

ORDINANCE 90-6

**ZONING ORDINANCE
OF
THE CITY OF AUBURN, KENTUCKY**

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ARTICLE I

INTRODUCTION

1.01 GOALS

THE GOAL OF THIS ORDINANCE IS TO GUIDE THE USE OF LAND AND THE LOCATION OF BUILDINGS IN A MANNER WHICH WILL STABILIZE PROPERTY VALUES AND ASSIST IN ACHIEVING AN ORDERLY PATTERN OF LAND USE WITHIN THE CITY OF AUBURN , KENTUCKY.

1.02 OBJECTIVES

THE OBJECTIVES OF THIS ORDINANCE ARE: TO PROMOTE PUBLIC HEALTH, SAFETY, MORALS, AND THE GENERAL WELFARE OF THE CITY; TO FACILITATE ORDERLY AND HARMONIOUS DEVELOPMENT; AND TO PRESERVE THE VISUAL AND/OR HISTORICAL CHARACTER OF THE CITY AND THE INTENSITY OF LAND USE.

1.03 AUTHORITY

ZONING AUTHORITY IS GRANTED BY THE KENTUCKY REVISED STATUTES, CHAPTER 100.

1.04 TITLE

THIS ORDINANCE SHALL BE KNOWN, AND MAY BE CITED, AND REFERRED TO AS THE "AUBURN, KENTUCKY ZONING ORDINANCE", AND THE ZONING MAP HEREIN REFERRED TO, AND HEREIN INCORPORATED IS ENTITLED "ZONING MAP - AUBURN , KENTUCKY".

1.05 INTERPRETATION

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS ORDINANCE SHALL BE HELD TO BE MINIMUM REQUIREMENTS. WHENEVER THIS ORDINANCE IMPOSES A GREATER RESTRICTION THAN IS IMPOSED, OR REQUIRED BY OTHER PROVISIONS OF LAW, RULES, REGULATIONS, OR ORDINANCES, THE PROVISIONS OF THIS ORDINANCE SHALL GOVERN.

1.06 DEFINITIONS

THE DEFINITIONS OF TERMS USED HEREIN SHALL BE THOSE CONTAINED IN THE KENTUCKY REVISED STATUTES, CHAPTERS 100, 177, 19B, AND 219 AS AMENDED UNLESS THE CONTEXT OF USE, OR THE SPECIFIC DEFINITION CONTAINED IN ANY ARTICLE CLEARLY PROVIDES OTHERWISE.

ARTICLE 2

DISTRICTS AND BOUNDARIES

2.01 ZONING DISTRICTS ESTABLISHED

FOR THE PURPOSES OF THIS ORDINANCE, THE INCORPORATED TERRITORY OF THE CITY OF IS DIVIDED INTO THE FOLLOWING CATEGORIES OF ZONING DISTRICTS:

- A AGRICULTURAL DISTRICT
- R-1 LOW DENSITY, SINGLE FAMILY DWELLING RESIDENTIAL DISTRICT
- R-2 MEDIUM DENSITY, SINGLE FAMILY DWELLING RESIDENTIAL DISTRICT
- R-3 MEDIUM DENSITY, SINGLE AND MULTI-FAMILY DWELLING RESIDENTIAL DISTRICT
- R-4 HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT
- B-1 CENTRAL BUSINESS DISTRICT
- B-2 COMMERCIAL DISTRICT
- O-1 OFFICE AND PROFESSIONAL DISTRICT
- I INDUSTRIAL DISTRICT

2.02 BOUNDARIES

THE BOUNDARIES OF THE ABOVE ZONING DISTRICTS ARE HEREBY ESTABLISHED AS SHOWN ON THE ZONING MAP, A COPY OF WHICH IS APPENDED HERETO, AND INCORPORATED HEREIN BY REFERENCE. THE ORIGINAL OF THIS MAP IS ON FILE IN THE OFFICE OF THE ZONING ADMINISTRATOR OF THE CITY OF AUBURN.

2.021 BOUNDARY LINES - INTERPRETATION

THE BOUNDARY LINES OF DISTRICTS ARE LOT LINES, THE CENTER LINES OF CREEKS OR OF SUCH LINES EXTENDED, RAILWAY RIGHTS-OF-WAY, THE CENTER LINES OF STREETS OR ALLEYS OR SUCH LINES EXTENDED, AND/OR CORPORATE LIMIT LINES.

2.03 DIVIDED LOTS - EXTENSION OF DISTRICTS

WHERE A DISTRICT BOUNDARY LINE ESTABLISHED ON THE ZONING MAP DIVIDES A LOT OF SINGLE OWNERSHIP WHICH WAS A LOT OF

RECORD AT THE TIME OF THE PASSAGE OF THIS ORDINANCE, THEN THE LEAST RESTRICTIVE DISTRICT REQUIREMENTS UNDER WHICH THE LOT WAS DIVIDED SHALL BE APPLIED TO THE ENTIRE LOT.

2.04 VACATED STREET OR ALLEY

WHENEVER ANY PUBLIC WAY IS VACATED THROUGH LEGAL ACTION, PORTIONS OF IT SHALL IMMEDIATELY, WITHOUT FURTHER ACTION, ASSUME, AND BE A PART OF, THE ZONING DISTRICT(S) THROUGH WHICH THEY FORMERLY PASSED.

2.05 ANNEXED LANDS

IN EVERY CASE WHERE LAND BECOMES A PART OF THE CITY THROUGH ANNEXATION, SUCH NEWLY ANNEXED LAND SHALL AUTOMATICALLY BE ZONED EITHER A OR R-3. SUCH DESIGNATION SHALL REMAIN IN EFFECT UNLESS, OR UNTIL THE PLANNING COMMISSION MAKES A RECOMMENDATION TO THE CITY COUNCIL FOR A ZONING CHANGE, AND THE COUNCIL ADOPTS SUCH CHANGE.

ARTICLE 3

GENERAL PROVISIONS

3.01 PROVISIONS APPLICABLE TO ZONING DISTRICTS

EXCEPT AS HERINAFTER SPECIFIED, THE FOLLOWING PROVISIONS SHALL APPLY WITHIN ALL ZONING DISTRICTS:

3.011 ACTIVITIES AFFECTED - CONFORMANCE REQUIRED

NO BUILDING OR LAND SHALL HEREAFTER BE USED, AND NO BUILDING OR PART THEREOF SHALL BE ERECTED, MOVED, OR ALTERED UNLESS FOR USE EXPRESSLY PERMITTED BY AND IN CONFORMITY WITH THE REGULATIONS HEREIN SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED.

NO EXCAVATION, OR CUT, OR FILL OF EARTH OR DEBRIS SHALL HEREAFTER BE UNDERTAKEN UNLESS A PERMIT IS ISSUED BY THE ZONING ADMINISTRATOR FOR SUCH EXCAVATION, CUT, OR FILL.

EXCEPTION: THE LAWFUL USE OF ANY BUILDING, FACILITIES OR PREMISES EXISTING AT THE TIME OF THE ENACTMENT, OR SUBSEQUENT AMENDMENT OF THIS ORDINANCE, WHICH IS NOT IN CONFORMITY MAY BE CONTINUED, BUT SHALL NOT BE EXTENDED, ENLARGED, OR MOVED TO OCCUPY ANY PORTION OF LAND, OR STRUCTURE, EXCEPT IN CONFORMITY WITH THIS ORDINANCE. ANY BUILDINGS OR FACILITIES DAMAGED OR DESTROYED BY NATURAL DISASTER OR FIRE MAY BE REPAIRED OR REBUILT FOR CONTINUED NON-CONFORMING USE, BUT SUCH REPAIR OR REBUILDING MUST BE ACCOMPLISHED WITHIN ONE YEAR FROM THE DATE OF ITS DAMAGE OR DESTRUCTION.

3.012 ACCESS CONTROL

3.0121 RESIDENTIAL DISTRICTS

LOTS OF LESS THAN ONE HUNDRED (100) FEET IN WIDTH SHALL HAVE NO MORE THAN ONE (1) POINT OF ACCESS TO ANY ONE PUBLIC STREET. LOTS WIDER THAN ONE HUNDRED (100) FEET SHALL BE ALLOWED ONE (1) ADDITIONAL POINT OF ACCESS FOR EACH ADDITIONAL ONE HUNDRED FEET OF WIDTH OR MAJOR FRACTION THEREOF.

NO POINT OF ACCESS SHALL BE ALLOWED WITHIN TWENTY (20) FEET OF THE INTERSECTION OF THE RIGHT-OF-WAY OF INTERSECTING STREETS.

A POINT OF ACCESS SHALL NOT EXCEED TWENTY (20) FEET IN WIDTH FOR ONE-WAY AND/OR ONE LANE INGRESS OR EGRESS. NO TWO-WAY EGRESS AND/OR INGRESS ACCESS SHALL EXCEED THIRTY-FIVE (35) FEET IN WIDTH.

3.0122 BUSINESS AND COMMERCIAL DISTRICTS

IN ALL COMMERCIAL DISTRICTS, POINTS OF ACCESS TO HIGHWAYS AND STREETS SHALL BE CONTROLLED BY THE REGULATIONS OF THE PLANNING COMMISSION. BEFORE ANY BUILDING PERMIT FOR ANY ANY STRUCTURE IN A BUSINESS OR COMMERCIAL ZONE MAY BE ISSUED, THE PROSPECTIVE BUILDER OR OPERATOR OF THE PROPOSED ACTIVITY SHALL SUBMIT A SKETCH OF THE LAYOUT AND DESIGN OF THE PROPOSED STRUCTURE(S) AND/OR THE ACCESS POINTS TO THE HIGHWAY OR STREET TO THE ZONING ADMINISTRATOR FOR REVIEW AS TO THEIR CONFORMITY WITH THE REGULATIONS OF THE PLANNING COMMISSION.

THE PLANNING COMMISSION MAY REQUIRE THAT WHEN TWO OR MORE CONSUMER COMMERCIAL ESTABLISHMENTS ADJOIN, OR ARE SO LOCATED ALONG ONE SIDE OF A STREET AS TO MAKE A SINGLE POINT OF ACCESS PRACTICAL, THE ESTABLISHMENTS SHOULD SHARE SUCH ACCESS.

PLANNED SHOPPING AREAS OF FOUR OR MORE ESTABLISHMENTS WHICH ADJOIN, OR ARE LOCATED IN CLOSE PROXIMITY TO EACH OTHER ON ANY MAJOR STREET, MAY BE REQUIRED BY THE PLANNING COMMISSION TO BE SERVED BY A ROAD PARALLEL TO THE HIGHWAY OR STREET WHICH HAS NO MORE THAN TWO POINTS OF ENTRY OR EGRESS. SUCH ROADWAY SHALL BE CONSTRUCTED AT THE EXPENSE OF THE OWNER(S).

IN A PLANNED COMMERCIAL DISTRICT (SEE ARTICLE 6 OF THIS ORDINANCE), INGRESS AND EGRESS SHALL BE SO DESIGNED AS TO MINIMIZE TRAFFIC CONGESTION. NO MORE THAN ONE ENTRY-EXIT WAY SHALL BE CONSTRUCTED FOR EVERY ONE-HUNDRED FIFTY (150) FEET OF HIGHWAY FRONTAGE OR BORDERING ROADWAY.

3.013 ACCESSORY BUILDINGS

ACCESSORY BUILDINGS MUST BE AT LEAST SIX (6) FEET FROM OTHER BUILDINGS SITUATED ON THE SAME LOT, AND SIX (6) FEET FROM THE BOUNDARY LINE OF ALL ADJOINING LOTS.

AN ACCESSORY BUILDING IN A RESIDENTIAL DISTRICT SHALL NOT BE USED FOR, OR BE INVOLVED WITH THE CONDUCT OF ANY BUSINESS, TRADE, OR INDUSTRY ON THE PREMISES.

3.014 DWELLINGS IN REAR OF MAIN BUILDINGS PROHIBITED: EXCEPTIONS

NO BUILDING IN THE REAR OF A PRINCIPAL BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES UNLESS IT CONFORMS TO ALL YARD, OPEN SPACE, AND OFF-STREET PARKING

REQUIREMENTS FOR A REAR DWELLING, MEASURED FROM THE REQUIRED REAR YARD LINE OF THE PRINCIPAL BUILDING. A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED BEFORE A REAR DWELLING CAN BE USED FOR RESIDENTIAL PURPOSES.

3.015 HEIGHT LIMITATIONS - EXCEPTIONS

THE HEIGHT LIMITATIONS OF THIS ORDINANCE SHALL NOT APPLY TO CHURCH SPIRES, BELFRIES, CUPOLAS, DOMES NOT INTENDED FOR HUMAN OCCUPANCY, MONUMENTS, WATER TOWERS, OBSERVATION AND TRANSMISSION TOWERS, WINDMILLS, CHIMNEYS, SMOKESTACKS, DERRICKS, CONVEYORS, FLAG POLES, MASTS, AND AERIALS.

