform them of their duties and responsibilities under this chapter.

b. Supplementary provisions and regulations.

1. The Commission may impose such other conditions as it deems necessary to ensure that the mobile home park will not adversely affect the public health, safety, or general welfare.

2. The developer, in designing the park, and the Commission, in reviewing the park proposal, shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.

3. Off-street parking shall be provided according to the following requirements:

i. Two (2) spaces for each mobile home lot;

ii. One (1) space for each full-time park employee;

iii. One (1) space for each four hundred (400) square feet of gross floor area for any structure used for office, recreational, or cultural activities;

iv. One (1) space for each four (4) mobile home lots for use by guests; and

v. Two (2) parking spaces required for each certified mobile home should be located on the mobile home lot; all other required spaces should be located in bays convenient to facilities.

(c) Existing parks. Any mobile home park presently holding a valid construction or operating permit on the effective date of this chapter which does not fully meet the design and construction requirements of this chapter may continue to presently operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

(C) Recreational vehicle parks.

(1) Definition. Recreational vehicle parks are designed to accommodate recreational vehicles for short periods of time, ranging from one (1) night to several weeks.

(2) Basic requirements.

(a) Size. The minimum size of a recreational vehicle park shall be not less than five (5) acres.

(b) Density. Minimum lot area per recreational vehicle space shall be not less than two thousand five hundred (2,500) square feet except that twenty percent (20%) of the lots may be as small as one thousand two hundred (1,200) square feet in area, but these may be used by tent campers only.

(c) Zoning. Recreational vehicle parks may be permitted as conditional use in R-3, B-1, and/or A-2 districts provided they meet the following criteria, and provided further that they are approved by the Commission.

1. That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations;

2. That the park will not be detrimental to the health, safety, or general welfare of persons who live in the adjacent areas;

3. That the park will comply with all city, county, state, or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits; and

4. That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.

(d) Existing recreational vehicle parks. Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this chapter which does not fully meet the design and construction requirements of this chapter may continue to operate

so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Nuisances, Ch. 50; penalty, § 80.999

§ 80.608 TRANSIENT RECREATIONAL VEHICLES

Transient recreational vehicles may be parked on any lot in a residential district for a maximum of ten (10) days without a permit. If the recreational vehicle will be in the residential district for more than ten (10) days, a permit must be obtained from the Administrative/Enforcement Officer for a maximum of thirty (30) additional days. There shall be no permanent attachment to water, sewer, gas, electric, or phone by any such recreational vehicle. All sewage must be disposed of in an appropriate manner.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.609 VIOLATIONS

(A) A home, sited upon property, in violation of this article shall be subject to removal from such property, however, the homeowner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring into compliance, the expenses involved may be made a lien against the property.

(B) The Planning Commission's designated administrator may institute a suit in an appropriate court for injunction relief to cause such violation to be prevented, abated, or removed.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

ARTICLE X. OFF-STREET PARKING AND LOADING

§ 80.650 EXISTING PARKING SPACES

Existing off-street parking provided for any building or use at the time of adoption of this chapter shall not thereafter be reduced if such reduction results in parking area less than that required by this chapter. Any existing building or use not provided with conforming parking space shall be

provided with off-street parking space in conformance with this chapter at the time of any structural alteration of the building or expansion of the use.

(Ord. 12-3-90, passed 12-20-90)

§ 80.651 REQUIRED OFF-STREET PARKING SPACES

When any building is built or any use of the land is initiated, there shall be provided sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six (6) times during a six (6) month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Administrative/Enforcement Officer is unable to apply the following standards literally or determines a parking space deficiency according to the standard above. In either case, he shall apply to the Board for an original interpretation.

(Ord. 12-3-90, passed 12-20-90)

§ 80.652 OFF-STREET PARKING STANDARDS

The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed.

- (A) Dwelling. One (1) parking space per dwelling unit.
- (B) Indoor retail business. One (1) parking space for each two hundred fifty (250) square feet of commercial floor area plus one (1) space for every truck operated by the business.
- (C) Industrial plants. One (1) parking space for every two (2) employees at maximum employment on a single shift plus one (1) space for every truck operated by the plant.
- (D) Places for public assembly, institutions, and recreational facilities. One (1) parking space for every five (5) persons based on maximum capacity.
- (E) Additional parking standards. The Board of Adjustment may alter the standards listed above when necessary to conform with § 80.601 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

(Ord. 12-3-90, passed 12-20-90)

§ 80.653 OFF-STREET LOADING; UNLOADING SPACE REGULATIONS FOR TRUCKS

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the

Administrative/Enforcement Officer is unable to apply this standard literally and applies to the Board for an original interpretation.

(Ord. 12-3-90, passed 12-20-90)

§ 80.654 ADDITIONAL PARKING, LOADING, AND UNLOADING REGULATIONS

(A) Arrangement of off-street parking space. Off-street parking space required for any building or use may be located within walking distance or four hundred (400) feet from the premises it serves but detached therefrom and may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative/Enforcement Officer shall apply to the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows:

(1) If a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times, i.e., churches and stores, the total parking space may be diminished to the maximum required by those buildings and uses which do not generate the parking of automobiles at the same time.

(B) Proof of availability. The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.

(C) Surfacing of parking, loading, and unloading spaces. Parking, loading, and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud.

(Ord. 12-3-90, passed 12-20-90)

§ 80.655 CITY ORDINANCES

Nothing in this article shall be construed to be in conflict with § 40.401 of the city Code of Ordinances and any other city ordinances regarding the parking of vehicles on city streets.

(Ord. 12-3-90, passed 12-20-90)

ARTICLE XI. SIGNS; BILLBOARDS

§ 80.700 INTENT

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards

that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

(Ord. 12-3-90, passed 12-20-90)

§ 80.701 GENERAL SIGN REGULATIONS

(A) Billboards. For the purpose of this chapter, billboards shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located. Billboards, where permitted, shall be set back from the established right-of-way of any state or federal road or highway at least one hundred (100) feet. Signs and billboards located at the intersection of two (2) or more roads or highways shall meet the setback requirements of both roads or highways. Billboards shall be permitted only along state and federal highways in highway business (B-3), light and industrial districts (I-1 and I-2), and agricultural (A-1) zoning districts. They shall be located no closer than five hundred (500) feet from any residential district or subdivision and shall not exceed a height that will impede the direct line of sight of a pre-existing residential dwelling or place of business. Billboards shall be a maximum of ten (10) feet by forty (40) feet (400 square feet) and shall be located no closer than two hundred (200) feet apart measured from the center of each billboard on the same side of the road or highway and no closer than fifty (50) feet to the side or rear property line.

(B) Signs.

(1) All signs, unless otherwise specified in this chapter, shall be set back from the established right-of-way of any road or highway at least as far as three-quarters (3/4) of the required front yard depth for the principal building in the zone in which it is located.

(2) No sign or billboard, other than real estate signs advertising the sale, rental, or leasing of the premises, shall be permitted in any residential zone except as provided in § 80.502. The real estate signs shall not exceed four (4) square feet in area and shall be displayed at least ten (10) feet from all lot lines.

(3) Advertising signs, structures, or lights for support and illumination of signs, where permitted, shall in no case be placed in or extend over the street right-of-way.

(C) Temporary signs.

(1) All temporary signs must be set back a minimum of twenty-five (25) feet from the centerline on the adjacent road or ten (10) feet from the right-of-way of the road, whichever is a greater distance from the edge of the pavement and ten (10) feet from any adjoining property. Political and yard sale signs shall not exceed eight (8) square feet in size and must abide by all regulations regarding visibility at intersections in § 80.309 of this chapter. Political signs shall be posted no earlier than forty-five (45) days prior to the election and shall be removed no later than seven (7) days following the date of the election. Yard sale signs may be posted no earlier than seven (7) days prior to the start of the yard sale and must be removed no later than two (2) days following the final day of the

yard sale. Under no circumstances shall political or yard sale signs be posted on utility poles. All violations of these requirements will be penalized as per § 80.999 of this chapter.

(2) Provisions regarding the regulation of other temporary signs apply as required in other sections of this article.

(D) Government signs. Any official informational or directional sign or historic marker erected by a governmental agency is permitted in all zones and does not require a location or building permit.

(E) Lack of conflict. In no way shall the provisions of this article be taken to be in conflict with any state or federal regulations regarding obstructions or the placement of structures in state or federal rights-of-way. In all cases, the most restrictive provision will apply.

Cross reference—Penalty, § 80.999.

§ 80.702 RESIDENTIAL DISTRICTS

Signs are permitted in residential districts only in accordance with the following provisions.

(A) Temporary signs pertaining to the lease or sale of a building or land may be erected as provided in § 80.701.

(B) Temporary signs, for one (1) year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than sixty (60) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located, and is erected only at a dedicated street entrance. Permanent signs for the same purpose and with the same other restrictions are additionally limited to a size no greater than thirty (30) square feet in area.