3.016 LOTS OF RECORD

THE OWNER OF A VACANT LOT OF OFFICIAL RECORD, WHICH AT THE TIME OF THE ADOPTION OF THIS ORDINANCE DID NOT INCLUDE SUFFICIENT AREA OF LAND TO CONFORM TO THE YARD OR OTHER DIMENSIONAL REQUIREMENTS OF THIS ORDINANCE, MAY MAKE APPLICATION TO THE BOARD OF ADJUSTMENTS FOR A VARIANCE FROM THE TERMS OF THIS ORDINANCE. SUCH LOT MAY BE USED AS A BUILDING SITE TO CONFORM WITH THE DISTRICT INN WHICH IT IS LOCATED, PROVIDED, HOWEVER, THAT THE YARD AND OTHER REQUIREMENTS OF THE DISTRICT ARE COMPLIED WITH AS CLOSELY AS IT IS POSSIBLE TO ACHIEVE IN THE OPINION OF THE BOARD.

3.017 OFF-STREET PARKING

OFF THE STREET AUTOMOBILE STORAGE OR STANDING SPACE SHALL BE PROVIDED ON ANY LOT ON WHICH ANY OF THE FOLLOWING USES ARE HEREAFTER ESTABLISHED. SUCH SPACE SHALL BE PROVIDED WITH VEHICULAR ACCESS TO A STREET OR ALLEY. (FOR PURPOSES OF COMPUTING THE NUMBER OF PARKING SPACES AVAILABLE IN A GIVEN AREA, THE RATIO OF FOUR HUNDRED (400) SQUARE FEET PER PARKING SPACE SHALL BE USED). THE FOLLOWING ARE THE MINIMUM REQUIREMENTS FOR SPECIFIC USE:

- A. DWELLINGS - ONE (1) SPACE FOR EACH FAMILY DWELLING UNIT.
- B. APARTMENT BUILDINGS - ONE AND ONE-HALF (1 & 1/2) SPACES FOR EACH HOUSING UNIT.
- C. ROOMING HOUSES - ONE (1) SPACE FOR EACH TWO (2) ROOMS OCCUPIED, OR INTENDED FOR OCCUPANCY BY ROOMERS, IN ADDITION TO THE REQUIREMENTS OF SUBSECTION A ABOVE.
- D. TOURIST ACCOMODATIONS - ONE (1) SPACE FOR EACH ROOM OFFERED FOR TOURIST ACCOMODATION, PLUS ONE (1) SPACE FOR EACH EMPLOYEE ON DUTY AT ANY TIME.

- E. RESTAURANTS AND BOARDING HOUSES - ONE (1) SPACE FOR EACH FIVE (5) SERVICE SEATS AT FULL CAPACITY, PLUS ONE (1) SPACE FOR EACH THREE EMPLOYEES. (EXCEPT IN B-1 DISTRICT).
- F. THEATER, AUDITORIUM, CHURCH, OR OTHER PLACE OF PUBLIC ASSEMBLY (EXCEPT IN B-1 DISTRICT)- ONE (1) SPACE FOR EACH FIVE SEATS AVAILABLE AT MAXIMUM CAPACITY.
- G. COMMERCIAL OR BUSINESS BUILDINGS IN B-2 DISTRICTS - FOUR (4) SPACES FOR THE FIRST ONE THOUSAND (1,000) SQUARE FEET OF FLOOR SPACE, AND ONE ADDITIONAL SPACE FOR EACH TWO HUNDRED FIFTY (250) SQUARE FEET OF SPACE ABOVE THAT.
- H. OFFICE AND PROFESSIONAL BUILDINGS OUTSIDE THE CENTRAL BUSINESS DISTRICT - ONE (1) SPACE FOR EACH EMPLOYEE WHO BASIC DUTIES ARE CARRIED OUT INSIDE THE BUILDING, AND TWO (2) SPACES FOR EACH ONE HUNDRED (100) SQUARE FEET OF WAITING ROOM OR CUSTOMER SERVICE AREA.
- I. INDUSTRIAL PLANT - ONE (1) PARKING SPACE FOR EACH FOUR (4) EMPLOYEES AT MAXIMUM EMPLOYMENT ON A SINGLE SHIFT PLUS ONE SPACE FOR EACH CAR OR TRUCK OPERATED BY THE PLANT. THE PLANNING COMMISSION MAY REQUIRE ADDITIONAL PARKING SPACES AS IT DEEMS NECESSARY.
- J. TRAILER OR MOBILE HOME PARKS - ONE (1) SPACE FOR EACH MOBILE HOME LOT OR UNIT, PLUS ONE-FOURTH (1/4) SPACE FOR EACH MOBILE HOME LOT. THE ADDITIONAL PARKING MAY BE IN A CENTRAL LOCATION.

COMBINED USES (SUCH AS TOURIST ACCOMODATION AND RESTAURANT) SHALL MEET MINIMUM REQUIREMENTS FOR BOTH OR ALL USES.

3.018 UNLOADING SPACE

EVERY NEW BUILDING OR STRUCTURE INTENDED FOR BUSINESS OR TRADE SHALL PROVIDE NOT LESS THAN ONE (1) LOADING AND UNLOADING SPACE WHICH WILL ACCOMODATE LARGE TRUCKS, TRACTORS AND SEMI-TRAILERS FOR THE DELIVERY AND RECEIPT OF MERCHANDISE OFF THE STREET. SUCH SPACES SHALL HAVE ACCESS TO A PUBLIC ALLEY, OR IF THERE IS NO ALLEY, TO A PUBLIC STREET (EXCEPT IN THE B-1 DISTRICT).

3.019 SETBACK LINES, EXCEPTIONS

FRONT YARD SETBACK LINES SHALL BE MEASURED FROM THE STREET-FACING PROPERTY LINE TO THE OUTERMOST PROTRUSION OF THE BUILDING OR STRUCTURE.

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 ORDINANCE. 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.

3.020 STREET FRONTAGE REQUIRED

EXCEPT AS PERMITTED BY OTHER PROVISIONS OF THIS ORDINANCE, NO LOT SHALL CONTAIN ANY BUILDING WHICH IS USED IN WHOLE OR IN PART FOR RESIDENTIAL PURPOSES UNLESS SUCH LOT ABUTS FOR AT LEAST FIFTY (50) FEET ON A STREET OR PUBLIC WAY.

3.021 SUBDIVISION COORDINATION REQUIRED

IN ALL CASES WHERE THE OWNERSHIP OF LAND IS DIVIDED FOR THE PURPOSE OF EVENTUAL DEVELOPMENT OF BUILDING LOTS THE PROVISIONS OF THE SUBDIVISION REGULATIONS SHALL BE APPLICABLE IN ADDITION TO THE PROVISIONS OF THIS ORDINANCE.

3.022 TRAFFIC VISIBILITY ACROSS CORNER LOTS

ON A CORNER LOT, WITHIN THE AREA FORMED BY THE CENTER ONE OF THE INTERSECTING STREETS AND A LINE JOINING POINTS ON SUCH CENTER LINES AT A DISTANCE OF NINETY (90) FEET, THERE SHALL BE NO OBSTRUCTION TO VISION BETWEEN A HEIGHT OF THREE AND ONE-HALF (3 1/2) FEET AND A HEIGHT OF TEN (10) FEET ABOVE THE AVERAGE ELEVATION OF THE EXISTING SURFACES OF EACH STREET, AT THE CENTER LINE THEREOF.

THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE CENTRAL BUSINESS DISTRICT, NOR SHALL THE REQUIREMENTS OF THIS SECTION BE DEEMED AS PROHIBITING ANY NECESSARY RETAINING WALL.

THE BOARD OF ADJUSTMENTS MAY EITHER INCREASE OR REDUCE THE REQUIREMENTS OF THIS SECTION THE INTEREST OF SAFETY, WHERE UNUSUAL OR SPECIAL CONDITIONS WARRANT CONSIDERATION.

3.023 WATER SUPPLY AND SEWAGE DISPOSAL APPROVAL

IT SHALL BE UNLAWFUL TO CONSTRUCT ANY BUILDING 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 CITY AND/OR THE COUNTY HEALTH OFFICER. THE CITY OR THE COUNTY HEALTH OFFICER'S CERTIFICATE APPROVING PROPOSED AND/OR COMPLETED WATER AND SEWAGE FACILITIES MUST ACCOMPANY APPLICATIONS FOR BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

3.024 SIGNS AND ADVERTISING DEVICES

PURPOSE OF THIS SECTION: THE PURPOSES OF THIS SECTION ARE:

- A. TO ASSURE MAXIMUM VISIBILITY ALONG STREETS AND TO PREVENT UNREASONABLE DISTRACTION FOR MOTOR VEHICLE OPERATORS.
- B. TO PRESERVE AND ENHANCE NATURAL SCENIC BEAUTY AND HISTORICAL SITES BY THE AVOIDANCE OF UNSIGHTLY CLUTTERING OF ADVERTISING SIGNS AND DEVICES.
- C. TO PROMOTE PEDESTRIAN SAFETY.
- D. TO FACILITATE POLICE AND FIRE PROTECTION.
- E. TO PROVIDE FOR ORDERLY AND VISIBLE INFORMATIVE ADVERTISING OPPORTUNITIES FOR ALL BUSINESSES AND ATTRACTIONS WHICH BENEFIT FROM APPROPRIATE SIGNS AND ADVERTISING DEVICES.

SCOPE OF THIS SECTION: THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE CONSTRUCTION, ERECTION, USE LOCATION, AND MAINTENANCE OF SIGNS IN ALL DISTRICTS. THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO SIGNS EXISTING ON THE EFFECTIVE DATE OF THIS ORDINANCE. SIGNS IN LEGAL EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE, BUT NOT IN CONFORMITY WITH IT, AND NOT OBSTRUCTING TRAFFIC VISABILITY, MAY REMAIN IN PLACE; BUT THE NON-CONFORMING USE SHALL NOT BE EXTENDED, ENLARGED, OR MOVED TO OCCUPY A PORTION OF LAND OR A STRUCTURE EXCEPT IN CONFORMITY WITH THIS ORDINANCE. ONLY ROUTINE MAINTENANCE MAY BE PERFORMED ON THE SIGN AND ITS STRUCTURE UNTIL SUCH TIME AS THE SIGN IS BROUGHT INTO CONFORMANCE WITH THESE REGULATIONS. UNLESS OTHERWISE PERMITTED BY THIS ORDINANCE, NO NEW SIGN MAY BE ERECTED, CONSTRUCTED OR DISPLAYED WITHIN THE PLANNING AREA AFTER THE EFFECTIVE DATE OF THIS ORDINANCE UNLESS ALL THE PROVISIONS OF THIS ORDINANCE ARE MET.

SIGNS AND BILLBOARDS PLACED ALONG THE FEDERAL AID HIGHWAYS, U.S. 68, AND KY 103 MUST CONFORM TO THE REGULATIONS OF THE KENTUCKY DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH KENTUCKY REVISED STATUTES, 177.

3.0241 SIGNS PERMITTED IN ZONING DISTRICTS

A. RESIDENTIAL DISTRICTS

UNLIGHTED REAL ESTATE SIGNS ADVERTISING THE SALE, RENTAL, OR LEASE OF ONLY THE PREMISES ON WHICH THEY ARE MAINTAINED. SUCH SIGNS MUST NOT EXCEED TEN (10) SQUARE FEET IN AREA, AND ARE TO BE USED ONLY TEMPORARILY. REAL ESTATE SIGNS MUST BE DISPLAYED AT LEAST FIVE (5) FEET FROM ALL LOT BOUNDARIES.

SIGNS ADVERTISING HOME OCCUPATIONS MAY NOT EXCEED ONE (1) SQUARE FOOT IN AREA AND MUST BE AFFIXED TO THE FRONT OF THE BUILDING IN WHICH THE ACTIVITY IS CARRIED ON.

CHURCHES, SCHOOLS, AND OTHER PUBLIC AND SEMI-PUBLIC INSTITUTIONS MAY ERECT BULLETIN BOARDS NOT EXCEEDING TWENTY (20) SQUARE FEET IN AREA.

SUBDIVISIONS MAY BE IDENTIFIED BY ONE NON-ILLUMINATED SIGN AT EACH ENTRANCE. THESE SIGNS SHALL NOT EXCEED THIRTY (30) SQUARE FEET IN AREA.

APARTMENT COMPLEXES CONTAINING EIGHT OR MORE HOUSING UNITS MAY BE IDENTIFIED BY A PERMANENT SIGN OF NO MORE THAN THIRTY (30) SQUARE FEET IN AREA.