(C) One (1) illuminated sign may be erected in conjunction with the construction of a building to identify the owner, architect, engineer, contractor, and others instrumental in the construction of the building provided that such sign is not more than twelve (12) square feet in area, no more than fifteen (15) feet above the ground, and is removed within thirty (30) days of receiving the certificate of occupancy.

(D) One (1) identifying sign of not more than thirty (30) square feet in area may be erected for churches, libraries, schools, parks, hospitals for human care, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but shall not be flashing.

(E) Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in (D) above. No such signs shall be permitted on minor residential streets.

(F) One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding six (6) square feet in area. Such signs may indicate only the names of buildings or of occupant of the buildings.

(G) Accessory uses for professional offices or home occupations as specified §§ 80.422(B) and 80.423(B) shall be permitted one (1) indirectly lighted name plate (sign) not over two (2) square feet in area.

(H) Freestanding signs shall not exceed a height of twenty-five (25) feet.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.703 BUSINESS DISTRICTS

In all business districts, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below.

(A) Each business shall be entitled to have one (1) sign which is mounted flush against a building. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to one and one-half (1 ½) square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed fifty (50) square feet, then an additional application must be made and approved by the Planning Commission. Awnings shall be construed as part of the building to which they are attached and a sign may be mounted flush thereto.

(B) (1) Additionally, one (1) free-standing sign structure shall be permitted for each lot of one hundred (100) foot frontage or less and one (1) additional structure for each additional one hundred (100) feet of lot frontage. Any such free-standing sign structures in a B-1 or B-2 district shall be no more than seventy-two (72) square feet in area nor shall two (2) or more similar signs be so arranged and integrated as to create a single sign in excess of seventy-two (72) square feet. In a B-3 district, such free-standing signs shall not exceed three (3) square feet for each lineal foot of lot frontage with a maximum of three hundred (300) square feet for any single sign. All such free-standing signs shall be set back twenty-five (25) feet, or more, from the front property line.

(2) The dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on one (1) side of the sign. Free-standing signs shall not exceed a height of twenty-five (25) feet in B-1 and B-2 districts and shall not exceed a height of one hundred (100) feet in B-3 districts.

(3) All free-standing signs designed to face into a residential district shall be located fifty (50) feet or more from the residential district.

(4) If a business is adjacent to more than one (1) street or highway, additional free-standing signs may be allowed upon application to and receiving approval of the same from the Planning Commission.

(C) Each neighborhood business area built as a planned unit development may have one (1) free-standing identification sign for each street on which it fronts, set back at least twenty-five (25) feet from the front property line and presenting only the name of the shopping center, the businesses located therein, and the hours of business. Each such sign shall not exceed three hundred (300) square feet in area.

(D) Billboards shall be permitted in B-3 zones only as specified in § 80.651(A) of this article.

(Ord. 12-3-90, passed 12-20-90)

§ 80.704 INDUSTRIAL DISTRICTS

(A) All signs permitted in business districts are also permitted in I-1 and I-2 districts and subject to the requirements thereof.

(B) One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than fifty (50) square feet in area.

(C) Free-standing sign structures shall not exceed a height of one hundred (100) feet.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.705 VIOLATIONS

In any case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this chapter, the Administrative/Enforcement Officer shall notify, in writing, the owner or lessee thereof to alter the sign so as to comply with this chapter. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under § 80.999 of this chapter.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

ARTICLE XII. PLANNED UNIT DEVELOPMENTS

§ 80.750 GENERAL

A planned unit development project which may depart from the literal conformance with the regulations for individual-lot development may be permitted in those districts where it is designated as a special use under the district regulations. All planned unit development projects shall be subject to the regulations specified in §§ 80.751 through 80.754.

(Ord. 12-3-90, passed 12-20-90)

§ 80.751 PROCEDURE

When a planned unit development project is proposed, the procedure and standards for major subdivision approval as set forth in the subdivision regulations shall be followed in their entirety. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every planned unit development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.752 USES

The uses of premises in a planned unit development project shall conform with the permitted uses of the district in which it is located when it is permitted as a special use. If a planned unit development project is proposed which includes mixed uses or other uses that are not permitted in the district where it is proposed or uses not permitted in any district, the project may be permitted only after an overlay to the city land protection map designating the proposed location as a planned unit development district is approved by the Planning Commission. The overlay district may be permitted only after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

(Ord. 12-3-90, passed 12-20-90)

§ 80.753 STANDARDS

In any planned unit development project, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no diminution of the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual-lot development. The Planning Commission may allow reductions in these requirements, however, upon proof by the developer that efficiencies of large-scale development may permit such reductions without destroying the intent of this chapter.