B. BUSINESS AND COMMERCIAL DISTRICTS

IN THE CENTRAL BUSINESS DISTRICT ADVERTISING SIGNS ARE PERMITTED. BUT CARE MUST BE TAKEN TO PRESERVE THE HISTORICAL NATURE OF THE DISTRICT. THE USE OF LIGHTING IS PERMITTED, BUT SIGNS AND ADVERTISING DEVICES SHALL BE PLACED ON BUILDINGS IN A FLAT MANNER AND SHALL NOT EXTEND MORE THAN TWELVE INCHES FROM THE BUILDING. HOWEVER, THIS PROVISION MAY BE

WAIVED IF IT IS DETERMINED THAT A PROPOSED SIGN WILL BE IN KEEPING WITH THE HISTORIC NATURE OF THE AREA AND WILL NOT DETRACT OR INTERFERE WITH ANY SURROUNDING BUILDINGS, WITH SAID DETERMINATION BEING MADE BY A THREE PERSON COMMITTEE CONSISTING OF THE MAYOR, THE ZONING ADMINISTRATOR, AND A CITY COUNCIL MEMBER APPOINTED BY THE MAYOR. NO FLASHING LIGHTS OF ANY KIND SHALL BE PERMITTED.

OUTSIDE OF THE CENTRAL BUSINESS DISTRICT, INDIVIDUAL ESTABLISHMENTS IN A COMMERCIAL DISTRICT WHICH ARE NOT WITHIN A SHOPPING CENTER OR A PLANNED COMMERCIAL DISTRICT MAY CHOOSE TO DISPLAY EITHER A FREE-STANDING SIGN, OR TO HANG A SIGN PERPENDICULAR TO THE FRONT OF THE ESTABLISHMENT. SUCH SIGNS MUST NOT EXCEED ONE HUNDRED (100) SQUARE FEET IN AREA, AND THE OUTERMOST EDGE OF THE SIGN MUST BE AT LEAST TEN (10) FEET FROM THE PROPERTY LINE. THESE SIGNS MAY BE LIT SO LONG AS THEY ARE NOT ILLUMINATED IN SUCH A WAY AS TO CONSTITUTE A HAZARD INHIBITING THE VISION OF VEHICLE OPERATORS. RETAIL GASOLINE SALES ESTABLISHMENTS MAY ALSO HAVE ONE ADDITIONAL SIGN TO DISPLAY ITS PRICES AND SAID SIGN SHALL NOT EXCEED FIFTY (50) SQUARE FEET. THE COMMITTEE ESTABLISHED PURSUANT TO SECTION 3.0241(B) ABOVE SHALL HAVE THE AUTHORITY TO APPROVE NON-CONFORMING SIGNS OUTSIDE OF THE CENTRAL BUSINESS DISTRICT IF IT IS DETERMINED THAT A SIGN WILL NOT DETRACT FROM, OR INTERFERE WITH ANY SURROUNDING BUILDINGS AND WILL COMPLY WITH THE GENERAL PLANNING OF THE AREA.

C. SHOPPING CENTERS

FOR THE PURPOSES OF THIS ORDINANCE, A SHOPPING CENTER IS DEFINED AS TWO OR MORE COMMERCIAL ESTABLISHMENTS WHICH SHARE A COMMON PLACE NAME SUCH AS "SHOPPING CENTER", "MARKET PLACE", OR SIMILAR IDENTIFICATION.

A SHOPPING CENTER MAY HAVE ONE (1) FREE-STANDING SIGN NOT EXCEEDING ONE HUNDRED (100) SQUARE FEET IN AREA, AND A DIRECTORY OF OCCUPANTS NOT EXCEEDING ONE HUNDRED (100) SQUARE FEET. SIGNS ON STORES OR SERVICE ESTABLISHMENTS WITHIN THE CENTER SHALL BE PLACED ON BUILDINGS IN A FLAT MANNER, EXTENDING NO MORE THAN TWELVE (12) INCHES OUTWARD FROM THE BUILDING.

D. PLANNED COMMERCIAL DEVELOPMENTS

EACH PLANNED COMMERCIAL DEVELOPMENT SHALL BE PERMITTED TWO (2) FREE-STANDING SIGNS NOT OVER TWENTY-FIVE (25) FEET IN HEIGHT, OR MORE THAN ONE HUNDRED FIFTY (150) SQUARE FEET IN AREA, AND A DIRECTORY OF FIRMS NOT EXCEEDING ONE HUNDRED (100) SQUARE FEET. OTHER SIGNS IN THE DEVELOPMENT SHALL BE ATTACHED TO THE BUILDINGS IN A FLAT MANNER AND SHALL NOT EXTEND FROM THE BUILDING MORE THAN TWELVE (12) INCHES.

E. OFFICE AND PROFESSIONAL DISTRICT

OFFICE OR PROFESSIONAL BUILDINGS MAY BE DESIGNATED BY ONE FREE STANDING SIGN NOT EXCEEDING ONE HUNDRED FIFTY (150) SQUARE FEET IN AREA BEARING THE NAME OF THE BUILDING OR COMPLEX, AND LISTING THE NAMES OF THE TENANTS. INDIVIDUAL SIGNS OF TENANTS SHALL BE AFFIXED TO THE FRONT OR SIDES OF THE STRUCTURE, OR UPON DOORS OR WINDOWS.

F. INDUSTRIAL DISTRICTS

INDUSTRIAL PARKS DESIGNED FOR MULTIPLE OCCUPANCY SHALL BE PERMITTED ONE (1) FREE STANDING SIGN OR BILLBOARD NOT TO EXCEED ONE HUNDRED FIFTY (150) SQUARE FEET IN AREA FOR EACH ROADWAY OR STREET WHICH BORDERS THE PARK. NO SIGN MAY BE LOCATED CLOSER TO THE STREET RIGHT-OF-WAY THAN TWENTY (20) FEET.

INDIVIDUAL INDUSTRY LOCATIONS SHALL BE PERMITTED ONE (1) SIGN NOT EXCEEDING

ONE HUNDRED FIFTY (150) SQUARE FEET IN AREA FOR EACH ROADWAY OR STREET WHICH BORDERS ITS PROPERTY. SUCH SIGN(S) SHALL NOT BE LOCATED CLOSER THAN TWENTY (20) FEET FROM THE PROPERTY BORDER LINE(S). OTHER SIGNS SHALL BE AFFIXED FLAT AGAINST BUILDINGS.

EACH INDUSTRY, WHETHER IN A PARK, OR OCCUPYING A SEPARATE LOT, SHALL BE PERMITTED ONE FREE-STANDING SIGN OF NOT MORE THAN TWENTY (20) SQUARE FEET FOR DIRECTIONAL PURPOSES TO ASSURE THE CONVENIENCE OF VENDORS AND VISITORS.

3.0242 TEMPORARY SIGNS

THE FOLLOWING SIGNS SHALL BE PERMITTED IN ALL DISTRICTS AND SHALL NOT REQUIRE A PERMIT UNLESS OTHERWISE NOTED:

A. CONSTRUCTION SIGNS WHICH IDENTIFY THE ARCHITECTS, ENGINEERS, CONTRACTORS AND OTHER INDIVIDUALS OR FIRMS WHICH ARE INVOLVED IN A PERMITTED PROJECT. PRODUCT LOGOS MAY BE DISPLAYED, BUT NO ADDITIONAL ADVERTISING SHALL BE ALLOWED. SUCH SIGNS SHALL BE RESTRICTED TO AN AREA OF SIXTEEN (16) SQUARE FEET FOR EACH FIRM. THE SIGNS MUST BE RESTRICTED TO THE CONSTRUCTION SITE, AND SHALL BE REMOVED WITHIN FOURTEEN (14) DAYS AFTER THE COMPLETION OF THE ADVERTISED PROJECT

B. REAL ESTATE SIGNS ADVERTISING THE SALE, RENTAL, OR LEASE OF PREMISES SHALL BE RESTRICTED TO A TOTAL OF THIRTY-FIVE (35) SQUARE FEET FOR PROPERTIES OTHER THAN RESIDENTIAL. FOR RESIDENTIAL PROPERTIES THE LIMIT SHALL BE TEN (10) SQUARE FEET. THESE SIGNS SHALL NOT BE ILLUMINATED, AND MUST BE REMOVED WITHIN FOURTEEN (14) DAYS AFTER THE SALE, LEASE, OR RENTAL BY THE SELLER, LESSOR, OR HIS AGENT.

SIGNS ADVERTISING AN AUCTION SHALL BE LIMITED TO THIRTY-TWO (32) SQUARE FEET IN SIZE, AND SHALL BE REMOVED WITHIN SEVEN (7) DAYS AFTER THE AUCTION OCCURS.

- C. POLITICAL CAMPAIGN SIGNS ANNOUNCING THE CANDIDACY OF INDIVIDUALS OR THOSE WHICH SEEK SUPPORT FOR OR AGAINST A PROPOSITION TO BE VOTED ON MAY BE PLACED UPON PRIVATE PROPERTY WITH THE CONSENT OF THE OWNER(S). SUCH POLITICAL SIGNS MUST NOT EXCEED TWENTY (20) SQUARE FEET IN AREA, AND MUST BE REMOVED WITHIN SEVEN (7) DAYS AFTER THE VOTE IS TAKEN.

- D. STREET BANNERS ADVERTISING A PUBLIC ENTERTAINMENT OR EVENT REQUIRE THE APPROVAL OF THE ZONING ADMINISTRATOR SUCH APPROVAL MAY BE GIVEN FOR A PERIOD OF THIRTY (30) DAYS PRIOR TO THE EVENT. THE BANNERS MUST BE TAKEN DOWN WITHIN SEVEN (7) DAYS AFTER THE EVENT TAKES PLACE.

3.0243 PORTABLE SIGNS

IN LOCATIONS OTHER THAN PLANNED COMMERCIAL DEVELOPMENTS, OR SHOPPING CENTERS, MOBILE, PORTABLE SIGNS SHALL BE PERMITTED FOR PERIODS OF THIRTY (30) DAYS FOR THE PURPOSE OF ADVERTISING SPECIAL EVENTS OR SALE SPECIALS WHICH MAY BE OFFERED BY AN ENTERPRISE. SUCH SIGNS MUST BE PLACED SO AS NOT TO OBSTRUCT THE MOTORIST'S VIEW OF THE RIGHT OF WAY, AND MUST BE SET BACK AT LEAST TO THE MID POINT OF THE REQUIRED SETBACK LINE AND THE TRAVELLED PORTION OF THE ROADWAY. IN NO INSTANCE SHALL SUCH SIGN BE CLOSER THAN TEN (10) FEET TO THE ROADWAY.

A PERMIT FOR THE PLACEMENT OF PORTABLE SIGNS MUST BE OBTAINED FROM THE ZONING ADMINISTRATOR. PERMITS WILL BE VALID FOR A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF ISSUE.

THE FEE FOR THE ISSUANCE OF A PORTABLE SIGN PERMIT SHALL BE FIFTEEN DOLLARS (\$15.00) FOR EACH THIRTY DAY PERIOD.

3.0244 PERMANENT SIGNS, BILLBOARDS

PERMANENT SIGNS, SUCH AS BILLBOARDS, ARE CLASSIFIED AS STRUCTURES WITHIN THE MEANING OF THIS ORDINANCE AND REQUIRE THAT A PERMIT BE OBTAINED PRIOR TO ERECTION OR CONSTRUCTION. (AS PREVIOUSLY NOTED, BILLBOARDS ALONG FEDERAL AID

HIGHWAYS ARE SUBJECT TO STATE AND FEDERAL REGULATION. HOWEVER, THE REGULATIONS OF THIS ORDINANCE MAY BE MORE STRINGENT THAN THOSE OF THE KENTUCKY DEPARTMENT OF TRANSPORTATION).

NO BILLBOARDS SHALL BE PERMITTED IN ANY RESIDENTIAL DISTRICT.

UNLESS OTHERWISE PROSCRIBED IN OTHER SECTIONS OF THIS ORDINANCE, THE FOLLOWING MAXIMUM DIMENSIONS APPLY TO BILLBOARDS:

MAXIMUM AREA - 400 FEET SQUARE

MAXIMUM HEIGHT - 40 FEET

(MEASURED FROM THE AVERAGE GRADE LEVEL AT THE BASE OF THE SIGN; HOWEVER IF THE AVERAGE LEVEL AT THE BASE OF THE SIGN IS LOWER THAN THE AVERAGE GRADE LEVEL OF THE ADJACENT HIGHWAY, THEN THE MAXIMUM HEIGHT SHALL BE THIRTY (30) FEET, MEASURED FROM THE AVERAGE GRADE LEVEL OF THE HIGHWAY.)

MINIMUM DISTANCE FROM RIGHT-OF-WAY OR PROPERTY LINE - 20 FEET

3.0245 PERMITS FOR SIGN CONSTRUCTION OR ERECTION

APPLICATIONS FOR THE CONSTRUCTION OR ERECTION OF NEW PERMANENT SIGNS, OR FOR MODIFICATION OF EXISTING BILLBOARDS AND SIGNS, SHALL BE MADE TO THE ZONING ADMINISTRATOR ON FORMS TO BE PROVIDED BY HIM.