(Ord. 12-3-90, passed 12-20-90)

§ 80.754 SPECIAL CONDITIONS

(A) The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this chapter. The planned unit development project shall conform with all such conditions. Because a planned unit development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

(B) The following standards define the typical special conditions the Planning Commission shall attach in addition to the standards for lot, parking, and loading and unloading areas defined in § 80.753. The Planning Commission may also attach any other reasonable special conditions.

(1) It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth to a quarter of a mile. The Planning Commission may approve the platting of temporary access points.

(2) Wherever there is an abrupt change in uses, i.e., residential to commercial, it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.

(3) Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

(4) It is desirable that all planned unit development projects be constructed promptly after approval of the final plat. Construction shall be initiated within one (1) year after approval of the final plat, and shall be completed in a reasonable length of time. Failure to initiate construction within one (1) year shall void the permit.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

ARTICLE XIII. DEVELOPMENT PLANS

§ 80.800 GENERAL

(A) This section sets forth the content and procedure for submission, review, and approval of all development plans called for by the Planning Commission.

(B) The Commission, at its discretion, may require the submission and approval of a preliminary and/or a final development plan if the Commission finds there are existing or potential substantial flood, drainage, traffic, topographic, or other similar problems relating to the development

of the subject property that could have an adverse effect on existing or future development of the subject property in the vicinity.

(Ord. 12-3-90, passed 12-20-90)

§ 80.801 PRELIMINARY DEVELOPMENT PLANS REQUIRED

Preliminary development plans shall be submitted after requested by the Commission and contain all information required by § 80.803. A public hearing on a map amendment shall not be held until the required preliminary development plan has been submitted to the Commission. If the preliminary development plan is disapproved or if the Commission fails to approve or disapprove the plan and the map amendment is subsequently approved by the City Council and/or fiscal court, the Commission shall approve a development plan for the subject property which shall be the final development plan.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999

§ 80.802 FINAL DEVELOPMENT PLANS REQUIRED

Final development plans required herein shall be submitted within two (2) years of the approval of the preliminary development plans and the Commission shall approve a final development plan for the subject property with such conditions as are found necessary to comply with the provisions of this chapter, if any, within ninety (90) days after the applicant has submitted his development plan.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Penalty, § 80.999.

§ 80.803 CONTENTS OF PRELIMINARY DEVELOPMENT PLAN

The preliminary development plan shall include the following:

- (A) Vicinity sketch;
- (B) Topography with contour interval of five (5) feet or less;
- (C) Location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas, and layout of spaces, points of ingress and egress, and other vehicular and pedestrian rights-of-way;
- (D) Screening, landscaping, buffering, recreational, and other open space areas;

(E) Approximate size, location, height, floor area, building area, arrangement and proposed use of existing buildings and signs;

(F) Storm drainage areas and facilities as required in Chapter 81 of this code; the information required in this Stormwater Management and Control chapter shall be supplied to the Planning Commission as a part of the development plans for all zone change requests throughout the county to facilitate the Planning Commission's decision-making progress; and

(G) Proposed and existing easement.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Stormwater management, Ch. 81

§ 80.804 CONTENTS OF FINAL DEVELOPMENT PLAN

The final development plan shall include the following:

(A) Vicinity sketch;

(B) Topography with contour interval of two (2) feet or less;

(C) Boundary features such as bearings and dimensions of all property lines;

(D) Site, location, height, floor area, building area, and arrangement of proposed and existing buildings and signs;

(E) Screening, landscaping, buffering, recreational, and other open space areas showing dimensions of and materials of fences, planting, buffer, and other open areas;

(F) Location, arrangement, and dimensions of existing and proposed driveways, streets, and street cross-section drawings, sidewalks, parking areas, including a number of off-street parking spaces, points of ingress-egress, off-street loading areas and other vehicular and pedestrian rights-of-way;

(G) Utilities information on existing and proposed water, gas, electric, telephone, and sewer lines, including location of easements, size of lines, and location of appurtenances;

(H) Location and dimensions of other existing or proposed easements; and

(I) Statistical summary of above items.

(Ord. 12-3-90, passed 12-20-90)

§ 80.805 APPROVAL OF DEVELOPMENT PLAN BEFORE BUILDING PERMIT

When the Planning Commission has required a development plan to be submitted, no building permit shall be issued until a development plan is approved by the Commission and a copy of the plan is certified by the chairman and secretary of the Commission. The approval of the development plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location, and use of all land and structures to the conditions set forth in the plan.