A FEE OF ONE DOLLAR (\$1.00) PER SQUARE FOOT, SUBJECT TO A MINIMUM FEE OF TWENTY-FIVE DOLLARS (\$25) ACCOMPANY THE APPLICATION TO DEFRAY THE COST OF ISSUING A PERMIT AND FOR THE INSPECTION OF THE SIGN AFTER ITS INSTALLATION.

3.0246 AMORTIZATION OF NON-CONFORMING SIGNS

ALL NON-CONFORMING SIGNS MUST EITHER BE ALTERED TO CONFORM WITH THIS ORDINANCE OR BE REMOVED WITHIN A PERIOD OF FOUR (4) YEARS FROM THE DATE OF THE APPROVAL OF THIS ORDINANCE BY THE CITY COUNCIL.

ARTICLE 4

ZONING DISTRICTS AND BASIC REQUIREMENTS

4.01 AGRICULTURAL DISTRICTS

LAND DEDICATED TO AGRICULTURAL PURPOSES, INCLUDING ROW CROPPING, PLANT NURSERIES, GREENHOUSES, COMMERCIAL KENNELS, RIDING STABLES, AND FISHING LAKES SHALL BE PERMITTED IN AGRICULTURAL DISTRICTS WITHIN THE CITY LIMITS.

4.011 PROHIBITED USES

WITHIN THE CITY LIMITS THE FOLLOWING AGRICULTURAL ACTIVITIES ARE PROHIBITED: ANIMAL HUSBANDRY; EGG AND POULTRY PRODUCTION; DAIRYING; FARROWING; AND OTHER AGRICULTURAL ACTIVITIES WHICH CONSTITUTE NOISE AND/OR WASTE NUISANCES.

4.012 CONDITIONALLY PERMITTED USES

SUBJECT TO THE APPROVAL OF THE BOARD OF ADJUSTMENT, THE FOLLOWING USES OF LAND MAY BE APPROVED WITHIN AN AGRICULTURAL DISTRICT: CHURCHES, SUNDAY SCHOOL BUILDINGS, PARISH HOUSES, HOSPITALS, CONVALESCENT OR OR NURSING HOMES; PUBLIC AND PAROCHIAL SCHOOLS AND COLLEGES AND PRIVATE SCHOOLS FOR ACADEMIC INSTRUCTION PUBLIC BUILDINGS AND PROPERTIES; PUBLIC PARKS; PUBLIC UTILITIES; QUARRIES AND GRAVEL PITS; PUBLIC AND PRIVATE SEWAGE DISPOSAL PLANTS; AND WIRELESS TRANSMITTING STATIONS. TRAVEL-TRAILER PARKS AND/OR CAMPGROUND SITES MAY ALSO BE ESTABLISHED IN AN AGRICULTURAL DISTRICT AS A SPECIAL EXCEPTION.

4.02 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

4.021 PRINCIPAL PERMITTED USES

SINGLE FAMILY DWELLINGS AND PLANNED RESIDENTIAL DEVELOPMENT PROJECTS AS DESCRIBED IN SECTION 6.03 OF THIS ORDINANCE.

4.022 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

THE FOLLOWING PERMITTED USES ARE EXCEPTIONS IN R-1 DISTRICT, AND REQUIRE THE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT: CHURCHES AND OTHER PLACES OF WOR-

SHIP; PARISH HOUSES; PUBLIC LIBRARIES; SCHOOLS OFFERING GENERAL OR SPECIALIZED EDUCATION COURSES; DAY CARE AND/OR NURSERY SERVICES; PUBLIC PARKS AND NON-COMMERCIAL PUBLIC RECREATIONAL FACILITIES; NURSES' HOMES; NURSING HOMES; HOSPITALS FOR THE CARE OF HUMANS; PHILANTHROPIC INSTITUTIONS AND CLUBS OF WHICH THE CHIEF ACTIVITY IS CUSTOMARILY CARRIED ON AS A BUSINESS.

4.023 ACCESSORY BUILDINGS AND USES

ACCESSORY BUILDINGS AND USES SHALL BE PERMITTED AS CUSTOMARILY INCIDENTAL TO THE CONDITIONAL USE.

4.024 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

MINIMUM DIMENSIONAL REQUIREMENTS:

LOT AREA	18,500 SQUARE FEET
LOT WIDTH AT BLDG. LINE	100 FEET

YARD SPACE (EXCEPTING UNATTACHED ACCESSORY BUILDINGS)

REAR DEPTH	25 FEET
SIDE YARDS	12 FEET
FRONT DEPTH	35 FEET
FRONTAGE	40 FEET

THE MINIMUM WIDTH OF SIDE YARDS ALONG INTERSECTING STREETS SHALL BE THE SAME AS THE FRONT YARD SETBACK REQUIRED FOR THE RESIDENTIAL DISTRICT ON SUCH SIDE STREET.

4.03 SINGLE FAMILY RESIDENTIAL DISTRICT MEDIUM DENSITY R-2

THE REQUIREMENTS FOR THIS DISTRICT SHALL BE THE SAME AS THOSE FOR THE R-1 DISTRICT WITH THE FOLLOWING EXCEPTIONS:

4.031 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

DIMENSIONAL MINIMUMS:

LOT AREA	10,000 SQ. FT.
REAR DEPTH	25 FEET
SIDE DEPTH	10 FEET
FRONT DEPTH	35 FEET

4.04 MULTI-FAMILY RESIDENTIAL DISTRICT MEDIUM DENSITY, R-3

4.041 PRINCIPAL PERMITTED USES

SINGLE AND MULTI-FAMILY RESIDENCES AND PLANNED RESIDENTIAL DEVELOPMENTS SUBJECT TO ARTICLE 7.

4.042 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

THE FOLLOWING USES ARE SPECIAL EXCEPTIONS IN AN R-3 DISTRICT AND REQUIRE THE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT; CHURCHES AND OTHER PLACES OF WORSHIP, PARISH HOUSES; PUBLIC LIBRARIES; SCHOOLS; DAY CARE AND/OR NURSERY SERVICES; PUBLIC PARKS AND PUBLIC RECREATIONAL FACILITIES; PUBLIC UTILITIES; FUNERAL HOMES; CEMETERIES; NURSES' HOMES; NURSING HOMES; CLINICS AND HOSPITALS FOR HUMAN CARE; PHILANTHROPIC INSTITUTIONS AND CLUBS (EXCEPT CLUBS OF WHICH THE CHIEF ACTIVITY IS CUSTOMARILY CARRYING ON OF A BUSINESS).

OTHER CONDITIONALLY PERMITTED USES WITHIN AN R-3 DISTRICT MAY INCLUDE: AN OFFICE IN THE RESIDENCE OF A PHYSICIAN, DENTIST, LAWYER, ENGINEER, ARCHITECT, REALTOR, INSURANCE AGENT; THE STUDIO OF AN ARTIST; A TEACHER OF MUSIC (LIMITED TO ONE PUPIL AT A TIME). SUCH USES MUST NOT INVOLVE MORE THAN ONE-HALF (1/2) OF THE AREA OF ONE FLOOR OF THE DWELLING, AND NO MORE THAN ONE (1) PERSON NOT RESIDENT ON THE PREMISES MAY BE EMPLOYED. IT IS FURTHER REQUIRED THAT SUCH USE SHALL NOT REQUIRE STRUCTURAL ALTERATION, OR FEATURES NOT CUSTOMARY IN DWELLINGS. AN INDIRECTLY LIGHTED SIGN OR NAME PLATE NOT MORE THAN ONE (1) SQUARE FOOT IN AREA MAY BE ATTACHED FLAT AGAINST THE SIDE OF THE BUILDING.

ADDITIONAL CONDITIONALLY PERMITTED USES MAY INCLUDE SUCH CUSTOMARY HOME OCCUPATIONS AS HANDICRAFT, DRESSMAKING, LAUNDERING, BEAUTY AND BARBER SHOPS, ETC. THESE OCCUPATIONS MUST BE CONDUCTED EXCLUSIVELY BY RESIDENT OCCUPANTS IN THEIR PLACE OF RESIDENCE, AND NOT MORE THAN ONE FOURTH (1/4) OF THE AREA OF ONE FLOOR OF THE RESIDENCE SHALL BE USED FOR SUCH PURPOSE. IT IS FURTHER REQUIRED THAT WITH THE EXCEPTION OF HANDICRAFTS, NO MORE THAN TWENTY (20) PERCENT OF THE REVENUE OF HOME OCCUPATIONS SHALL BE DERIVED FROM THE SALE OF ITEMS AT RETAIL. THE USE OF A RESIDENCE FOR HOME OCCUPATIONS SHALL NOT REQUIRE ALTERATION, OR STRUCTURAL FEATURES NOT CUSTOMARILY FOUND IN A DWELLING. AN INDIRECTLY LIGHTED SIGN OF NOT MORE THAN ONE (1) SQUARE FOOT MAY BE AFFIXED AGAINST THE WALL OF THE BUILDING.

THE BOARD OF ADJUSTMENT MAY ATTACH SUCH CONDITIONS AS IT DEEMS NECESSARY TO PRESERVE AND PROTECT THE NATURE OF THE DISTRICT.

4.043 ACCESSORY BUILDINGS AND USES

ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO THE CONDITIONAL USES SHALL BE PERMITTED.

4.044 HEIGHT REQUIREMENTS

NO PRINCIPAL STRUCTURE IN AN R-3 DISTRICT SHALL EXCEED THREE (3) STORIES, OR THIRTY-SIX (36) FEET IN HEIGHT.

4.045 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

THE MINIMUM REQUIRED LOT SIZE IN AN R-3 DISTRICT SHALL BE 8,000 SQUARE FEET FOR A SINGLE FAMILY DWELLING, AND 6,000 SQUARE FEET FOR THE FIRST FAMILY WHEN THE DWELLING IS FOR MULTI-FAMILY USE WITH 2,000 SQUARE FEET ADDITIONAL BEING REQUIRED FOR EACH ADDITIONAL FAMILY OCCUPYING THE BUILDING.

OTHER DIMENSIONAL MINIMUMS:

WIDTH AT BUILDING LINE

SINGLE FAMILY	85 FEET
MULTI-FAMILY	100 FEET

YARD SPACE (EXCEPT UNATTACHED BLDGS.)

REAR DEPTH	25 FEET
SIDE WIDTHS	10 FEET
FRONT DEPTH	25 FEET

MINIMUM WIDTH OF SIDE YARDS ALONG INTERSECTING STREETS SHALL BE THE SAME AS THE FRONT YARD SET BACK REQUIRED FOR THE RESIDENTIAL DISTRICT ON SUCH SIDE STREET.

4.05 MULTI-FAMILY RESIDENTIAL DISTRICT, HIGH DENSITY R-4

4.051 PRINCIPAL PERMITTED USES

SINGLE AND MULTI-FAMILY DWELLINGS, PLANNED RESIDENTIAL DEVELOPMENT PROJECTS AS PERMITTED IN ARTICLE SEVEN OF THIS ORDINANCE; MOBILE HOME PARKS WHICH MEET THE REQUIREMENTS OF ARTICLE SIX OF THIS ORDINANCE.

4.052 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

THE CONDITIONALLY PERMITTED USE IN THIS DISTRICT SHALL BE THE SAME AS THAT OF AN R-3 DISTRICT.

4.053 ACCESSORY BUILDINGS AND USE

SAME AS IN AN R-3 DISTRICT

4.054 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

THE MINIMUM REQUIRED LOT AREA WITHIN AN R-4 DISTRICT SHALL BE 6,000 SQUARE FEET FOR A SINGLE FAMILY DWELLING, AND FOR THE FIRST FAMILY OCCUPYING A MULTI-FAMILY STRUCTURE. THERE SHALL BE 2,000 ADDITIONAL SQUARE FEET FOR EACH ADDITIONAL FAMILY IN A MULTI-FAMILY DWELLING.

DIMENSIONAL MINIMUMS:

LOT WIDTH AT BUILDING LINE:

SINGLE FAMILY	60 FEET
MULTI-FAMILY	85 FEET

YARD SPACE, OTHER THAN ATTACHED BUILDINGS

REAR DEPTH	20 FEET
SIDE WIDTHS	9 FEET
FRONT DEPTH	20 FEET
FRONTAGE (PUBLIC STREET)	40 FEET

MINIMUM WIDTH OF SIDE YARDS ALONG INTERSECTING STREETS SHALL BE THE SAME AS THE FRONT YARD SET BACK REQUIRED FOR THE RESIDENTIAL DISTRICT OF SUCH SIDE STREET.

4.06 CENTRAL BUSINESS COMMERCIAL DISTRICT, B-1

4.061 PRINCIPAL PERMITTED USES

ANY CONSUMER AND PERSONAL SERVICE AND/OR RETAIL ESTABLISHMENT.

4.062 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

THE FOLLOWING USES ARE SPECIAL EXCEPTIONS IN A B-1 DISTRICT AND REQUIRE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT:

APARTMENTS, TOWNHOUSES, AND SINGLE FAMILY DWELLINGS; CHURCHES AND OTHER PLACES OF WORSHIP, PARISH HOUSES; SCHOOLS; DAY CARE CENTERS AND NURSERIES; FUNERAL HOME; HOSPITALS OR CLINICS FOR HUMAN CARE; INDUSTRY; AND PHILANTHROPIC INSTITUTIONS AND CLUBS (EXCEPT THOSE WHOSE PRINCIPAL ACTIVITIES ARE CARRIED ON AS A BUSINESS OR COMMERCIAL ACTIVITY SUITABLE TO THE DISTRICT).

THE BOARD OF ADJUSTMENT MAY ATTACH SUCH CONDITIONS TO ITS APPROVAL AS ARE DEEMED ESSENTIAL TO THE PRESERVATION OF THE CHARACTER OF THE DISTRICT AS A HISTORICAL AREA.

4.063 ACCESSORY USES

ANY ACCESSORY USE OR BUILDING CUSTOMARILY INCIDENTAL TO PERMITTED USES MAY BE PERMITTED.

4.064 SIGNS

AS PERMITTED IN SECTION 3.024 OF THIS ORDINANCE.

4.07 COMMERCIAL DISTRICT, B-2

4.071 PRINCIPAL PERMITTED USES

ANY RETAIL BUSINESS OR SERVICE ESTABLISHMENT; A PLANNED COMMERCIAL DEVELOPMENT.

4.072 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

THE FOLLOWING USES ARE SPECIAL EXCEPTIONS IN A B-2 DISTRICT AND REQUIRE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT:

APARTMENTS, MULTI-FAMILY DWELLINGS, TOWNHOUSES, AND SINGLE FAMILY DWELLINGS; CHURCHES AND OTHER PLACES OF WORSHIP, PARISH HOUSES; DAY CARE CENTERS AND NURSERIES; FUNERAL HOMES AND CEMETERIES; HOSPITALS AND CLINICS FOR HUMAN CARE; INDUSTRY; PUBLIC PARKS AND NON-COMMERCIAL RECREATIONAL FACILITIES; SCHOOLS; AND PHILANTHROPIC INSTITUTIONS AND CLUBS (EXCEPT THOSE WHOSE PRINCIPAL ACTIVITIES ARE CARRIED ON AS A BUSINESS).

THE BOARD OF ADJUSTMENT MAY ATTACH SUCH CONDITIONS TO ITS APPROVAL AS ARE DEEMED NECESSARY TO PROTECT AND PRESERVE THE CHARACTER OF THE DISTRICT.

4.074 ACCESSORY BUILDINGS AND USES

ANY ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENTAL TO THE PERMITTED USES MAY BE PERMITTED.

4.075 REQUIRED CONDITIONS

SCREENING: WHERE A COMMERCIAL LOT ADJOINS A 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.

ACCESS TO STREETS AND HIGHWAYS: AS REQUIRED IN SECTION 3.0122 OF THIS ORDINANCE.

4.076 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

MINIMUM DIMENSIONAL REQUIREMENTS:

LOT AREA:	NO SET DIMENSIONS
FRONTAGE:	NO SET DIMENSIONS
FRONT DEPTH	25 FEET

IN COMMERCIAL DISTRICTS ALONG FEDERAL AID HIGHWAYS, BUILDINGS MAY BE NO CLOSER TO THE HIGHWAY RIGHT-OF WAY THAN FIFTY (50) FEET.

SIDE YARD WIDTHS NO SET DIMENSIONS

(HOWEVER, IF THE LOT ADJOINS A RESIDENTIAL DISTRICT, BUILDINGS SHALL BE SO LOCATED AS TO COMPLY WITH THE REQUIREMENTS OF THE ADJOINING RESIDENTIAL DISTRICT AS TO LOT COVERAGE, WIDTH, AND SIDE YARDS).

REAR YARD DEPTH NO SET DIMENSIONS

(HOWEVER, IF THE LOT BOUNDS ON AN ALLEY, THERE SHALL BE A REAR DEPTH SUFFICIENT FOR LOADING, UNLOADING, AND ACCESS FOR EMERGENCY VEHICLES SUCH AS FIRE TRUCKS).

ALL BUILDINGS ON CORNER LOTS ADJOINING A RESIDENTIAL DISTRICT SHALL BE LOCATED SO AS TO CONFORM WITH CORNER LOT SIDE YARD REQUIREMENTS OF SAID RESIDENTIAL DISTRICT.

4.077 SIGN AND/OR BILLBOARD REGULATIONS

GOVERNED BY SECTION 3.024 OF THIS ORDINANCE.

4.08 OFFICE AND PROFESSIONAL BUILDING DISTRICT , 0-1

4.081 PERMITTED USES

PERMITTED USES FOR THIS DISTRICT ARE: DIAGNOSTIC CLINICS, HOSPITALS, AND HEALTH CLINICS; ARCHITECTURAL, ENGINEERING, REALTOR, MANAGEMENT, INSURANCE, ACCOUNTING

AND FINANCIAL INSTITUTIONS. MEDICAL OFFICES FOR TREATMENT BY PHYSICIANS, DENTISTS, AND OTHER LICENSED PRACTITIONERS; MUSEUMS, ART GALLERIES, AND LIBRARIES; AND ALLIED OR SIMILAR USES TO INCLUDE THE SALE AT RETAIL OF CONSUMER ITEMS SUCH AS DRUGS, MEDICAL SUPPLIES OR APPLIANCES, OFFICE EQUIPMENT AND SUPPLIES, ETC.

4.082 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT APPROVAL

THE FOLLOWING USES ARE SPECIAL EXCEPTIONS IN AN O-1 DISTRICT AND REQUIRE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT:

APARTMENTS AND TOWNHOUSES; INDUSTRY; SCHOOLS; AND PHILANTHROPIC INSTITUTIONS AND CLUBS.

4.083 ACCESSORY BUILDINGS AND USES

ANY ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENTAL TO PERMITTED USES MAY BE PERMITTED.

4.083 LOT AREA, FRONATAGE, AND YARD REQUIREMENTS

MINIMUM DIMENSIONS:

LOT AREA	NONE
FRONTAGE	NONE
REAR YARD	25 FEET
SIDE YARDS	10 FEET
FRONT YARD	25 FEET

4.084 PARKING

AS PROVIDED IN SECTION 3.017 OF THIS ORDINANCE.

4.085 ACCESS

SAME AS THOSE SET FORTH FOR COMMERCIAL DISTRICTS

4.086 SIGNS

AS SET FORTH IN SECTION 3.024.

4.09 INDUSTRIAL DISTRICT, I

FOR THE PURPOSES OF THIS ORDINANCE, INDUSTRY IS DEFINED AS THE ACTIVITY OF ASSEMBLY, CONVERSION, OR CHANGE OF FORM OR APPEARANCE OF PHYSICAL MATERIALS OR CHEMICAL ELEMENTS, NATURAL OR MANMADE, IN ANTICIPATION OF ENHANCED ECONOMIC VALUE OR USEFULNESS.

IN ADDITION TO SUCH ACTIVITY, CERTAIN TYPES OF COMMERCIAL OPERATIONS OF SALES, SERVICE, AND WAREHOUSING ARE DEEMED TO BE ESPECIALLY SUITED FOR LOCATION IN AN INDUSTRIAL DISTRICT. COMMERCIAL OR BUSINESS ENTERPRISES OTHER THAN THOSE SPECIFICALLY NOTED MAY BE PERMITTED WITH THE APPROVAL OF THE BOARD OF ADJUSTMENT.

4.091 PERMITTED USES

4.091 MANUFACTURING

PERMITTED USES INCLUDE ANY MANUFACTURING ACTIVITY: ASSEMBLY, FABRICATION, OR PROCESSING WHICH DOES NOT, BY ITS NATURE, CREATE A PUBLIC NUISANCE. A NEW INDUSTRY LOCATING IN AN INDUSTRIAL DISTRICT MUST FURNISH TO THE COMMISSION THROUGH THE ZONING ADMINISTRATOR, ASSURANCES THAT IT WILL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS WITH REGARD TO AIR POLLUTION, NOISE POLLUTION, AND SOLID WASTE AND HAZARDOUS WASTE DISPOSAL PRIOR TO THE ISSUANCE OF BUILDING AND CONSTRUCTION PERMITS.

4.0912 SALES FIRMS

SALES LOTS, DISPLAY AND STOCKING AREAS FOR THE FOLLOWING TYPES OF BUSINESS ARE DEEMED TO BE SUITABLE FOR INDUSTRIAL DISTRICTS: AUTOMOBILES, TRAILERS, AND MOBILE HOMES; FARM IMPLEMENTS; LUMBER AND BUILDING MATERIALS; AND WHOLESALE OR JOB-BING FIRMS.

4.0913 SERVICE ESTABLISHMENTS

THE FOLLOWING TYPES OF SERVICE ESTABLISHMENTS ARE DESIGNATED AS SUITABLE FOR INDUSTRIAL DISTRICTS: AUTOMOBILE RENTAL AGENCIES; ANIMAL HOSPITALS, VETERINARY CLINICS, AND ASSOCIATED KENNELS; MOTORCYCLE REPAIR; AND CARPET CLEANING.

4.0914 WAREHOUSING AND STORAGE

WAREHOUSING AND STORAGE FACILITIES AS A GENERAL CATEGORY ARE PERMITTED IN INDUSTRIAL DISTRICTS.

4.0915 PUBLIC FACILITIES

PUBLIC WATER AND SEWAGE TREATMENT PLANTS AND OTHER PUBLIC FACILITIES AND UTILITY PLANTS ARE PERMITTED IN INDUSTRIAL DISTRICTS.

4.092 CONDITIONALLY PERMITTED USES REQUIRING BOARD OF ADJUSTMENT AUTHORIZATION

THE FOLLOWING MANUFACTURES REQUIRE THE WRITTEN APPROVAL OF THE BOARD OF ADJUSTMENT FOR CONDITIONAL PERMITTING IN AN INDUSTRIAL ZONE: ABBATOIRS; ACIDS; ACETYLENE GAS; REFINING; BLAST FURNACES; BRICKS; CHARCOAL; CHEMICALS; CREOSOTE TREATMENT AND PRODUCTION; EX-TERMINATOR OR INSECT POISONS; RENDERING; FERTILIZER; LEATHER CURING AND TANNING; LIME; MONUMENTS; PLASTER OF PARIS; QUARRYING; ROCK CRUSHING; SAWMILLS; SULPHUR, SULPHURIC ACID AND DERIVATIVES; TAR DISTILLATION; AND TERRA COTTA.

OTHER CONDITONAL USES INCLUDE: REFUSE DUMP; SCRAP IRON AND SALVAGE YARDS; JUNK CAR LOTS; COAL WASHING; AND WRECKING MATERIAL YARDS.

4.093 ACCESSORY BUILDINGS AND USES

ANY ACCESSORY BUILDING OR USE CUSTOMARILY INCI- TO THE ABOVE PERMITTED OR CONDITIONALLY PERMITTED USE SHALL BE PERMITTED.

4.094 REQUIRED CONDITIONS

ON LOTS ADJACENT TO A RESIDENTIAL DISTRICT, ALL BUILDINGS SHALL BE LOCATED SO AS TO PROVIDE A MINIMUM SIE YARD OF FIFTY (50) FEET ON THE SIDE ADJOINING THE RESIDENTIAL PROPERTY.

LOADING DOCKS: WHERE POSSIBLE, LOADING DOCKS SHOULD BE LOCATED SO AS NOT TO FRONT ON A PUBLIC WAY OR ROADWAY.

STORAGE FACILITIES: NO MATERIALS OR SUPPLIES SHALL BE STORED OR PERMITTED TO REMAIN ON ANY PART OF THE PROPERTY OUTSIDE OF THE BUILDINGS CONSTRUCTED THEREON WITHOUT PROPER SCREENING AND ADEQUATE DISTANCE FROM ADJOINING PROPERTIES.

WASTE DISPOSAL: NO WASTE MATERIAL OR REFUSE MAY BE DUMPED UPON, OR BE PERMITTED TO REMAIN UPON ANY PART OF AN INDUSTRIAL SITE OUTSIDE OF THE BUILDINGS ERECTED THEREON EX-CEPT AS IT MAY BE REQUIRED FOR PRETRTMENT OF WASTE PRIOR

TO ITS BEING DISCHARGED INTO THE MUNICIPAL SEWAGE SYSTEM. NO PROPERTY SHALL BE USED FOR INDUSTRIAL PURPOSES UNLESS THE CITY AGREES TO ACCEPT ITS SEWAGE OR THE INDUSTRY CONSTRUCTS ITS OWN APPROVED FACILITIES.