(Ord. 12-3-90, passed 12-20-90)

§ 80.806 AMENDMENTS TO DEVELOPMENT PLAN

Amendments to approved development plans can be made only by official Planning Commission action.

(Ord. 12-3-90, passed 12-20-90)

ARTICLE XIV. AMENDMENTS

§ 80.850 GENERAL

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

(Ord. 12-3-90, passed 12-20-90)

§ 80.851 APPLICATION FOR AMENDMENT

(A) A proposal for amendment to the official land protection map may originate with the Planning Commission, the City Council, any other government body, the owner of the subject property, or by a person having written authorization from the owner of the subject property.

(B) A proposal for amendment to the text of this chapter may originate with any person or governmental body.

(C) 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.

(D) The Planning Commission will require the prior submission of a development plan prepared in accordance with Article XIII of this chapter, which when approved by the Commission shall be followed.

(E) At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, the fiscal court, the Planning Commission, or any governmental agency.

(F) Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, return receipt requested.

(Ord. 12-3-90, passed 12-20-90)

§ 80.852 PLANNING COMMISSION PROCEDURE

(A) Upon the filing of an application for an amendment to the official land protection 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.

(B) The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies or fiscal court involved. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation for approval or disapproval.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Public meetings, Ch. 27

§ 80.853 NOTICE OF PUBLIC HEARING

(A) Notice of the time, place, and reason for the required public hearing shall be given by one (1) publication in the newspaper of general circulation in the county, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing, in accordance with KRS 424.130 and KRS 100.211.

(B) Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than the name of two (2) streets on either side of the property.

(C) When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation, or ordinance.

(1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:

a. The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height;

b. The sign shall be constructed of durable material and shall state the telephone number of the Planning Commission office; and

c. It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Administrative/Enforcement Officer shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this chapter.

(2) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first-class mail, with certification by the Commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property, the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

(D) In addition to the public notice requirements of this section, when the Planning Commission, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first-class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of the owner.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Public meetings, Ch. 27

§ 80.854 PUBLIC HEARING ON APPLICATION

After notice of the public hearing, as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

(Ord. 12-3-90, passed 12-20-90)

Cross reference—Public meetings, Ch. 27

§ 80.855 RECOMMENDATION OF COMMISSION FOR LAND PROTECTION MAP AMENDMENT

(A) Before recommending to the City Council that an application for amendment to the land protection map be granted, the Planning Commission, or the legislative body must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that:

(1) The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper; or

(2) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

(B) After voting to recommend that an application for amendment to the official land protection map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council.

(Ord. 12-3-90, passed 12-20-90)

§ 80.856 ACTION BY CITY COUNCIL ON LAND PROTECTION MAP AMENDMENTS

(A) The City Council shall not act upon a proposed amendment to the official land protection map until it has received the written findings of fact and recommendation thereon from the Planning Commission. The Planning Commission recommendation relating to the proposed amendment shall be come final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning Commission:

(1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or

(2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

(B) It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

(C) If the legislative body chooses to decide the map amendment, the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Administrative/Enforcement Officer and the chairman of the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. The legislative body shall complete and file for recording with the County Clerk, a certificate of land use restriction for any map amendment approved with conditions by the City Council and/or legislative body.

(Ord. 12-3-90, passed 12-20-90)

§ 80.857 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT

After voting to recommend that an application for amendment to the text of this chapter be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council. In the case of a proposed amendment originating with a legislative body, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

(Ord. 12-3-90, passed 12-20-90)

§ 80.858 ACTION BY CITY COUNCIL ON TEXT AMENDMENTS

The City Council shall not act upon a proposed amendment to the text of this chapter until it shall have received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire City Council to override the recommendation of the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.

(Ord. 12-3-90, passed 12-20-90)

§ 80.859 SPECIAL CONDITIONS TO THE GRANTING OF ZONING CHANGES

As a condition to the granting of any zoning change, the Planning Commission shall require the submission of a development plan as per Article XIII which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two (2) years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

(Ord. 12-3-90, passed 12-20-90)

§ 80.999 PENALTIES

(A) Any person who violates any provision of this chapter for which no other penalty is provided, shall, upon conviction, be fined not more than two hundred fifty dollars (\$250.00) for each conviction. Each day the violation continues shall constitute a separate offense.

(B) Any person, owner, or agent involved in the sale or transfer of a lot or parcel and who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

(C) Any corporation which violates any of the provisions of this chapter shall, upon conviction, be fined not more than five thousand dollars (\$5,000.00) for each conviction. Each day the violation continues shall constitute a separate offense.

(D) Each day of non-compliance with the provisions of Article IX constitutes a separate and distinct violation. Judgment of up to five hundred dollars (\$500.00) per day may be entered for a violation of this article.

(Ord. 12-3-90, passed 12-20-90)

CHAPTER 81: STORMWATER MANAGEMENT AND CONTROL*

*Cross reference—Flood damage prevention, Ch. 73.

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ARTICLE I. GENERAL PROVISIONS

§ 81.001 PURPOSE

In order to promote the health, safety, and general welfare of the public by minimizing as much as possible the dangers of flooding to life and property, it is the intent of this chapter that runoff control devices be provided as land areas are developed or redeveloped. It is not the intent that these areas be used exclusively for detaining stormwater, but be put to use for other compatible urban uses.

(Ord. 7-3-89, passed 7-17-89)

§ 81.002 DEFINITIONS

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

"CONTROLLED RELEASE STRUCTURE." A facility constructed to regulate the volume of stormwater runoff that is conveyed during a specific length of time.

"DEVELOPED." Conditions after construction or other man-made change to improved or unimproved property including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

"EXCESS STORMWATER." That portion of stormwater runoff which exceeds the capacity of storm sewers or natural drainage channels serving a specific watershed.

"EXCESS STORMWATER PASSAGE." A channel formed in the ground surface to carry stormwater runoff which cannot be carried by normal drainage channels.

"FLOOD SAFETY OFFICER." The person appointed by the City Council to administer the provisions of this chapter.

"IMPERVIOUS SURFACE." Asphalt, concrete, or any other surface which does not allow measurable infiltration.

"NATURAL DRAINAGE." Water which flows by gravity in channels formed by the surface topography of the earth prior to changes made by the efforts of man.

"ON-SITE." Internal to the boundary of a development.

"RETENTION." (Sometimes termed "DETENTION".) Restraining the rate of stormwater runoff through some natural or man-made device.

"RUNOFF." Rainfall excess after natural losses from infiltration, evaporation, transpiration, or incidental pondage.

"STORMWATER RUNOFF RELEASE RATE." The rate at which stormwater runoff is released from dominant to servient land.

"STORMWATER STORAGE AREA." An area designed to temporarily accumulate excess stormwater.

"SWALE." Surface-type conveyance for stormwater, usually designed to carry incidental, localized runoff.

(Ord. 7-3-89, passed 7-17-89)

ARTICLE II. REQUIREMENTS FOR STORMWATER MANAGEMENT

§ 81.100 GENERAL OBJECTIVES; REQUIREMENTS

(A) All developments undertaken as outlined in this chapter shall be done in such a way as to insure that stormwater falling on a given site shall be absorbed or retained on-site to the extent that after development, the rate of water leaving the site shall not be significantly different than if the site had remained undeveloped.

(B) A developer shall not be permitted to disturb the land in such a manner as to create significant water-related damages to other landowners in the vicinity by having point discharge creating erosion across land or placing obstructions where floodpeak increases. If the point discharge is high enough to produce erosion, other measures shall be taken to dissipate the flow.

(C) Where it can be demonstrated by the developer that a higher stormwater release rate will not be contrary to the purpose and intent of this chapter, and where such proposed release rate will not adversely affect properties in the downstream portion of the watershed, the flood safety officer may permit such release to be used as deemed appropriate.

(Ord. 7-3-89, passed 7-17-89)

§ 81.101 EXCESS STORMWATER PASSAGE

(A) An excess stormwater passage shall be provided for all stormwater areas. Such passage shall have the capacity to convey through the proposed development the excess stormwater. The capacity for a passage shall be such that it will be able to transport the peak rate of runoff from a one hundred year (100) year return frequency storm.

(B) There shall be no buildings or structures constructed within excess storm passages, however, parking lots, playgrounds, and park areas, which shall not impair or endanger the water holding capability of a development shall be considered compatible uses.

(C) Appropriate land planning shall be undertaken to preserve the existing natural drainage of a proposed development as part of the excess stormwater passage.

(D) Open channels shall be protected from erosion by appropriate vegetative cover, lining, or other treatment and earthen channel side slopes shall be no steeper than two (2) to one (1). Open channels with lining shall have a maximum gradient on side slopes of sixty-seven percent (67%) and channel side slopes steeper than sixty-seven percent (67%) shall be designed as structural retaining walls.