4.095 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

DIMENSIONAL MINIMUMS:

LOT AREA	NONE
FRONTAGE	NONE
FRONT DEPTH	40 FEET
SIDE YARDS	25 FEET
REAR DEPTH	25 FEET

NO YARD SHALL BE REQUIRED FOR THAT PART OF A LOT WHICH ABUTS UPON A RAILROAD SIDING.

ALL BUILDINGS ON CORNER LOTS ADJOINING A RESIDENTIAL DISTRICT SHALL BE SO LOCATED AS TO CONFORM WITH CORNER LOT REQUIREMENTS OF SAID DISTRICT.

4.096 SIGNS AND BILLBOARDS

AS PERMITTED IN SECTION 3.024.

ARTICLE 5

MOBILE HOMES AND MOBILE HOME PARKS

5.01 DEFINITIONS

THE DEFINITION OF TERMS USED IN THIS ARTICLE SHALL BE THOSE SET FORTH IN K.R.S. 219.320 AS AMENDED.

5.02 MOBILE HOMES

EXCEPT AS PROVIDED IN SECTION 5.021 BELOW, MOBILE HOMES AND TRAILERS ARE RESTRICTED TO MOBILE HOME PARKS.

5.021 WHEN CONSIDERED STANDARD HOUSING

MOBILE HOMES SHALL BE CONSIDERED STANDARD HOUSING WHEN THE FOLLOWING CONDITIONS ARE MET.

- (1) A BUILDING PERMIT IS OBTAINED.
- (2) ALL AXLES ARE REMOVED.
- (3) THE HOME IS ANCHORED TO A SOLID CONTINUOUS FOUNDATION OF CONCRETE, CONCRETE BLOCKS, OR OTHER PERMANENT MATERIAL.
- (4) IT IS VENEERED TO THE ROOFLINE WITH BRICK AND/OR STONE FROM THE GROUNDLINE.
- (5) A GABLE ROOF IS BUILT OVER THE ENTIRE UNIT WITH A PITCH AT LEAST FOUR (4) INCHES TO THE FOOT.

THE ABOVE CONDITIONS MUST BE MET WITHIN NINETY (90) DAYS FROM THE DATE THE PERMIT ISSUES, AND A PERFORMANCE BOND SHALL BE REQUIRED.

5.03 MOBILE HOME PARKS

MOBILE HOME PARKS ARE PERMITTED IN R-4 ZONES SUBJECT TO THE PROVISIONS OF THIS ARTICLE. (BY DEFINITION, THE PERMANENT PLACEMENT OF RECREATIONAL VEHICLES IS PROHIBITED. VEHICLES USED FOR THE PURPOSE OF TRAVEL WHICH DO NOT EXCEED THE LENGTH OF TWENTY-FOUR (24) FEET MAY BE STORED IN THE REAR YARD OF ANY RESIDENTIAL LOT, PROVIDED THAT YARD LOT REQUIREMENTS OF THIS ORDINANCE ARE MAINTAINED.)

5.031 AREA AND DENSITY REQUIREMENTS

NO MOBILE HOME SHALL BE PERMITTED ON AN AREA LESS THAN ONE (1) ACRE IN SIZE. THE DEVELOPER MAY BE PERMITTED TO DEVELOP THE PARK IN STAGES SO LONG AS HE COMPLIES WITH THE OVERALL PLAN APPROVED FOR THE ENTIRE TRACT, AND INITIALLY HAS A MINIMUM OF FIVE (5) MOBILE HOME LOTS DEVELOPED FOR USE. THE NUMBER OF MOBILE HOME LOTS PERMITTED IN A PARK SHALL NOT EXCEED TWELVE (12) PER NET ACRE. (A NET ACRE IS DEFINED AS BEING THE LAND REMAINING TO BE SUBDIVIDED INTO LOTS AFTER THE STREET AND OTHER REQUIRED IMPROVEMENTS ARE INSTALLED.

5.032 LOT SIZE

INDIVIDUAL LOTS WITHIN A MOBILE HOME PARK SHALL NOT BE LESS THAN THREE THOUSAND (3,000) SQUARE FEET IN AREA, AND IN NO INSTANCE SHALL MORE THAN ONE (1) MOBILE HOME BE PERMITTED ON A SINGLE MOBILE HOME LOT. THE MINIMUM WIDTH OF A MOBILE HOME LOT SHALL BE FORTY (40) FEET

5.033 SETBACK

NO MOBILE HOME SHALL BE LOCATED CLOSER THAN FIFTEEN (15) FEET TO ANY BUILDING WITHIN THE PARK, OR TO ANY PROPERTY OR ROAD LINE. THE SETBACK REQUIREMENT FOR R-4 DISTRICTS MUST BE MET.

5.034 SPACING

NO MOBILE HOME SHALL BE LOCATED WITHIN TWENTY-FIVE (25) FEET OF ANOTHER MOBILE HOME, EXCEPT THAT MINIMUM END-TO-END CLEARANCE OF NOT LESS THAN TEN (10) FEET MAY BE PERMITTED. IN INSTANCES WHERE THE SIDES OPPOSITE THE ENTRANCE OF TWO (2) MOBILE HOMES FACE EACH OTHER, THE SPACE BETWEEN THE TWO MAY BE REDUCED TO NOT LESS THAN TWENTY (20) FEET.

5.035 STREETS

ALL MOBILE HOMES SHALL ABUT ON A STREET. ALL STREETS WITHIN A MOBILE HOME PARK SHALL HAVE A RIGHT-OF-WAY OF NOT LESS THAN TWENTY-FIVE (25) FEET, AND A PAVEMENT OF NOT LESS THAN TWENTY (20) FEET IN WIDTH. ALL THE STREETS WITHIN A MOBILE HOME PARK MUST BE HARD-SURFACED, AND MUST MEET THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF AUBURN.

5.036 MAINTENANCE OF STREETS

THE STREETS AND ROADWAYS OF A MOBILE HOME PARK SHALL BE MAINTAINED BY THE OWNER OF THE PARK. SHOULD THE LOTS WITHIN THE PARK BE SOLD TO INDIVIDUAL OWNERS, THE CITY OF AUBURN WILL TAKE OVER THE MAINTENANCE OF THE STREETS AS CITY STREETS UPON THE FOLLOWING CONDITIONS:

- A. UPON THE FIRST SALE OF A LOT WITHIN THE PARK TO AN INDIVIDUAL PURCHASER, THE OWNER(S) OF THE PARK MUST POST A SECURITY BOND ASSURING THE CITY THAT THE STREETS AND ROADS WITHIN THE PARK MEET THE STANDARDS OF THE SUBDIVISION REGULATIONS. UPON THE SALE OF SIXTY (60) PERCENT OF THE LOTS WITHIN THE PARK TO INDIVIDUAL OWNERS, THE CITY WILL ASSUME A PROPORTIONAL COST OF THE MAINTENANCE IF THE STANDARDS HAVE BEEN MET. IF ALL OF THE LOTS ARE SOLD TO INDIVIDUAL OWNERS, AND THE STREETS, AND/OR ROADWAYS MEET ACCEPTABLE STANDARDS, THE STREETS WITHIN THE PARK SHALL BECOME CITY STREETS.
- B. THE COST OF ENGINEERING STUDIES AND TESTS TO DETERMINE THE ACCEPTABILITY OF STREETS AND ROADS OF A MOBILE HOME PARK SHALL BE BORNE BY THE DEVELOPER, OR THE OWNER(S) OF LOTS WITHIN THE PARK.

5.037 ACCESS TO PUBLIC STREETS AND ROADWAYS

EACH PARK SHALL HAVE ONE (1) STREET WHICH GIVES ACCESS TO A PUBLIC STREET, HIGHWAY, OR ROADWAY. SUCH ACCESS STREETS SHALL NOT BE LESS THAN ONE HUNDRED AND TWENTY FIVE (125) FEET FROM THE INTERSECTION OF TWO (2) OR MORE PUBLIC STREETS.

5.038 LIGHTING

ALL STREETS WITHIN A MOBILE HOME PARK MUST BE WELL LIGHTED, AND SUCH LIGHTING SHALL MEET THE STANDARDS OF STREET LIGHTING IN THE CITY OF AUBURN.

5.039 DRAINAGE

ADEQUATE DRAINAGE MUST BE PROVIDED TO ASSURE THAT THERE WILL BE NO MORE PROPERTY DAMAGE OR HEALTH HAZARD DUE TO STANDING WATER OR FLOODING CONDITIONS.

5.040 PARKING

PARKING SPACES MUST BE PROVIDED AS DETAILED IN SECTION 3.017(J) OF THIS ORDINANCE.

5.041 UTILITIES

ALL LOTS WITHIN A MOBILE HOME PARK MUST BE PROVIDED WITH WATER, SEWER, ELECTRICAL, AND/OR GAS FACILITIES MEETING THE STANDARDS SPECIFIED BY CITY AND STATE REGULATIONS. EACH MOBILE HOME SHALL BE PROPERLY CONNECTED WITH SAID UTILITIES.

5.042 FIRE PROTECTION

WATER MAINS SERVING MOBILE HOME PARKS SHALL NOT BE LESS THAN SIX (6) INCHES IN DIAMETER, INCLUDING HYDRANT BRANCH CONNECTIONS INSTALLED IN CONFORMITY WITH THE MINIMUM REQUIREMENTS OF THE SERVICING UTILITY.

FIRE HYDRANTS SHALL MEET MINIMUM SPECIFICATIONS AND SHALL BE INSTALLED NO FARTHER APART THAN FIVE HUNDRED (500) FEET. IN NO INSTANCE SHALL THE DISTANCE OF ANY MOBILE HOME FROM A FIRE HYDRANT EXCEED THREE HUNDRED (300) FEET.

5.043 ACCESSORY STRUCTURES

NO ACCESSORY STRUCTURE, INCLUDING PATIOS AND PADS SHALL BE LOCATED WITHIN FIVE (5) FEET OF ANY MOBILE HOME OR TRAILER LOT LINE. THE MAXIMUM FLOOR AREA OF ACCESSORY STRUCTURES SHALL NOT EXCEED ONE HUNDRED (100) SQUARE FEET, AND THE MAXIMUM HEIGHT SHALL BE NO GREATER THAN TEN (10) FEET. ALL STRUCTURES SHALL BE BUILT IN COMPLIANCE WITH BUILDING CODE.

5.044 PROCEDURE FOR PERMITTING

APPLICANTS FOR A PERMIT TO OPERATE A MOBILE HOME PARK SHALL SUBMIT A COPY OF THE APPLICATION SUBMITTED TO THE KENTUCKY CABINET FOR HUMAN RESOURCES AS REQUIRED BY K.R.S. 219.350 AS AMENDED, AND IN ADDITION SHALL FURNISH THE FOLLOWING INFORMATION:

- A. DIMENSIONS AND LOCATIONS OF ALL PROPOSED LOT LINES, ROADS, AND EASEMENTS, NUMBERING FOR EACH MOBILE HOME LOT.
- B. CONTOUR LINES TO INDICATE SLOPE AND DRAINAGE.

- C. LOCATION OF ALL UTILITIES, PUBLIC AND PRIVATE WATER, SEWER, DRAINAGE, ELECTRICAL, AND GAS FACILITIES AND EASEMENTS.
- D. THE LOCATION OF PUBLIC AREAS SUCH AS VISITOR PARKING, RECREATIONAL AREAS, ETC.
- E. A LARGE SCALE PLAN OF ONE TYPICAL MOBILE HOME LOT SHOWING LOCATION, AUTOMOBILE PARKING, ETC.
- F. THE LOCATION OF PLANTINGS FOR LANDSCAPE PURPOSES, OR AS MAY BE REQUIRED FOR PROTECTIVE SCREENING BY THE BOARD OF ADJUSTMENT.

5.045 ISSUANCE OF BUILDING PERMITS

THE PLANNING COMMISSION MAY ATTACH REASONABLE CONDITIONS TO IT APPROVAL OF A MOBILE HOME OR TRAILER PARK AND MAY DIRECT THE ZONING ADMINISTRATOR TO ISSUE A PERMIT SUBJECT TO SUCH CONDITIONS.

5.046 ISSUANCE OF CERTIFICATE OF OCCUPANCY

THE ZONING ADMINISTRATOR SHALL ISSUE A CERTIFICATE OF OCCUPANCY ONLY AFTER HE HAS DETERMINED THAT THE MOBILE HOME PARK HAS BEEN DEVELOPED ACCORDING TO ALL APPLICABLE REGULATIONS AND SPECIAL CONDITIONS, AND THAT THE APPLICANT HAS RECEIVED A VALID PERMIT TO OPERATE FROM THE STATE DEPARTMENT OF HEALTH AS REQUIRED BY K.R.S. 219.130.