(Ord. 7-3-89, passed 7-17-89)

Cross reference—Erosion prevention, Ch. 82.

§ 81.102 DETERMINATION OF RUNOFF; STORAGE CAPACITY

The volume of required stormwater storage and runoff shall be calculated on the basis of the runoff from a one hundred (100) year frequent storm with a three (3) hour duration. The calculations can be made in accordance with the instantaneous runoff factor method, the rational method or other methods that may be deemed appropriate by the flood safety officer.

(Ord. 7-3-89, passed 7-17-89)

§ 81.103 STORMWATER STORAGE AREAS

(A) Storage areas shall be designed to the satisfaction of the flood safety officer and, if possible, to provide secondary purposes for recreation, open spaces, parking lots, or other types of use that will not be adversely affected by intermittent flooding.

(B) All stormwater storage areas must be designed to contain and safely pass stormwater runoff. The combined capacity of these storage areas shall be sufficient to contain the storm from the development. The retention facility must be designed for periodic maintenance and energy dissipaters shall be provided at points necessary. The combination of storage of the water from a one hundred

(100) year storm and the design release rate shall not result in a storage duration in excess of seventy-two (72) hours.

(C) The ponding of stormwater runoff shall not exceed a depth of one (1) foot on a pedestrian mall area or one and one-half (1 ½) feet maximum in parking lots. Where these areas are used for ponding, the maximum depth should occur in the most remote and least used areas.

(D) The draining and grading design shall be prepared to insure that in a one hundred (100) year storm the depth of water runoff in any street, alley, or pedestrian mall will not exceed the level of the first floor of any building.

(E) For a one hundred (100) year storm, the ponding of surface water on local, collector, and arterial streets must not exceed a depth of eighteen (18) inches at the gutter. Water exceeding this shall be designed to overflow into an excess stormwater passage. The maximum velocity of water in the deepest part of the gutter shall be ten (10) feet per second and paved gutters shall have a maximum grade of one-half percent (0.5%).

(F) Overflow for each stormwater storage area shall be provided in the event a storm in excess of the design capacity occurs. Such overflow shall be constructed to function without specific attention and shall become part of the excess stormwater passage.

(G) Where rooftop storage of excess stormwater is provided, the building shall be provided with adequate structural design to insure that roof failure does not occur. Overflow areas shall be provided so that the weight of stored stormwater will not exceed the structural capacity of the roof.

(H) For wet pond storage areas, when calculating the storage capacity, only the volume available to store excess stormwater shall be considered. Permanent water storage does not constitute control of excess storm runoff.

(Ord. 7-3-89, passed 7-17-89)

§ 81.104 SINKHOLES; SUBTERRANEAN WATER CHANNELS

(A) The use of sinkholes or subterranean water channels for direct drainage of excess stormwater shall not be permitted, although they may be used to drain a stormwater storage area. The introduction of any foreign matter, or the filling, clogging, or interfering with the natural drainage capabilities of the sinkholes shall not be permitted.

(B) Any person, firm, or corporation proposing alterations, improvements, or other disturbances of any sinkholes or known subterranean water channels must submit plans to the flood safety officer showing that the alterations, improvements, or disturbances would not interfere with the drainage capability. Erosion control methods must also be included in the plans and must show any activities which create erosion or sedimentation.

(C) Sinkholes shall not be altered or covered in any way which would negatively affect the drainage capabilities of the sinkhole. Development within the one hundred (100) year flood-plain of a sinkhole shall not be permitted.

(Ord. 7-3-89, passed 7-17-89)

Cross references— Erosion prevention, Ch. 82; penalty, § 81.999.

§ 81.105 REQUIRED APPLICATION

(A) An application is required to be submitted to the flood safety officer or should he so designate the plans examiner, prior to the subdivision approval or issuance of a building permit for each of the following proposed improvements within the city limits. This chapter shall apply to:

(1) Residential development of two (2) acres or more; commercial, industrial, institutional, governmental, utility, or other development or redevelopment comprising a gross aggregate of one (1) acre or more. This gross aggregate shall include streets and other dedicated lands.

(2) Development, new construction, and substantial improvements, including the placement of prefabricated buildings, mobile homes, apartment complexes, and shopping centers.

(3) Subdivision proposals and other proposed new developments;

(4) Proposals to alter or relocate a watercourse, deposit or remove any material within a watercourse, plant, or remove any vegetation or alter any embankment within a watercourse. (This requirement shall be in addition to any review of the state); and

(5) Any development meeting the conditions listed in subdivision (4) above, which do not have a valid building permit as of the effective date of this chapter shall be regulated under the terms of this chapter.