5.047 ENFORCEMENT

THE ZONING ADMINISTRATOR SHALL ENSURE THAT ALL MOBILE HOME AND TRAILER PARKS MAINTAIN VALID PERMITS TO OPERATE, AND THAT THEY MAINTAIN CONFORMANCE WITH ALL THE APPLICABLE REGULATIONS AND SPECIAL CONDITIONS.

5.048 EXCEPTION

THE PLANNING COMMISSION MAY REJECT ANY PROPOSED MOBILE HOME OR TRAILER PARK APPLICATION EVEN THOUGH IT MEETS ALL REQUIREMENTS IF THE COMMISSION DETERMINES THAT EXISTING CONFORMING MOBILE HOME AND TRAILER PARKS ARE NOT FULLY OCCUPIED AND/OR UTILIZED, AND THEREFORE THAT THE DEVELOPMENT OF MORE LAND FOR SUCH USE IS NOT IN ACCORD WITH THE PUBLIC WELFARE OF THE COMMUNITY.

ARTICLE 6

PLANNED DEVELOPMENTS

6.01 PLANNED DEVELOPMENTS IN GENERAL

THE DEVELOPMENT OF LAND EXCEEDING ONE (1) ACRE IN SIZE FOR RESIDENTIAL AND COMMERCIAL USES (OTHER THAN FOR ONE (1) SINGLE FAMILY DWELLING ON A LOT OF SUCH SIZE), AND FOR INDUSTRIAL PARKS SHALL BE SUBJECT TO THE SPECIFIC REVIEW OF THE BOARD OF ADJUSTMENTS. THE DEVELOPER(S) OF SUCH ACREAGES SHALL SUBMIT A PLAN FOR THE PROPOSED DEVELOPMENT SHOWING METES AND BOUNDS AND A PLAT SHOWING PROPOSED USAGES. THIS PLAT MUST BE ACCOMPANIED BY A SURVEY BY A CERTIFIED LAND SURVEYOR.

IF THE TRACT OF LAND PROPOSED TO BE DEVELOPED IS NOT APPROPRIATELY ZONED FOR THE REQUESTED USE, A ZONING AMENDMENT MUST BE REQUESTED. ALL LEGAL PROCEDURES MUST BE FOLLOWED, AND A MAP AMENDMENT DULY AUTHORIZED PRIOR TO THE START OF THE PROPOSED DEVELOPMENT.

IN APPROVING PROPOSALS FOR PLANNED DEVELOPMENTS, THE BOARD OF ADJUSTMENTS MUST BE SATISFIED THAT THE PROPONENTS OF THE PLANNED DEVELOPMENT PROJECT(S) ARE FINANCIALLY ABLE TO CARRY OUT THE PROPOSED PROJECT(S), AND THAT CONSTRUCTION WILL BEGIN WITHIN ONE (1) YEAR AFTER APPROVAL OF THE PLAN.

6.02 PLANNED COMMERCIAL DEVELOPMENTS

A PLANNED COMMERCIAL DEVELOPMENT IS DEFINED AS A PROPOSAL FOR THE UTILIZATION OF AN AREA EXCEEDING ONE (1) ACRE IN SIZE FOR THE CONSTRUCTION OF BUILDING(S) AND/OR FACILITIES TO HOUSE TWO (2) OR MORE COMMERCIAL ESTABLISHMENTS EITHER IN SEPARATE OR A COMMON STRUCTURE.

THE OWNER(S) OF THE LAND, OR THE DEVELOPER(S) SHALL BE REQUIRED TO SUBMIT TO THE BOARD OF ADJUSTMENTS FOR ITS REVIEW A PRELIMINARY PLAN FOR THE USE AND DEVELOPMENT OF THE TRACT OF LAND AND A SURVEY ACCURATELY DESCRIBING ITS METES AND BOUNDS.

IT SHALL BE THE DUTY OF THE BOARD OF ADJUSTMENTS TO INVESTIGATE, AND TO ASCERTAIN, WHETHER THE PROPOSED LOCATION AND PLAN COMPLY WITH THE FOLLOWING:

- A. THAT THE PROJECT IS AT A LOCATION WHERE TRAFFIC CONGESTION DOES NOT EXIST AT PRESENT ON THE STREETS TO BE USED FOR ACCESS TO THE PROPOSED COMMERCIAL DEVELOPMENT, AND WHERE SUCH CONGESTION IS NOT LIKELY TO BE CREATED BY THE PROPOSED DEVELOPMENT.

- B. THAT THE PLAN PROVIDES FOR A PROJECT CONSISTING OF TWO (2) OR MORE ESTABLISHMENTS IN A BUILDING, OR IN BUILDINGS OF UNIFIED AND HARMONIOUS DESIGN TOGETHER WITH ADEQUATE, AND PROPERLY ARRANGED TRAFFIC AND PARKING FACILITIES AND LANDSCAPING, AND WILL HAVE NO ADVERSE EFFECT UPON ADJOINING OR SURROUNDING DEVELOPMENT.
- C. THAT THE USES PROPOSED ARE CONSISTENT WITH THOSE PERMITTED WITHIN THE DISTRICT.

6.021 REGULATIONS

THE FOLLOWING REGULATIONS SHALL APPLY TO THE PLANNED COMMERCIAL DEVELOPMENT:

- A. BUILDING HEIGHT

NO BUILDING SHALL EXCEED TWO STORIES OR TWENTY-FIVE (25) FEET IN HEIGHT.

- B. TRACT COVERAGE

THE GROUND AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED, IN AGGREGATE, FIFTY (50) PERCENT OF THE TOTAL AREA OF THE LOT OR TRACT.

- C. CUSTOMER PARKING SPACE

NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS ORDINANCE THERE SHALL BE PROVIDED ONE (1) OFF-STREET PARKING SPACE FOR EACH FOUR HUNDRED (400) SQUARE FEET IF RETAIL OR CUSTOMER SERVICE FLOOR SPACE.

- D. LOADING SPACE

NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS ORDINANCE, THERE SHALL BE PROVIDED ONE (1) OFF-STREET LOADING SPACE FOR EACH TEN THOUSAND (10,000) SQUARE FEET OF BUILDING FLOOR SPACE, OR MAJOR FRACTION THEREOF.

AT LEAST ONE THIRD (1/3) OF THE LOADING SPACES SHALL BE SIGNIFICANT IN AREA AND OFFER VERTICAL CLEARANCE FOR THE ACCOMMODATION OF TRUCKS OF THE TRACTOR-TRAILER TYPE.

E. SIGNS

SIGNS SHALL BE PERMITTED AS PER SECTION 3.0241(D) OF THIS ORDINANCE.

6.022 SPECIAL CONDITIONS

THE BOARD OF ADJUSTMENTS MAY ATTACH REASONABLE SPECIAL CONDITIONS TO ENSURE THAT THERE WILL BE NO DEPARTURE FROM THE INTENT OF THIS ORDINANCE. THE PROPOSED COMMERCIAL DEVELOPMENT SHALL COMPLY WITH ALL SUCH CONDITIONS, AND A FINAL PLAT SHALL BE SUBMITTED TO THE BOARD OF ADJUSTMENTS FOR ITS REVIEW PRIOR TO THE START OF CONSTRUCTION.

6.03 PLANNED INDUSTRIAL PARK

WHEN A DEVELOPMENT IS DEFINED AS A PLANNED INDUSTRIAL PARK, IT SHALL BE SUBJECT TO THE FOLLOWING:

THE OWNER OR OWNERS OF LAND IN AN INDUSTRIAL DISTRICT CONTAINING NOT LESS THAN FOUR (4) ACRES SHALL SUBMIT TO THE BOARD OF ADJUSTMENTS FOR ITS REVIEW A PRELIMINARY PLAN FOR THE USE AND DEVELOPMENT OF SUCH LAND AS A PLANNED INDUSTRIAL PARK

6.031 CONDITIONS

IT SHALL BE THE DUTY OF THE BOARD TO INVESTIGATE, AND TO ASCERTAIN, WHETHER THE PROPOSED LOCATION AND PLAN COMPLY WITH THE FOLLOWING CONDITIONS:

- A. THAT THE PROPOSED INDUSTRIAL PARK IS LOCATED WHERE TRAFFIC CONGESTION DOES NOT EXIST AT PRESENT ON THE STREETS TO BE UTILIZED FOR ACCESS TO THE PROPOSED PARK AND WHERE CONGESTION WILL NOT BE LIKELY TO BE CREATED BY THE DEVELOPMENT.
- B. THAT THE PLAN PROVIDES FOR AN INDUSTRIAL PARK CONSISTING OF ONE OR MORE BUILDINGS OF UNIFIED AND HARMONIOUS DESIGN, TOGETHER WITH THE REQUIRED PARKING FACILITIES AND LANDSCAPING, AND THAT THE DEVELOPMENT WILL HAVE NO ADVERSE EFFECT UPON ADJOINING OR NEARBY DEVELOPMENTS.
- C. THAT THE USES PERMITTED SHALL BE THOSE WHICH ARE AUTHORIZED FOR AN INDUSTRIAL DISTRICT.

6.032 REGULATIONS

THE FOLLOWING REGULATIONS SHALL APPLY TO A PLANNED INDUSTRIAL PARK:

6.0321 BUILDING HEIGHTS

NO BUILDING SHALL EXCEED SIX (6) STORIES, OR SEVENTY-FIVE (75) FEET IN HEIGHT.

6.0322 FUMES AND ODORS

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON, NOR SHALL ANYTHING BE DONE WHICH MAY BE, OR BECOME, AN ANNOYANCE OR NUISANCE BY REASON OF UNSIGHTLINESS, OR THE EXCESSIVE EMISSION OF ODOR, DUST, FUMES, SMOKE, OR NOISE.

6.0323 LANDSCAPING

THE AREA BETWEEN THE BUILDING LINES AND THE PROPERTY LINES IS TO BE USED EITHER FOR OPEN LANDSCAPED AND GREEN AREAS OR FOR OFF-STREET PARKING. ANY LANDSCAPED AREA SHALL BE PROPERLY MAINTAINED IN A SIGHTLY CONDITION. PARKING AREAS SHALL ALSO BE MAINTAINED IN GOOD CONDITION.

6.0324 BUILDING SETBACKS

NO BUILDING MAY BE ERECTED WITHIN AN INDUSTRIAL PARK NEARER THAN ONE HUNDRED (100) FEET TO THE STREET RIGHT-OF-WAY UPON WHICH IT FACES, NOR NEARER THAN TWENTY-FIVE (25) FEET TO THE RIGHT OF-WAY OF ANY OTHER EXISTING OR PROPOSED STREETS NOR SHALL ANY SUCH BUILDING BE ERECTED NEARER THAN TWENTY-FIVE (25) FEET TO THE SIDE OR REAR PROPERTY LINES.

6.0325 GENERAL PROVISIONS

OTHER PROVISIONS AS SET FORTH IN ARTICLE 4 OF THIS ORDINANCE DEALING WITH LOADING DOCKS, PARKING, STORAGE, SIGNS, SCREENING, AND WASTE DISPOSAL SHALL APPLY TO AN INDUSTRIAL PARK.

6.0326 OTHER CONDITIONS

THE BOARD OF ADJUSTMENTS MAY ATTACH REASONABLE CONDITIONS TO ENSURE THAT THERE SHALL BE NO DEPARTURE FROM THE INTENT OF THIS ORDINANCE. THE PROPOSED INDUSTRIAL PARK SHALL COMPLY WITH ALL SUCH CONDITIONS, AND A FINAL

PLAT SHALL BE SUBMITTED TO THE BOARD OF ADJUSTMENTS FOR ITS REVIEW AND APPROVAL BEFORE CONSTRUCTION BEGINS.

6.04 PLANNED RESIDENTIAL DEVELOPMENTS

A PLANNED RESIDENTIAL DEVELOPMENT IS A LARGE SCALE DEVELOPMENT CONSTRUCTED BY A SINGLE OWNER OR A GROUP OF OWNERS ACTING JOINTLY, LOCATED ON A SINGLE TRACT OF LAND, AND INVOLVING A RELATED GROUP OF RESIDENCES AND ASSOCIATED USES, PLANNED AS AN ENTITY, AND THEREFORE CONSTITUTING ONE COMPLEX LAND USE UNIT.

A PLANNED RESIDENTIAL DEVELOPMENT PROJECT PLAT AND PLAN MUST BE PRESENTED TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL.

6.041 REGULATIONS

THE FOLLOWING REGULATIONS SHALL APPLY TO A PLANNED RESIDENTIAL DEVELOPMENT:

- A. ZONING: THE PROPOSED SITE MUST BE LOCATED IN A RESIDENTIAL DISTRICT.
- B. PLAT PLAN: A PLAT SHALL BE PRESENTED FOR PLANNING COMMISSION REVIEW WHICH SHOWS THE FOLLOWING:
 - (1) KIND, LOCATION, BULK, AND CAPACITY OF STRUCTURES AND USES.
 - (2) GENERAL FLOOR PLAN OF BUILDINGS.
 - (3) LOCATION AND IDENTIFICATION OF OPEN SPACES, STREETS, AND ALL OTHER MEANS FOR PEDESTRIAN AND VEHICULAR CIRCULATION; PARKS RECREATIONAL AREAS, AND OTHER NON-BUILDING SITES.
 - (4) PROVISION FOR AUTOMOBILE PARKING.
 - (5) GENERAL NATURE AND LOCATION OF PUBLIC AND PRIVATE UTILITIES AND OTHER COMMUNITY FACILITIES AND SERVICES.

6.042 INTENSITY OF LAND USE

THE INTENSITY OF LAND USE SHALL BE NO HIGHER, AND THE STANDARD FOR OPEN SPACE SHALL BE NO LOWER THAN THAT PERMITTED BY THIS ORDINANCE. .

6.043 ZONING RESTRICTIONS TO APPLY

IN NO CASE SHALL THE PLANNING COMMISSION AUTHORIZE A USE PROHIBITED IN THE DISTRICT IN WHICH THE HOUSING IS LOCATED, OR A SMALLER GROSS LOT AREA PER FAMILY THAN THE MINIMUM REQUIRED FOR SAID DISTRICT, OR A GREATER HEIGHT, OR A LARGER COVERAGE THAN REQUIRED BY THIS ORDINANCE.

ARTICLE 7

ZONING ADMINISTRATION

7.01 ZONING ADMINISTRATOR

THE PROVISIONS OF THIS ORDINANCE SHALL BE ENFORCED BY A ZONING ADMINISTRATOR DESIGNATED BY THE CITY.

THE ZONING ADMINISTRATOR 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 ADMINISTRATOR FINDS ANY PROVISION OF THIS ORDINANCE BEING VIOLATED, THE PERSON OR PERSONS RESPONSIBLE FOR SUCH VIOLATION SHALL BE NOTIFIED BY THE ADMINISTRATOR THROUGH REGISTERED MAIL. SAID NOTIFICATION SHALL ORDER THE DISCONTINUATION OF ANY ILLEGAL USE OF LAND, BUILDINGS AND/OR STRUCTURES.

IN THE EVENT OF THE ISSUANCE OF A DISCONTINUATION ORDER THE ZONING ADMINISTRATOR SHALL BE REQUIRED TO INFORM THE LOGAN COUNTY JOINT PLANNING COMMISSION OF HIS ACTION. SAID INFORMATION SHALL BE IN WRITING, AND SHALL BE ISSUED TO THE PLANNING COMMISSION ON OR BEFORE EACH MONTHLY MEETING.

ANY PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE NULL AND VOID.

THE APPOINTMENT AND REMUNERATION OF THE ZONING ADMINISTRATOR SHALL BE PROVIDED FOR IN THE AUBURN PERSONNEL CLASSIFICATION PLAN AND THE AUBURN PERSONNEL PAY PLAN.

7.02 BUILDING PERMITS

7.021 BUILDING PERMIT REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION

IT SHALL BE UNLAWFUL TO COMMENCE THE EXCAVATION FOR, OR THE CONSTRUCTION OF ANY BUILDING, INCLUDING ACCESSORY BUILDINGS, OR TO COMMENCE THE BUILDING OR ALTERATION OF ANY BUILDING, INCLUDING ACCESSORY BUILDINGS BEFORE THE ZONING ADMINISTRATOR HAS ISSUED A PERMIT FOR SUCH WORK.

7.022 FEES APPLICABLE TO ISSUANCE OF BUILDING PERMITS

UNLESS OTHERWISE SET BY THIS ORDINANCE, THE FEES TO BE CHARGED FOR BUILDING PERMITS SHALL BE SET BY THE AUBURN CITY COUNCIL WITH THE ADVICE OF THE ZONING ADMINISTRATOR AND THE PLANNING COMMISSION.

7.023 EXCEPTIONS

NO BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY SHALL BE REQUIRED IN THE FOLLOWING CASES:

- A. RECURRING MAINTENANCE.
- B. INSTALLATION OF REQUIRED IMPROVEMENTS IN ACCORDANCE WITH AN APPROVED PLAN.

7.024 PROCEDURE

A. APPLICATIONS

IN APPLYING TO THE ZONING ADMINISTRATOR FOR A BUILDING PERMIT, THE APPLICANT SHALL SUBMIT A PLAN ALONG WITH THE APPLICATION. THIS PLAN MUST BE 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 AND THE PROPOSED YARD DEPTHS SHOULD BE DETAILED, AND ANY OTHER INFORMATION PERTINENT TO THE ASSESSMENT OF CONFORMANCE SHOULD BE INCLUDED. THE CITY OR COUNTY HEALTH OFFICER'S CERTIFICATE APPROVING THE WATER AND SEWAGE FACILITIES MUST ACCOMPANY THE APPLICATION.

B. ISSUANCE OF PERMIT

IF THE PROPOSED CONSTRUCTION OR ALTERATION CONFORMS WITH ALL APPLICABLE ORDINANCES, REGULATIONS, AND CODES, THE ZONING ADMINISTRATOR SHALL ISSUE A BUILDING PERMIT AUTHORIZING CONSTRUCTION OR ALTERATION.

IF THE PROPOSED CONSTRUCTION OR ALTERATION FAILS TO CONFORM, THE ZONING ADMINISTRATOR SHALL REFUSE TO ISSUE A BUILDING PERMIT, AND SHALL CAUSE DELIVERY OF WRITTEN NOTICE TO THE APPLICANT STATING THE REASON FOR REFUSAL.

THE ZONING ADMINISTRATOR SHALL ACT UPON ALL 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 APPROPRIATE COURT, AND 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 ORDINANCE.

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 THEREIN.

7.025 CERTIFICATE OF OCCUPANCY

NO LAND OR BUILDING OR PART THEREOF HEREAFTER ERECTED OR ALTERED SHALL BE USED UNTIL THE ZONING ADMINISTRATOR SHALL HAVE ISSUED A CERTIFICATE OF OCCUPANCY STATING THAT SUCH LAND, BUILDING, OR PART THEREOF AND THE PROPOSED USE THEREOF, ARE FOUND TO BE IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE. 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 ZONING ADMINISTRATOR TO MAKE A FINAL INSPECTION THEREOF AND TO ISSUE A CERTIFICATE OF OCCUPANCY IF THE LAND, BUILDING, OR PART THEREOF ARE FOUND TO CONFORM WITH THE PROVISIONS OF THIS ORDINANCE; OR IF SUCH CERTIFICATION IS REFUSED, TO STATE IN WRITING THE CAUSE FOR SUCH REFUSAL, AND TO IMMEDIATELY THEREON MAIL NOTICE OF SUCH REFUSAL TO THE APPLICANT AT THE ADDRESS INDICATED ON THE APPLICATION.

7.026 BOARD OF ADJUSTMENT

THERE SHALL EXIST A BOARD OF ADJUSTMENT WITH THE DUTIES AND RESPONSIBILITIES OF SUCH BOARDS AS SET FORTH IN K.R.S. 100.217-261 AS AMENDED.

7.03 GRIEVANCE PROCEDURE

APPEALS FROM THE DECISIONS OF THE PLANNING COMMISSION AND/OR THE BOARD OF ADJUSTMENT MAY BE TAKEN TO THE CIRCUIT COURT OF LOGAN COUNTY WITHIN THIRTY (30) DAYS AFTER FINAL ACTION OF THE BODIES IN ACCORDANCE WITH K.R.S. 100.347, AS AMENDED.

ARTICLE 8

AMENDMENT

A PROPOSAL FOR AMENDMENT OF THIS ORDINANCE SHALL BE REFERRED TO THE PLANNING COMMISSION BEFORE ADOPTION. THE COMMISSION SHALL REVIEW THE PROPOSAL, AND SHALL, WITHIN SIXTY (60) DAYS FROM THE DATE OF ITS RECEIPT, ADVISE THE CITY COUNCIL AS TO WHETHER IT APPROVES OR DISAPPROVES OF THE PROPOSED CHANGE; AND, IF IT DISAPPROVES, STATE THE REASON FOR ITS DISAPPROVAL. BEFORE THE PLANNING COMMISSION MAKES ITS RECOMMENDATION TO THE CITY COUNCIL, SAID COMMISSION SHALL HOLD AT LEAST ONE (1) PUBLIC HEARING AFTER NOTICE AS REQUIRED BY K.R.S. 424. A MAJORITY OF THE ELECTED MEMBERSHIP OF THE CITY COUNCIL SHALL BE REQUIRED TO OVERRIDE THE PLANNING COMMISSION IN ITS DISAPPROVAL.

A PROPOSAL FOR AMENDMENT OF THE ZONING MAP OF THE CITY OF AUBURN KENTUCKY, SHALL INCLUDE A METES AND BOUNDS DESCRIPTION OF THE PROPERTY TO BE REZONED ALONG WITH A PLAT ON THE SAME SCALE AS THE "ZONING MAP-AUBURN, KENTUCKY" LOCATED IN THE OFFICE OF THE ZONING ADMINISTRATOR.

BEFORE ANY MAP AMENDMENT IS GRANTED, THE PLANNING COMMISSION AND THE CITY COUNCIL MUST FIND THAT THE MAP AMENDMENT IS IN AGREEMENT WITH THE COMMUNITY'S COMPREHENSIVE PLAN, OR, IN THE ABSENCE OF SUCH A FINDING, THAT ONE OR MORE OF THE FOLLOWING APPLY, AND SUCH FINDING SHALL BE RECORDED IN THE MINUTES AND RECORDS OF THE PLANNING COMMISSION AND THE CITY COUNCIL:

- A. THAT THE ORIGINAL ZONING CLASSIFICATION GIVEN TO THE PROPERTY WAS INAPPROPRIATE OR IMPROPER.
- B. THAT THERE HAVE BEEN MAJOR CHANGES OF AN ECONOMIC PHYSICAL OR SOCIAL NATURE WITHIN THE AREA INVOLVED WHICH WERE NOT ANTICIPATED IN THE COMMUNITY'S COMPREHENSIVE PLAN AND WHICH HAVE SUBSTANTIALLY ALTERED THE BASIC CHARACTER OF SUCH NEIGHBORHOOD.

ARTICLE 9

LEGAL STATUS, VALIDITY, EFFECTIVE DATE, RECORDING

9.01 LEGAL STATUS

THE PROVISIONS OF THIS ORDINANCE SHALL BE HELD AS MINIMUM REQUIREMENTS FOR THE PROMOTION OF PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE. WHENEVER THE PROVISIONS OF THIS ORDINANCE REQUIRE A MORE RESTRICTIVE USE OF LAND, OR IMPOSE OTHER HIGHER STANDARDS THAN ARE REQUIRED IN OTHER ORDINANCES OR REGULATIONS, PRIVATE DEED RESTRICTIONS, OR PRIVATE COVENANTS, THIS ORDINANCE SHALL GOVERN. HOWEVER, IF THE REQUIREMENTS OF OTHER ORDINANCES AND/OR COVENANTS ARE MORE RESTRICTIVE THAN THOSE ESTABLISHED IN THIS ORDINANCE, THEN THOSE REQUIREMENTS SHALL GOVERN.

9.02 VALIDITY

IF ANY SECTION, CLAUSE, PROVISION, OR PORTION OF THIS ORDINANCE IS HELD TO BE INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, IT SHALL NOT AFFECT OR PREJUDICE IN ANY WAY THE VALIDITY OF THIS ORDINANCE, OR OF ANY OTHER PART OF THIS ORDINANCE WHICH IS NOT OF ITSELF INVALIDATED.

9.03 EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT, AND BE IN FORCE, IMMEDIATELY AFTER ITS LEGAL ADOPTION AND PUBLICATION.

9.04 RECORDING

A COPY OF THIS ORDINANCE SHALL BE FILED IN THE OFFICE OF THE COUNTY COURT CLERK.

ORDINANCE NO. 90-6

PASSED FIRST READING this the 13th day of August, 1990.

AYES:

NAYS:

ABSENT:

ABSTAINING:

Dewey Roche

William C. Woodward

Michael Elliott

John Dale McMurry

Hayden Reed

Howard Hall

ORDINANCE NO. 90-6

PASSED SECOND READING this the 8th day of November, 1990.

AYES:

NAYS:

ABSENT:

ABSTAINING:

Howard Hall

William C. Woodward

Dewey Roche

Michael Elliott

Hayden Reed

John D. McMurry

Charles W. Reed
MAYOR

ATTEST:

Ruth Shifflett
CITY CLERK