(B) Plans, specifications, and all calculations for the control of storm runoff as required by this chapter shall be provided.

(C) Required maintenance for retention basins or other structures shall be permanently provided by the developer with responsibility becoming that of the private landowner after complete development, subject to inspection of the flood safety officer. Every retention basin or structure shall be legally defined on both the deed and plat and the maintenance entity shall be specified.

(D) The applicant is required to dedicate easements along those drainage-ways necessary for adequate watershed drainage, maintenance, and operation.

(E) Each application must be on a form furnished by the city, submitted in at least three (3) copies and each be accompanied by a map to determine location of the proposed sites. At least one (1)

copy of the application, map, and other attachments are to be retained for city files by the flood safety officer.

(F) An application for a permit for proposed improvements within the city must also be accompanied by:

(1) A twenty-five dollar (\$25.00) fee; and

(2) Specifications and plans of such nature and detail that will enable the flood safety officer to determine that the proposed improvements meet this chapter.

(G) When it has been determined that the applicant has sufficiently met the requirements, permits will be issued for proposed improvements to be carried out.

(H) Prior to approval of an application, the application shall be reviewed by an engineer employed by the city to determine whether it complies with the requirements of this chapter. However, if the application and accompanying map are prepared by a registered professional engineer, the city may elect to waive separate review by an engineer. The cost of any required review shall be paid by the developer prior to issuance of the requested approval.

(Ord. 7-3-89, passed 7-17-89; Am. Ord. 12-4-95, passed 12-18-95)

Cross references—Building regulations, Ch. 70; streets and sidewalks, Ch. 41; Land protection, Ch. 80; penalty, § 81.999.

§ 81.106 VARIANCES

The Planning Commission, upon application to the flood safety officer, may grant variances to the applicant, from the regulations specified in this chapter. The applicant must specify hardships to result in following the prescribed regulations. The flood safety officer must then examine and decide the validity of the proposed hardships. This request will then be submitted to the Planning Commission by the flood safety officer along with a recommendation about granting the variance.

(A) The variance will be granted only upon showing that there is good and sufficient cause and that the failure to grant a variance would result in exceptional hardship to the applicant. Financial hardship to the property owners shall not constitute proper or appropriate grounds for a variance under this chapter.

(B) A record of all variance actions shall be maintained by the flood safety officer, including justification for issuance.

(C) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(Ord. 7-3-89, passed 7-18-89)

Cross reference—Planning commission, Ch. 80, Art. III.

ARTICLE III. ENFORCEMENT

§ 81.200 AUTHORITY OF FLOOD SAFETY OFFICER

(A) The flood safety officer shall have the authority to establish necessary administrative and certification procedures to insure that the intent and purpose of this chapter is carried out.

(B) The flood safety officer has the authority to issue stop work orders to any development, construction, or other improvement which does not meet the requirements provided in this chapter.

(Ord. 7-3-89, passed 7-18-89)

§ 81.201 VIOLATIONS

(A) Any person, firm, or corporation who fails to make an application, pursuant to §§ 81.104 and 81.105 for proposed improvements on a site or implement the improvements as approved in the application, shall be penalized as set forth in § 81.999.

(B) An appeal of the final decision of the flood safety officer may be made to the Planning Commission within thirty (30) days following notification.

(Ord. 7-3-89, passed 7-18-89)

Cross reference—Penalty, § 81.999.

§ 81.999 PENALTY

Anyone who violates the provisions of §§ 81.104 and 81.105 shall be guilty of a violation, and upon conviction, shall be fined fifty dollars (\$50.00) for each violation and must take corrective action as required. After written notification from the flood safety officer, the landowner shall have thirty (30) days to comply with this section, or appeal the order. Each day the improvement remains in violation past this time shall be deemed to be a separate offense.

(Ord. 7-3-89, passed 7-18-89)

CHAPTER 82: EROSION PREVENTION

82.001 Excavation or construction; removal of vegetation

§ 82.001 EXCAVATION OR CONSTRUCTION; REMOVAL OF VEGETATION

Within ninety (90) days of the completion of any excavation or construction involving removal of vegetation and exposure of a soil layer on property located in the city, the property owner shall provide an adequate cover of grass or other vegetation or take comparable measures to prevent erosion of the soil from the owner's property.

(Ord. 6-5-95-3, passed 6-19-95)

Cross reference—Stormwater management and control, Ch. 81.